

# PERSONS AT RISK OF STATELESSNESS IN SERBIA

OVERVIEW OF CURRENT  
SITUATION AND THE WAY  
FORWARD

Prepared by: CeSID  
November 2020



**UNHCR**  
The UN Refugee Agency



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# 1. EXECUTIVE SUMMARY

This third survey **aimed at collecting representative data about the extent of statelessness in the Roma, Ashkali and Egyptian (RAE) population living in informal settlements in Serbia** was conducted on a sample of 1,807 households (9,218 persons). The survey was two-pronged: one component was fully consistent with the previous two survey rounds (2010 and 2015) in that it was an opinion poll of the inhabitants of informal settlements home to RAE individuals, whereas the other entailed a number of in-depth interviews with stakeholders directly or indirectly involved in the enactment and implementation of regulations designed to address statelessness.

The survey questionnaire, based on the 2015 survey instrument, was designed to allow the identification of **specific objectives for subsequent quantitative research**, namely to:

- Determine the number RAE individuals at risk of statelessness living in informal settlements;
- Identify and graphically present the locations generally inhabited by these individuals;
- Develop the socio-economic profile of a person at risk of statelessness; and
- Identify reasons for lack of personal identity documents.

Wherever possible, the findings of the survey were compared to the results of the 2015 research to provide a progress assessment and to clearly identify the areas requiring more concerted efforts to address the issue of 'legally invisible' persons and to reduce the risk of statelessness in the RAE population.

**In-depth interviews** revealed the key legislative changes related to personal identity documents, showed how the regulations were implemented in practice, and produced recommendations for further action.

## **Basic characteristics of the sample:**

- The average household was significantly larger than the Serbian average and numbered **5.2 members**.
- The average age of respondents in each household was **41**, as much as eight years less than the average age found by surveys conducted on representative samples of adult Serbians.
- Language: **Roma, 66 percent; Serbian, 25 percent; Albanian, 6 percent.**
- **99 percent of the interviewed respondents were Serbian nationals.**

The findings indicate that informal settlements were home to **253 persons not holding birth registration documents; 275 persons whose Serbian citizenship was not confirmed; 1,032 persons without personal identity cards; and 2,072 persons without registered permanent or temporary residence.**

## **Key characteristics of persons at risk of statelessness:**



The 2015 methodology used to determine the number of persons at risk of statelessness first was based on **three indicators: persons without birth registration; persons without confirmed citizenship; and persons 16+ without valid personal identity cards.** Using this methodology, the 2015 Survey identified 2,700 persons at risk of statelessness. The number of those at risk of statelessness in this highly distinct population of informal settlements has fallen by slightly more than 1,100 - a significant improvement of 42 percent relative to 2015.

Of the total of 9,218 persons who made up the sample, 2.9 percent were at risk of statelessness. Extrapolating the percentage from the representative sample to the estimated population of informal settlements (56,276 persons) reveals that some **1,576 members of this community are at risk.**

The design of the **2020 Survey added a new dimension, persons without a registered permanent or temporary residence, currently estimated at 2,027 in Serbia.**

#### **Risk of statelessness is appreciably greater amongst:**

- RAE population of **Belgrade.**
- Persons **born in Kosovo and Metohija** or elsewhere abroad are more likely to be at risk.
- Unlike members of the community not at risk of statelessness, virtually all of whom hold Serbian citizenship, **as few as 82 percent of those at risk of statelessness are Serbian nationals.**
- **One in four households (27 percent) that include persons at risk of statelessness are able to secure food** for themselves, whilst only one in five (21 percent) can obtain personal hygiene products for their members.
- Men are more likely than women to be at risk of statelessness, with the proportion standing at **72 percent of men vs 28 percent of women.**
- Persons at risk of statelessness generally live in **purpose-made settlements / huts / container housing units / slums.**

#### **Lack of personal identity documents amongst RAE population at risk of statelessness:**

- A total of **0.45 percent** of RAE individuals living in informal settlements lacked birth registration (in 2010 this figure was 1.8 percent, and in 2015 1 percent).
- A total of **0.49 percent** of RAE individuals living in informal settlements had no record of citizenship.
- The survey found that **57 percent of persons at risk of statelessness had no registered permanent or temporary residence.**
- This round of the survey found that **6.6 percent** of the respondents lived in households where one or multiple members over 16 years of age had no personal identity documents (be that they expired or are still valid), which was **1.8 percent of the total number of RAE individuals surveyed.**

#### **Reasons for lack of personal identity documents:**

- The respondents reported a number of reasons for lacking birth registration, of which the common were **ignorance of the procedure** and **lack of evidence required for registration** (these two responses were given by 28 percent of the respondents).

- RAE individuals at risk of statelessness have not registered citizenship mainly because they were born outside Serbia, but also **due to having no birth registration documents (as cited by 37 percent)**.
- RAE individuals without a registered permanent residence mainly ascribe this fact to living in an **(not legalised) buildings where permanent residence cannot be registered**.
- The most common reasons why respondents were denied personal identity documents include **being instructed to apply for personal identity cards in their place of birth** (37 percent), **not being granted registration of permanent residence** (39 percent), ignorance of administrative procedures, and financial cost.

#### **Access to rights and discrimination:**

The survey reveals an **increase in the proportion of RAE individuals facing adverse consequences due to the lack of a personal identity document**: as many as 56 percent reported facing such consequences, as opposed to the 42 percent claiming not to have done so.

- 59 percent of the residents of informal communities at risk of statelessness reported having been **denied access to healthcare**.

Most RAE individuals at risk of statelessness (48 percent) reported **non-governmental organisations provided them free legal aid when applying for personal identity documents**.

## 2. DEFINING THE CONCEPTS OF ‘LEGALLY INVISIBLE PERSONS’ AND ‘PERSONS AT RISK OF STATELESSNESS’

Citizenship is the bond between an individual and their state recognized by the law. States are at liberty to regulate the type of bond required between an individual and state for that individual to be considered its citizen, and the distinction lies in the difference between understanding citizenship as a concept that applies to individuals, on the one hand, and to territories, on the other. It is based on this bond that an individual acquires citizenship, and, as such, access to all rights guaranteed by the legal system of the country of citizenship, together with all the corresponding obligations. Serbian citizenship and the options for acquiring it are governed by the Law on Citizenship of the Republic of Serbia. Serbian citizenship can be acquired in a variety of ways: 1) by descent; 2) by being born in the territorial jurisdiction of the Republic of Serbia; 3) by naturalisation; and 4) pursuant to an international treaty.<sup>1</sup> Acquisition of Serbian citizenship by descent is wholly aligned with international standards.

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1 Law on the Citizenship of the Republic of Serbia, Article 6.



According to estimates, several million people worldwide<sup>2</sup> are not nationals of any state, meaning they are 'stateless'. **Stateless persons are persons not considered as nationals by any country.**<sup>3</sup> Statelessness can be a consequence of a number of circumstances: gaps in nationality laws, discriminatory regulations and practices, administrative issues, absence of birth registration, deprivation of nationality (where a state revokes an individual's citizenship), and renunciation of nationality (where an individual chooses to waive their citizenship).<sup>4</sup> Most stateless persons have never even crossed a border, and have always lived in a country they consider their own. For those individuals, statelessness is often a consequence of problems caused by administrative mechanisms that operate in accordance with their countries' nationality laws.<sup>5</sup> Those laws and the administrative practices that accompany them are so designed that they often contribute to the occurrence and spread of statelessness. Although it may be the product of a wide variety of reasons, it ought to be noted that statelessness has many adverse consequences. Stateless individuals can be denied many rights that nationals can enjoy, such as access to employment, housing, education, and healthcare. These persons are often deprived of the right to own property, have a bank account, marry, or register the birth of a child. Some stateless persons also risk detention as they are unable to prove their identity or legally regulate residence in the country in which they live.

The right to nationality is a basic human right that is enjoyed by all, stateless persons included. Article 15 of the Universal Declaration of Human Rights<sup>6</sup> states:

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.<sup>7</sup>

The Universal Declaration of Human Rights has contributed to a broader awareness of the right to nationality as a human right, but it was only the 1954 **Convention Relating to the Status of Stateless Persons**,<sup>7</sup> that

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2 The document Global Trends - Forced Displacement in 2018 states the number of 3.9 million people who can be considered stateless, with the estimate that the actual number is significantly higher. During 2018, UNHCR was able to report on people in those countries that are under the UNHCR mandate to address statelessness (78 countries), from other countries UNHCR did not collect reliable data, despite allegations of the existence of persons who are stateless. (<https://www.unhcr.org/globaltrends2018/>)

3 '[A] person who is not considered as a national by any State under the operation of its law' according to the 1954 Convention Relating to the Status of Stateless Persons.

4 The UNHCR believes the key reasons for statelessness are: gaps in laws, emergence of new states, laws regulating birth and marriage registration, discrimination, deprivation of nationality, renunciation of nationality, and loss of nationality by the operation of law.

5 UNHCR Handbook on Protection of Stateless Persons, 2014. Available at [unhcr.org/dach/wp-content/uploads/sites/27/2017/04/CH-UNHCR\\_Handbook-on-Protection-of-Stateless-Persons.pdf](http://unhcr.org/dach/wp-content/uploads/sites/27/2017/04/CH-UNHCR_Handbook-on-Protection-of-Stateless-Persons.pdf).

6 1948 Universal Declaration of Human Rights.

7 1954 Convention Relating to the Status of Stateless Persons.

presented a breakthrough in attempts to improve the position of stateless persons and secure their access to rights. Article 1 of the Convention defines a stateless person as ‘a person who is not considered as a national by any State under the operation of its law’. It also clearly sets out the rights that the contracting parties undertake to afford to stateless persons in a manner ‘as favourable as possible’. According to the Convention, stateless persons ought to enjoy the same rights as nationals with respect to freedom of religion and education of their children. When it comes to the right to association, employment, and housing, stateless individuals should receive treatment not less favourable than other aliens. Several years later, in 1961, the **Convention on the Reduction of Statelessness**<sup>8</sup> envisaged a number of instruments and guarantees that contribute to the elimination of statelessness. Serbia has ratified both of these conventions.

The United Nations High Commissioner for Refugees (**UNHCR**) has a mandate for stateless persons. This mandate initially only covered refugees who were also stateless, but this was extended by the Convention on the Reduction of Statelessness to also include individuals covered by the Convention. Since 2014, the UNHCR has been pursuing a campaign with the hashtag **#IBelong**<sup>9</sup>, which aims at eradicating statelessness worldwide by 2024 (when the campaign is set to end). The campaign aims to address the existing cases of statelessness and prevent new ones, and to identify and protect stateless persons.

UNHCR Representation in Serbia has been working to prevent and eradicate statelessness for years. Past surveys have revealed that this issue mainly afflicts a number of ethnic minorities living in Serbia, namely the **Roma, Ashkalis, and Egyptians, as well as internally displaced persons (IDPs) originally from Kosovo and Metohija**. Some of these individuals are unable to secure birth registration and obtain personal documents, which prevents them from leaving the vicious circle of social marginalisation and discrimination.

To date, the UNHCR has co-operated with institutions responsible for civil registers (the Ministry of Public Administration and Local Government) and other stakeholders involved in issues of nationality and problems that arise when people attempt to obtain personal identity documents. Over the past decade, Serbia has shown strong commitment to resolving the issue of statelessness, which resulted in a major decline in the number of legally invisible persons and those at risk of statelessness. Serbia’s efforts have also been recognised at the international level, with some Serbian statutory arrangements copied by countries in the region and thus presenting a good practice example.

Nevertheless, the issue of persons at risk of statelessness is yet to be completely addressed, and more needs to be done to prevent escalation of legal invisibility amongst the RAE population in Serbia. In this respect, it is very important to ensure timely birth and citizenship registration for children whose parents lack personal identity documents and so prevent the problem from being passed on from one generation to the next. New challenges have also recently arisen that could have adverse effects in the future. Key objective of this Survey is to identify, and pinpoint existing and possible new issues related to the risk of statelessness.

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8 1961 Convention on the Reduction of Statelessness.

9 #IBelong, [unhcr.org/ibelong](https://unhcr.org/ibelong).

The methodology used in this round of the Survey (as in the previous two ones) looks at several indicators that may contribute to statelessness, namely **lack of birth certificate, lack of citizenship, and lack of personal identity cards (for those aged 16+)**. This round also added the indicator of **inability to register their permanent residence**. As such, **a person at risk of statelessness is deemed to be anyone lacking at least one of these elements (birth registration, confirmed citizenship, registered permanent residence, and personal identity card)**. The term **'legally invisible person'** denotes an individual who has no birth registration and is therefore not recognised by the legal system as a subject of law and is **'invisible' to the legal order as a consequence**. As legally invisible individuals have no birth registration, it follows that they also lack the remaining three elements.

### 3. OVERVIEW OF QUANTITATIVE FINDINGS

As part of this research, and in addition to conducting a qualitative survey using in-depth interviews, CeSID also undertook a quantitative survey on a sample of 1,807 households living in informal settlements throughout Serbia, excluding Kosovo and Metohija.

The key aim of the study was to determine, as precisely as possible, the number of persons at risk of statelessness in Serbia, as well as to identify the manifestations of statelessness amongst populations living in informal settlements in the country. The study also ought to provide an overview of progress since the previous survey round.

In addition, the findings of the survey have allowed:

- a) development of a profile of individuals at risk of statelessness, including their home region and socio-demographic data such as gender, age, educational attainment, and employment; and
- b) greater insight into the reasons why the respondents at risk of statelessness lack personal documents, and the reasons that can lead to this outcome in the future.

#### 3.1 Notes on the methodology and survey arrangements

This survey, which looked at persons at risk of statelessness in Serbia to provide a progress report and recommendations, was conducted using quantitative methodology with face-to-face interviews on a representative sample of the population of informal settlements in Serbia. The Survey covered 56 municipalities and towns throughout Serbia with a larger proportion of the Roma population than the national average according to the 2011 census. A total of 117 informal settlements were sampled in these local authority areas, where 1,807 households were selected at random.

The interviewers spoke to the head of each household and members aged 14+ who were missing a personal

identity document issued by Serbia. The Survey used a questionnaire substantially similar to those employed in the 2010 and 2015 survey rounds to ensure comparability of findings.

The Survey was conducted by CeSID's co-ordinators and enumerators who are mainly ethnic Roma in October 2020. By selecting interviewers from the Roma community with experience in working with residents of informal settlements, CeSID wished to preclude challenges such as mistrust of non-community interviewers and overcome any language barriers that could prevent respondents from understanding the questions.

## 3.2 Household demographics

The average household from the sample is significantly larger than the national average and has 5.2 members. Slightly more than three-quarters (76 percent) of families living in informal settlements have children under 16 years of age, with their average number in these households being 2.6. The sample was informed by the latest data<sup>10</sup> on the extent of informal settlements and the number of their inhabitants and structured so as to be proportionally representative of all statistical regions. The distribution was Belgrade, 15 percent; Vojvodina, 29 percent; Southern and Eastern Serbia, 36 percent; and Western Serbia and Šumadija, 20 percent.

The respondents were equally distributed across various types of communities. Relative to the 2015 round of the survey, migratory trends were identified, with 27 percent of the households interviewed now living in new urban or suburban areas. These were followed by poverty-afflicted villages and hamlets where the RAE population predominates, which accounted for 24 percent of the individuals polled. Old inner-city areas, *partajas*, accounted for 16 percent, and extremely deprived communities for 13 percent. Only 4 percent of those interviewed lived in collective accommodation.

Patriarchal traditions meant that 69 percent of all heads of households, the persons who most commonly answered the interviewers' questions, were men. Slightly fewer than one-third of those interviewed (31 percent) were women. The average respondent was 41 years old, as much as eight years younger than the average age found by surveys on representative samples of the entire Serbian population.

The households in informal settlements mainly spoke Roma (as reported by 66 percent), followed by Serbian (25 percent) and Albanian (6 percent). As expected, as many as 99 percent of respondents who had citizenship were Serbian nationals, given that 97 percent of those interviewed reported being born in the territory of Serbia, including Kosovo and Metohija.

Household incomes generally come from social welfare and childcare allowance, as well as wages earned from seasonal labour. No more than 13 percent of those polled reported regular monthly earnings, or salary,

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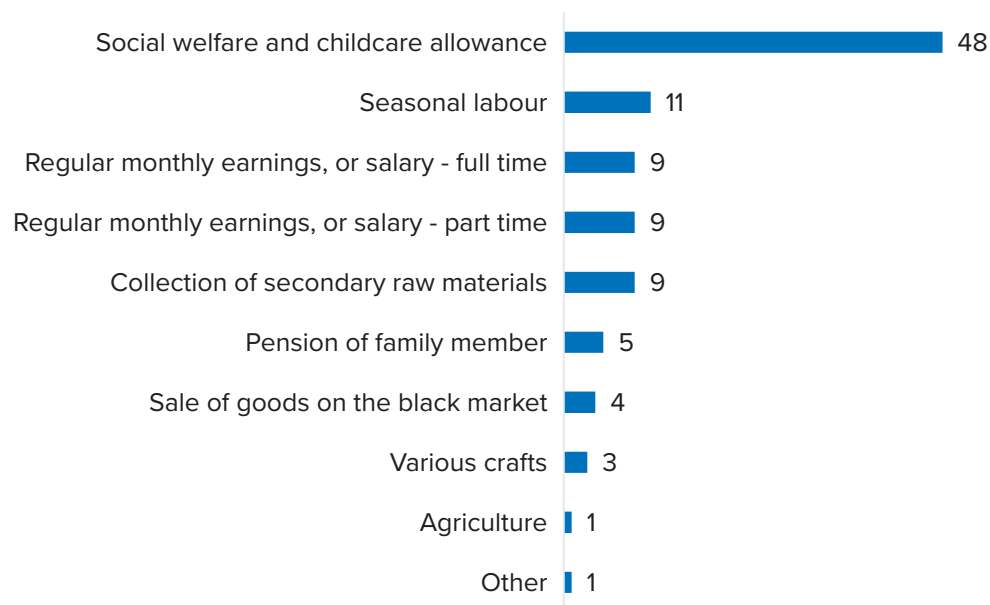
<sup>10</sup> Substandard Roma settlements in Serbia Review of data from the Geographic Information System for 2016, OSCE, 2017. Available at [osce.org/files/f/documents/7/0/309401.pdf](https://osce.org/files/f/documents/7/0/309401.pdf).

whilst only one in eleven households (9 percent) cited regular monthly earnings as the family's primary income.

Slightly less than one-half of those interviewed (48 percent) reported social welfare and childcare allowance were their primary source of income, followed by seasonal wages, the primary income for 11 percent of all families in informal settlements.

The RAE population that took part in the Survey claimed that the minimum monthly sum required for a household was RSD 56,700. The findings indicate that more than half of the households, or 55 percent, were unable to secure money for food, 61 percent lacked the funds for personal hygiene, and more than three-quarters could not find the wherewithal for daily personal needs, such as clothing and footwear, healthcare, sports and recreation, and the like.

**Figure 3.2.1.** What is your household's primary source of income? (%)





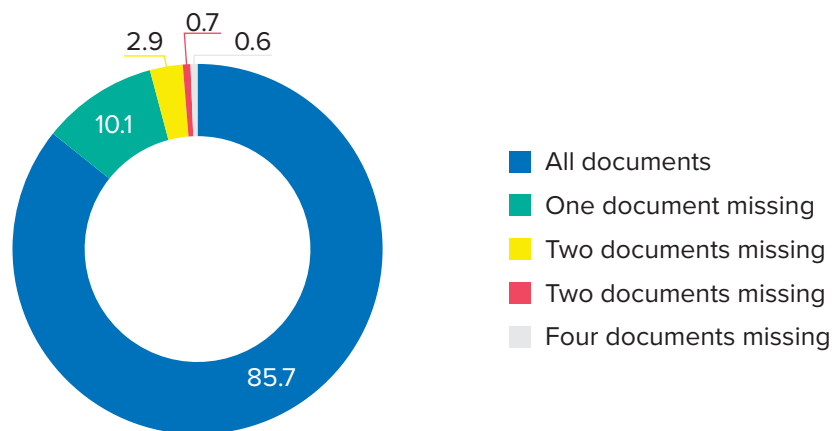




## 4. PERSONS AT RISK OF STATELESSNESS

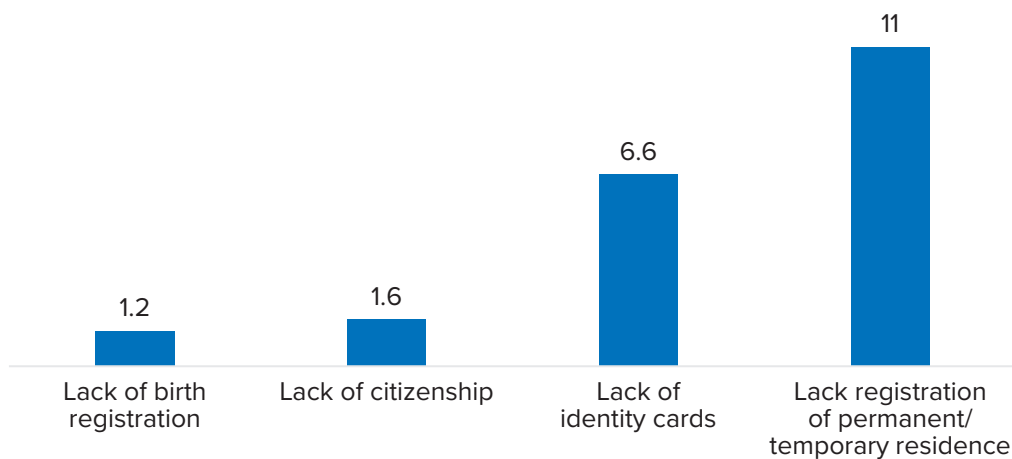
The sample covered 9,218 individuals in 1,807 households surveyed. Of these, 252 households, or 14 percent of the total, had at least one member who lacked at least one personal identity document.

**Figure 4.1.** Possession of personal identity documents by households in informal settlements (%)



As many as 86 percent of all households in informal settlements were able to obtain all the necessary documents for their members. Of the remaining 14 percent, 71 percent lack one personal identity document, 21 percent lack two, and 8 percent lack three or more such documents.

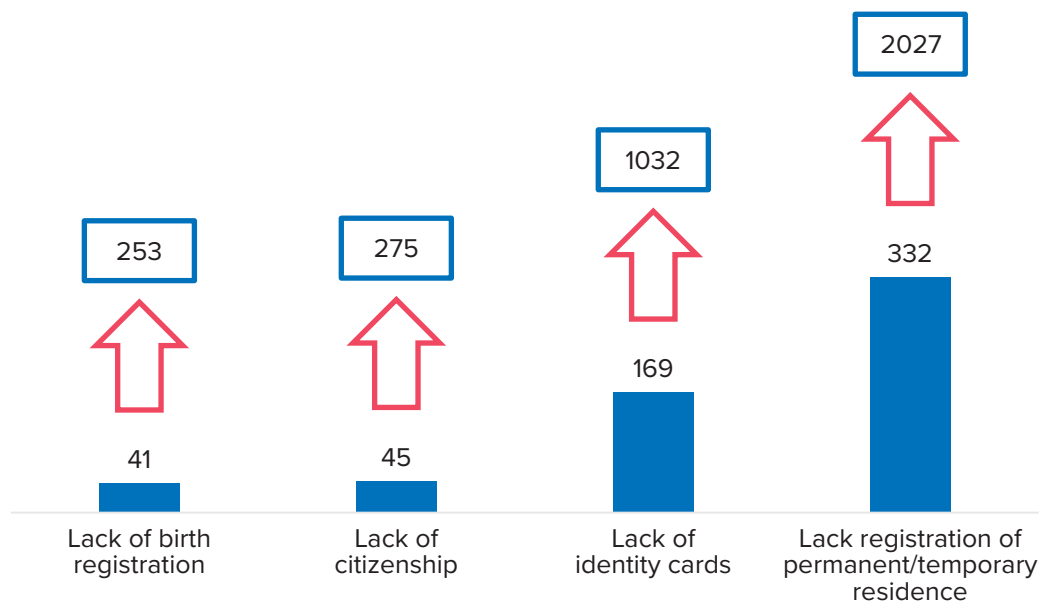
**Figure 4.2.** Missing personal identity documents: distribution of responses by household (%)



Most persons at risk of statelessness living in informal settlements (11 percent) lack registration of permanent/temporary residence, followed by identity cards (6.6 percent), and citizenship (1.6 percent), whilst 1.2 percent have members with no birth registration.

Figure 4.3. shows the figures obtained by cross-referencing the findings for each household with categories of persons facing issues with one or more documents.

**Figure 4.3.** Missing personal identity documents: distribution of responses by sampled individuals and overall population of informal settlements (absolute numbers)



A total of 41 household members lack birth registration, whilst 45 do not have either Serbian or any other nationality. Another 169 lack personal identity cards, and 332 have no registered permanent or temporary residence.

As the Survey was conducted on a representative sample of households in Roma settlements, extrapolating the percentages onto the absolute number of inhabitants of these settlements, as indicated in the latest available data, yields the numbers shown in the same Figure.<sup>11</sup>

The findings reveal that informal settlements are currently home to **253 persons with no birth registration, 275 individuals who lack any nationality, 1,023 persons without identity cards, and 2,027 persons with no registered temporary or permanent residence.**

<sup>11</sup> OSCE estimates put the number of RAE individuals living in informal settlements in Serbia at 56,276. See [osce.org/files/f/documents/7/0/309401.pdf](https://osce.org/files/f/documents/7/0/309401.pdf).

The four indicators obviously differ in importance, and someone who has no birth registration will certainly not face the same threat as someone without a registered permanent residence, either temporary or permanent. Nevertheless, practice has shown that the lack of any of these official forms of recognition will make a person's legal status more complicated, prevent them from accessing their rights, and put them at risk of statelessness. This is why the study gives equal weight to the lack of any of the four formal requirements as an indicator of the risk of statelessness.

Given that **252 households include 359 members who lack at least one personal document that can result in or contribute to the risk of statelessness, it follows that 3.8 percent of those living in informal settlements are at risk of statelessness.** Converting this percentage into absolute numbers, based on estimates of the number of persons living in informal communities, gives an **approximate figure of 2,139 persons who are at risk of statelessness.**

The methodology employed in the 2015 survey looked at **lack of birth certificate, lack of citizenship certificate, and lack of identity card (for those aged 16 +)** as indicators potentially causing statelessness.

Having a registered temporary or permanent residence was not considered a likely statelessness risk indicator in the 2015 survey. Using the same methodology for this Survey would reduce the number of households at risk of statelessness to 128, and the number of persons at risk in them to 255. This means 2.9 percent of all individuals in the sample households (9,218) are at risk of becoming stateless. If the percentages found in the representative sample are extrapolated onto the estimated population of informal settlements (56,276 persons), 1,576 persons are considered at risk of statelessness in this community.

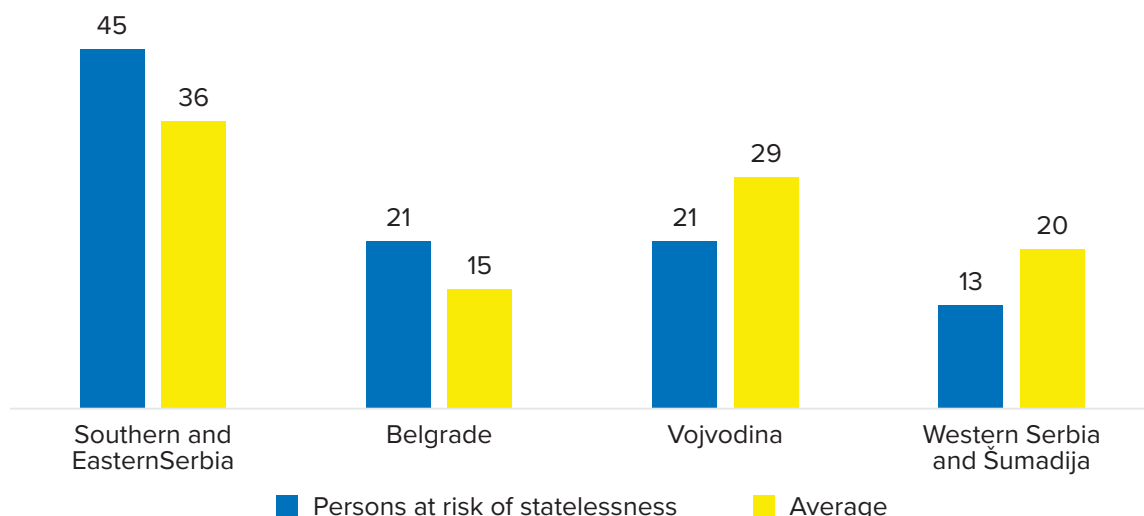
**The survey conducted five years ago found 2,700 persons at risk of statelessness. The number of individuals at risk in this particular community living in informal settlements, has now fallen by slightly more than 1,100, a major improvement of as much as 42 percent relative to 2015.** That said, it ought to be noted that the number of individuals without registered permanent/temporary residence, also considered persons at risk of statelessness in this Survey, is now higher than in the previous two rounds.

This progress reveals that Serbia has dedicated much attention to addressing this issue, together with the UNHCR and human rights civil society organisations (CSOs). Nevertheless, the number of individuals who still lack identity documents and are often marginalised and difficult to reach, means there are space for improvement of the position of this community and reduction of incidence of statelessness risk in Serbia.

## 4.1 Demographics of persons at risk of statelessness

Looking at gender, men are slightly over-represented in the category of individuals at risk of statelessness than both the national average and the overall sample. Men account for 72 percent, and women for 28 percent.

**Figure 4.1.1.** Educational attainment of persons at risk of statelessness vs overall sample (%)

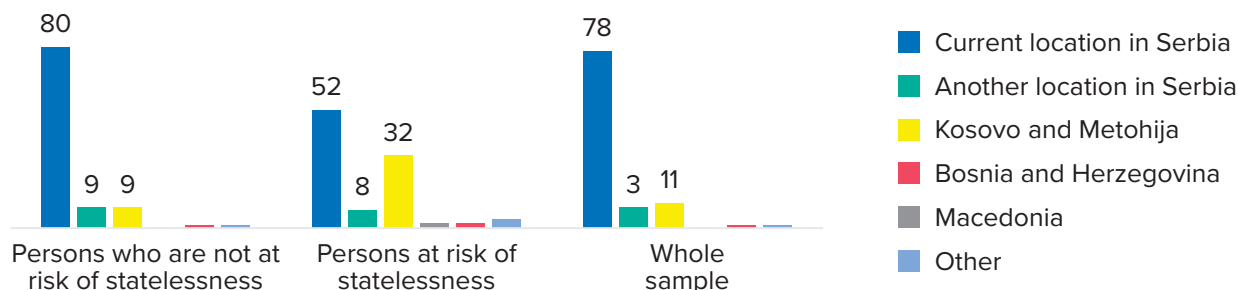


The educational attainment data for both groups reveal that persons at risk of statelessness are less educated than the entire community sample. One-third of those at risk of statelessness (35 percent) reported not having any formal education, which is 15 percent fewer than the rest of the informal settlement population.

Moreover, the findings indicate there were 10 percentage points fewer elementary school graduates, and 5 percentage points fewer secondary school graduates, amongst persons at risk of statelessness when compared to the overall sample.

Persons at risk of statelessness, or at least the heads of their households, were on average slightly younger than the sample (at 40 years of age), whilst their households were much more numerous, at 5.94 vs 5.2 persons for the sample as a whole.

**Figure 4.1.2.** Place of birth for persons at risk of statelessness vs overall sample (%)



A statistically significant difference is also evident for place of birth; see Figure 4.1.2.

Unlike the respondents who had all documents and were not at risk of statelessness, the individuals born in Kosovo and Metohija or outside Serbia were more exposed to the risk of statelessness. Nearly one-third of them come from Kosovo and Metohija, and just slightly over one-half (52 percent) had been born in their current residence.

Similar differences can be seen when it comes to nationality and language. Unlike community members not at risk of statelessness, virtually all of whom have Serbian citizenship, maximum 82 percent of those at risk have citizenship. Whilst the predominant languages of the sample are Roma and Serbian, in the at-risk group Albanian is more frequent than Serbian, further supporting the finding that persons originally from Kosovo and Metohija are the most numerous in this group.

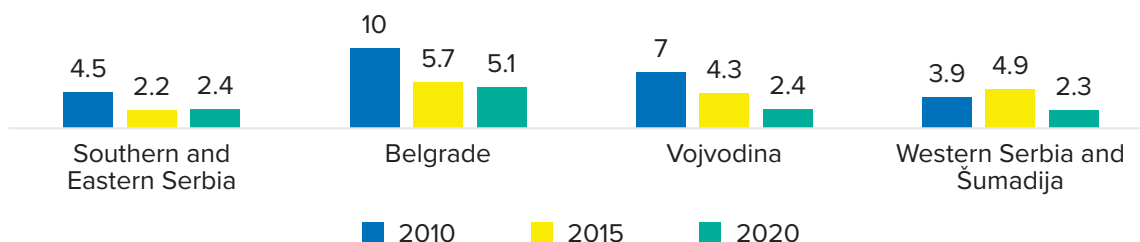
## 4.2 Regional distribution of persons at risk of statelessness

A comparison the regional distribution of persons at risk of statelessness relative to the overall sample reveals significant statistical differences that indicate which regions are more likely to be home to populations with unresolved legal status.

Two regions have particularly large shares of persons at risk of statelessness: Southern and Eastern Serbia and Belgrade. The two regions account for 41 percent of the sample in aggregate and are home to as many as 66 percent of all persons at risk of statelessness. The number is higher than the average by 9 percentage points in Southern and Eastern Serbia, and by 6 percentage points in Belgrade, putting these regions firmly in focus of any future activities designed to address the issues faced by this marginalised group.

A look at changes in the share of persons at risk of statelessness by region relative to the past survey rounds leads to the conclusion that measures taken to date by the Government, UNHCR, and CSOs have rendered results.

**Figure 4.2.1.** Persons at risk of statelessness by region: comparison of 2010, 2015, and 2020 findings (%)



Relative to 2015, the number of those at risk of statelessness has dropped, or at the very least stagnated.

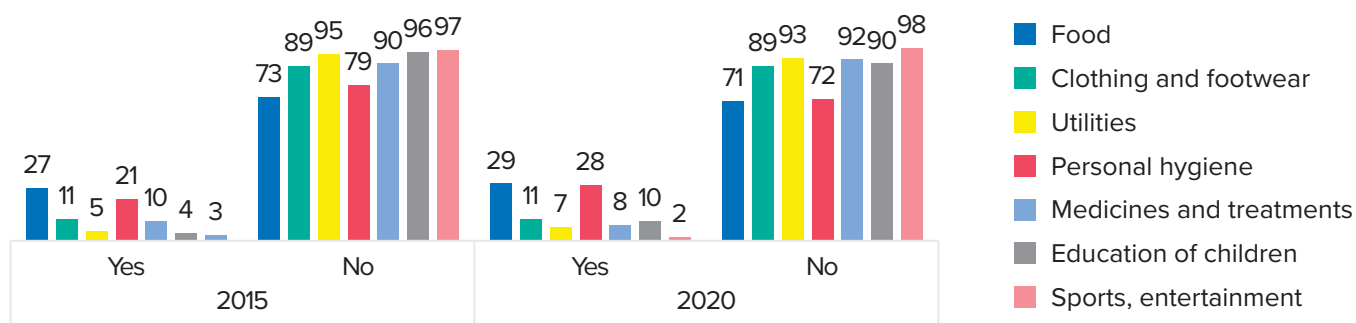
Major improvements are observed in Vojvodina and Western Serbia and Šumadija. Statistically negligible progress has been made in Belgrade and Southern and Eastern Serbia.

Different issues dominate in each region. Birth registration is the most common problem in Belgrade and Southern and Eastern Serbia; citizenship in Vojvodina; and the lack of identity cards and residence registration, is, again, the most likely issue in Belgrade.

### 4.3 Socio-economic profile of persons at risk of statelessness

Persons at risk of statelessness are much more exposed to economic insecurity and poverty than the overall population of informal settlements.

**Figure 4.3.1.** Ability of persons at risk of statelessness to finance basic needs, comparison of 2015 and 2020 findings (%)



Persons at risk of statelessness are unable to provide for their basic needs; see Figure 4.3.1. One in four households with members at risk of statelessness (27 percent) are able to secure food, but only one in five (21 percent) are able to purchase personal hygiene products.

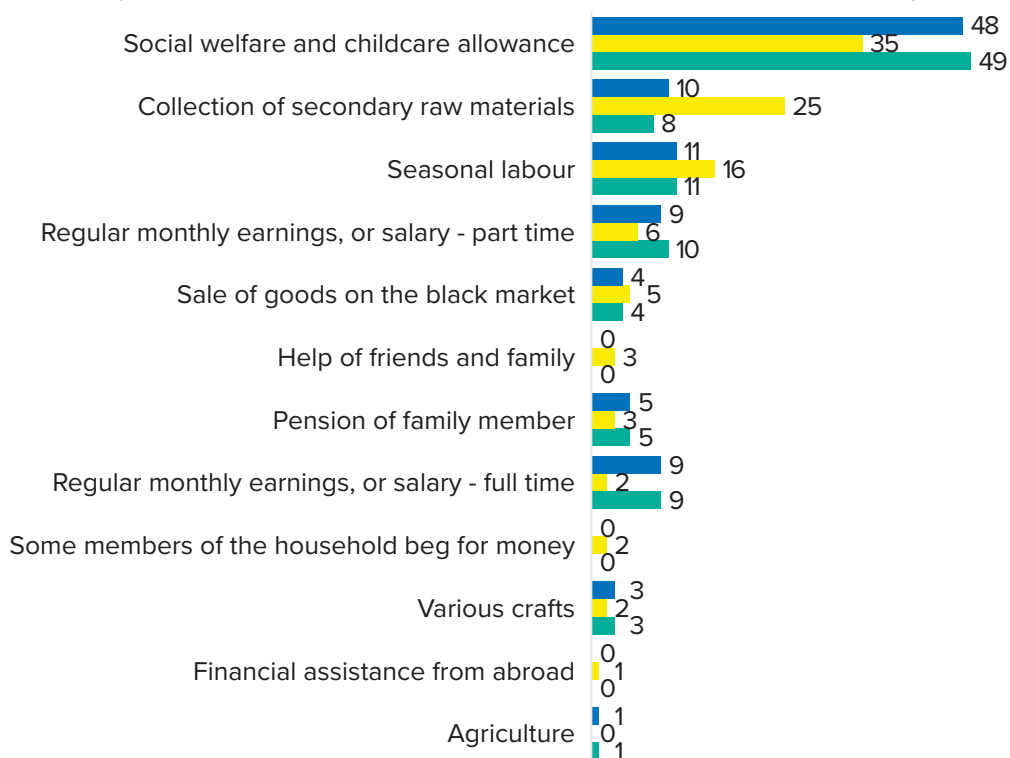


Moreover, no more than one in nine households in this category (11 percent) can spare money for clothing and footwear, and one in ten can afford medical treatment.

Overall household purchasing power indicators are far from favourable for the entire population of informal settlements. That being said, however, members of households without persons at risk of statelessness reporting ability to provide for their daily needs outnumber their at-risk neighbours by a factor of two or three.

At the same time, unlike their neighbours who have no documentation issues, persons at-risk are unable to obtain social welfare payments, childcare supplements, and are often left out of sporadic Government relief efforts. This makes them more likely to resort to seasonal labour (16 percent) and informal recycling (25 percent) to earn livelihoods, with some members also engaging in begging (2 percent).

**Figure 4.3.2.** Primary source of household income, comparison of 2015 and 2020 findings (%)



■ Whole sample      ■ Persons at risk of statelessness      ■ Persons who are not at risk of statelessness

Persons at risk of statelessness are more likely to live in extremely deprived communities (slums), collective centres, and container housing units than individuals who possess all personal documents.

## 4.4 Lack of documents

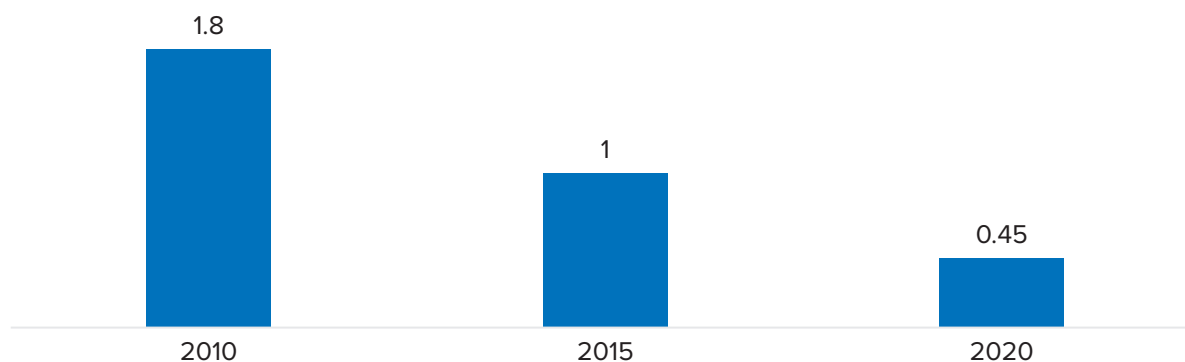
The four sections of this chapter will discuss the Survey findings for the lack of birth certificate, citizenship, registration of permanent residence, and possession of personal identity cards in the Roma, Ashkali, and Egyptian population in Serbia.

### 4.4.1 Birth registration

Since all persons lacking birth registration are legally invisible in essence, these individuals are clearly denied many rights that other members of the public can access. An extract from the civil register of births (birth certificate) is the primary document that entitles its holder to all other documentation, from the citizenship certificate, registration of permanent residence, to, finally, an identity card. The 2011 legal amendments simplified access to personal documents and allowed subsequent birth registration for individuals who could not register their birth through the administrative procedure.

The progress caused by this streamlining is also reflected in the quantitative results from the field. **The survey revealed that 0.45 percent of those surveyed have no birth registration (as opposed to 1.8 percent in 2010, and 1 percent in 2015). In absolute numbers, this means that 41 persons from the sample reported not being registered with the civil register of births, or 253 when extrapolated to the entire RAE population of informal settlements.<sup>12</sup>**

**Figure 4.4.1.** RAE individuals without birth registration (%)



<sup>12</sup> The RAE population living in informal settlements in Serbia is estimated at 56,276. Source: OEBS Misija u Srbiji, Substandard Roma settlements in Serbia: Review of data from the Geographic Information System for 2016, 2017 See [osce.org/files/f/documents/7/0/309401.pdf](https://osce.org/files/f/documents/7/0/309401.pdf).

**It ought to be noted that children under 5 years of age make up 15 percent of the unregistered RAE population. This finding clearly shows that children must be registered immediately after they are born, regardless of whether their parents have personal documents.**

In 2016, Serbia introduced the project *Bebo, dobro došla na svet*,<sup>13</sup> ('Baby, welcome to the world'), aimed at streamlining birth registration by automatically registering all children born in healthcare institutions in the civil register of births. This service also greatly facilitates children's and parents' access to other rights and services, such as registration of permanent residence, registration for health insurance, application for childcare benefits, and the like. Parents are able to fulfil all administrative requirements completely free of charge online, instead of the previous practice of visiting multiple administrative offices and paying various fees. Unfortunately, when a mother does not have an identity card, or a birth registration certificate, neither she nor the child can use this online service. This means that the child's birth cannot be registered, and it cannot be registered for health insurance, whereas the parents remain ineligible for childcare allowance.

**There are now fewer RAE individuals at risk of statelessness without birth registration than in 2015. The percentage is now 0.45 percent as opposed to 1 percent in 2015.**

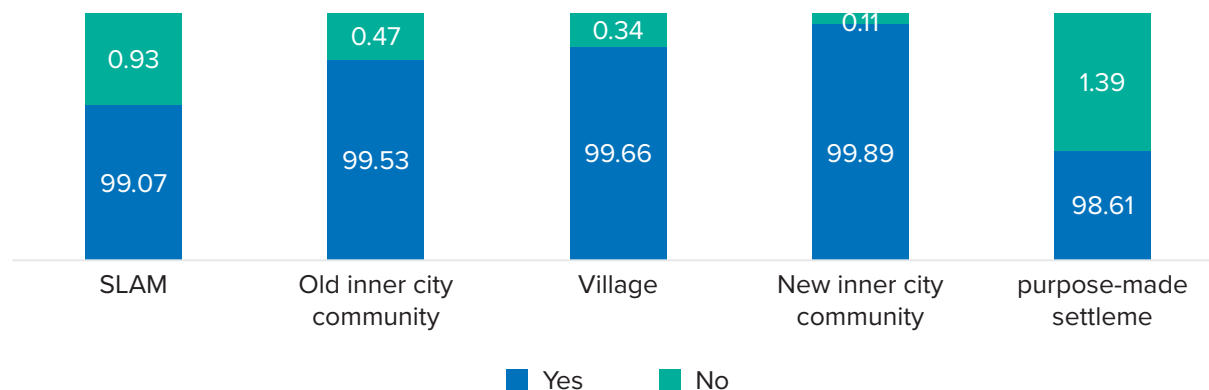
Cross-referencing these figures with the respondents' home regions shows that RAE individuals living in Southern and South-Eastern Serbia and in Belgrade are more likely to lack birth registration. **Of the 21 households in the sample with unregistered children, nearly one-half, or 10, live in Southern and South-Eastern Serbia, whilst another five reside in Belgrade.** Conversely, only two households in Western Serbia and Šumadija have members without birth registration.

**Purpose-made settlements, huts, and container housing units are home to larger number of persons without birth registration. Moreover, 0.97 percent of RAE individuals without birth registration live in slums.** The rate for old inner-city areas (*partajas*) is 0.47 (closest to the average), and for poverty-afflicted villages it is slightly lower than the average at 0.34 percent. Newer urban or suburban areas show a rate of 0.11 percent. Compared to the 2015 findings, slums, which then housed the most persons without birth registration, have now been supplanted at the top of the list by purpose-made settlements, huts, and container housing.

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13 See [ite.gov.rs/tekst/81/bebo-dobro-dosla-na-svet.php](http://ite.gov.rs/tekst/81/bebo-dobro-dosla-na-svet.php).

**Figure 4.4.2.** RAE individuals from Roma settlements in Serbia without birth registration, by type of settlement (%)



Two-thirds of all households with members lacking birth registration fled Kosovo after 1999 or have left Kosovo voluntarily since 1999 (these account for 14 of the 21 households with members who lack birth registration). Another three households fled other parts of the former Yugoslavia. As many as 52 percent of these households speak mainly Roma, 29 percent speak Albanian, and 19 percent speak Serbian. **These data do not differ from those captured in 2015, when the RAE population was found to have substantial migratory experience.**

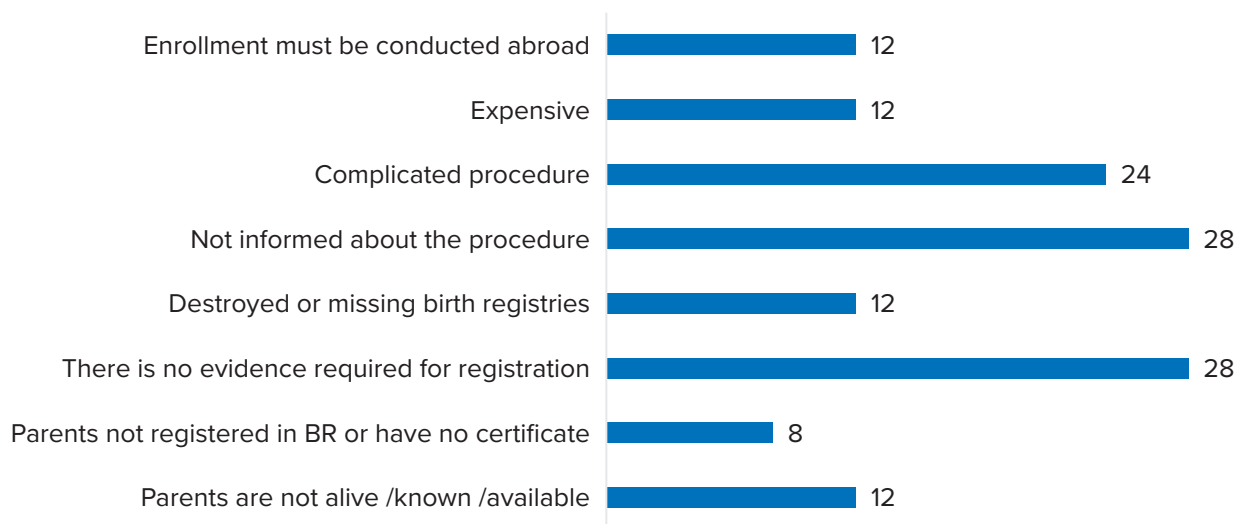
**Figure 4.4.3.** RAE households from Roma settlements in Serbia without birth registration, by migratory experience (absolute numbers)



The respondents reported a variety of reasons for lack of birth registration, the most common ones being **ignorance of the procedure** and **lack of evidence required for registration** (as cited by 28 percent of those surveyed). One-quarter (24 percent) of unregistered RAE individuals felt the registration procedure was excessively complicated, whilst 12 percent each cited excessive costs of the procedure, requirement to register abroad, and unavailability of parents which prevented registration. Lastly, 8 percent reported the

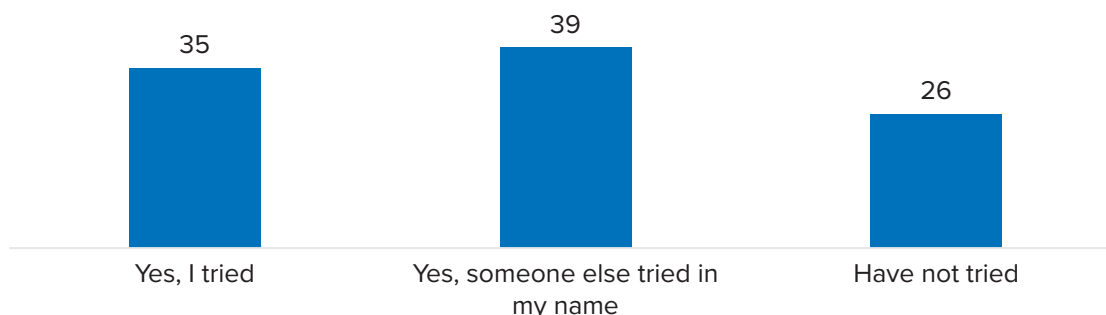
parents did not have birth registration either. Compared to the 2015 survey, when most respondents claimed their parents were not registered with the civil register of births or lacked birth certificates, the greatest proportion of responses in this round focused on ignorance of the procedure and its complexity. This finding reveals the need to do more to raise awareness amongst persons at risk of statelessness of the importance of birth registration and give them support to complete this process.

**Figure 4.4.4.** Key reasons for not registering with the civil register of births, RAE individuals at risk of statelessness in Serbia (%)



**Three-quarters of the respondents in the sampled settlements reported attempting to register with the civil register of births**, either on their own or with someone’s help, whilst a total of 26 percent claimed never to have made any such attempts. In 31 percent of all cases the registration procedure was handled by the courts or administrative bodies, **whilst in 38 cases no procedure took place as the applicant received an oral rejection.**

**Figure 4.4.5.** Have you ever tried register with the civil register of births (or has anyone tried to do so on your behalf)? (%)



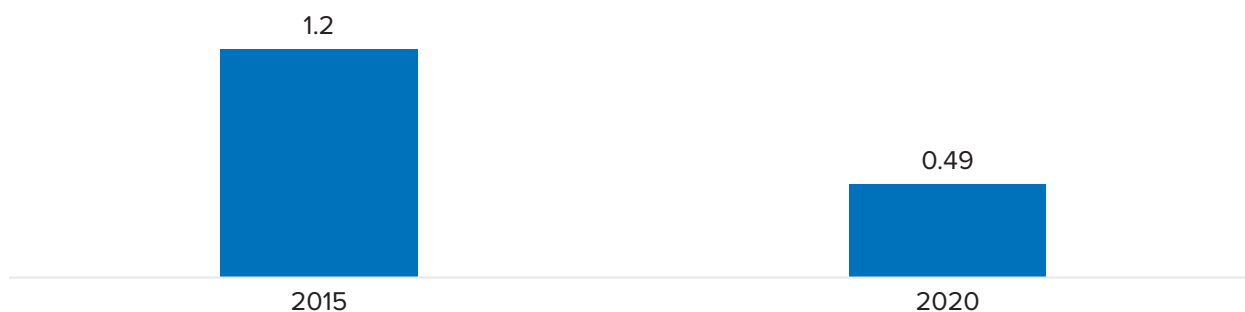
One-half of those who had tried to obtain birth registration were unaware of the reasons for rejection of their application. The other half, by contrast, reported this had been due to lost or invalid documents (31 percent) and issues with foreign civil registers of births (6 percent). This finding indicates the authorities seem to be ignoring principles of good governance by orally rejecting applicants and failing to explain the reasons for such rejection, which in turn means that **civil servants coming into direct contact with persons at risk of statelessness must receive more training** to be sensitised about the characteristics of this group.

Of those who reported having birth registrations in countries other than Serbia (20 percent in total), **most claimed to be registered in the Kosovo civil register**. These individuals reported their applications for registration in Serbia were chiefly rejected due to lost or invalid documents or issues with foreign civil registers.

#### 4.4.2 Citizenship

**Citizenship, or nationality, is the particular legal bond between an individual and their state.** Proof of nationality for members of the public is a certificate of citizenship and/or birth certificate. The Survey found 29 households in the sample with at least one person who lacked proof of being a national of either Serbia or another country. **A total of 45 persons, or 0.49 percent of all respondents, lacked citizenship certificates, leading to the conclusion that persons at risk of statelessness, those not registered with the register of citizens, also made up 0.49 percent of the total RAE population of informal settlements. As with birth registration, this proportion is lower than in 2015, when it stood at 1.2 percent.** In absolute numbers, 275 Roma, Ashkalis, and Egyptians surveyed lacked citizenship registration.

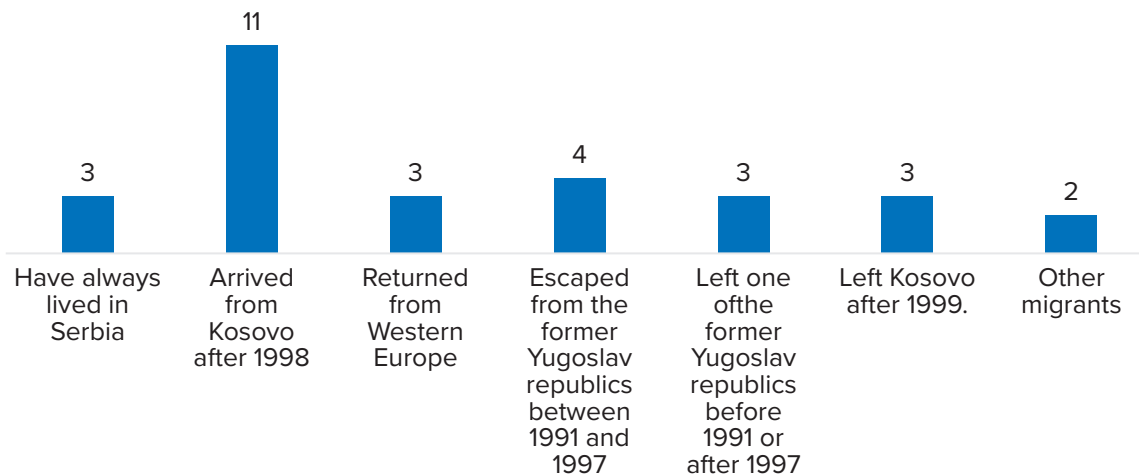
**Figure 4.4.7.** RAE individuals not registered as Serbian nationals (%)



Persons lacking citizenship registration were more likely to live in Southern and South-Eastern Serbia, as well as in Vojvodina. These individuals were also more likely to reside in poverty-afflicted villages and hamlets and be men. **Persons with no registered citizenship also had substantial migratory experience.** Of the 29 households whose members lacked registered citizenship, 24 originated from Kosovo and Metohija or other parts of the former Yugoslavia or had returned from Western Europe.

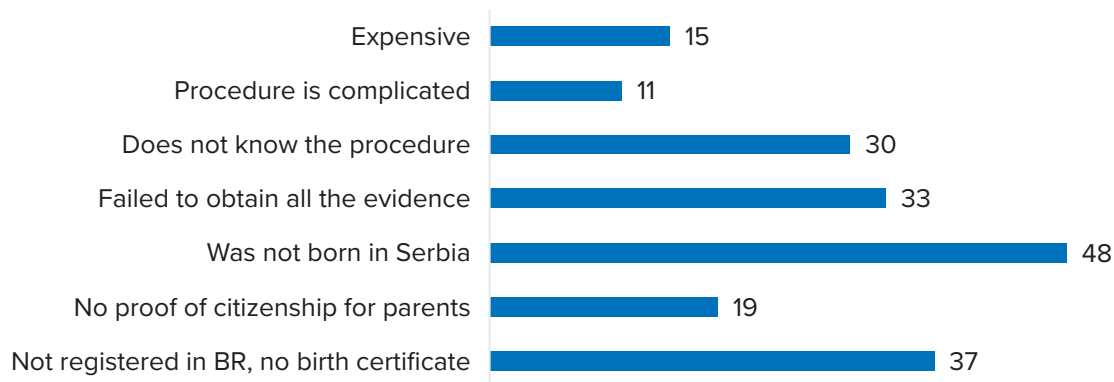


**Figure 4.4.8.** RAE households from Roma settlements in Serbia lacking citizenship registration, by migratory experience (absolute numbers)



The primary reason for lack of citizenship registration was not being born in Serbia, as well as **not being registered in the civil register of births (as reported by 37 percent)**. One-third of those polled (33 percent) reported not having been able to obtain proof required for registration. Some also cited ignorance and complexity of the procedure and its cost: **30 percent of those without registered citizenship reported being ignorant of the procedure; 15 percent claimed the procedure was excessively costly; and 11 percent felt the procedural requirements were too complicated.**

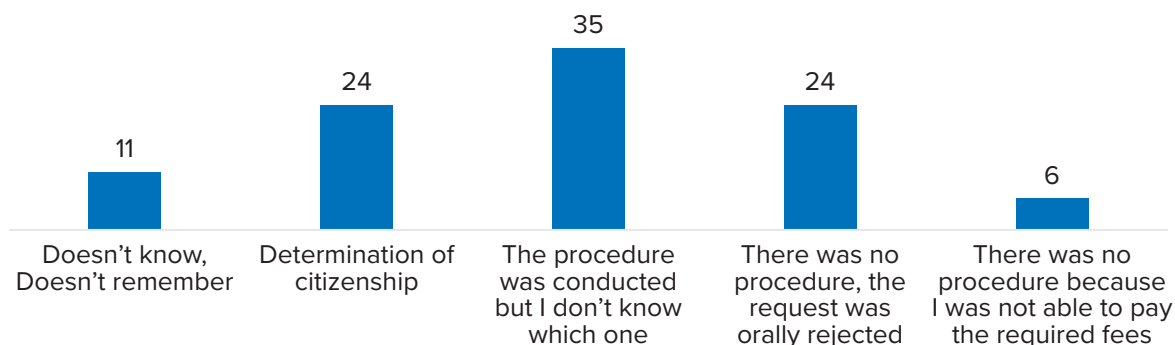
**Figure 4.4.9.** Why do you not hold Serbian citizenship? RAE individuals at risk of statelessness in Serbia (%)



Whereas in 2015, 28 percent of RAE respondents without registered citizenship reported having attempted to complete the registration procedure but were rejected, **in this round the proportion was 56 percent.** The majority of persons surveyed - 35 percent - could not say what type of procedure they had been involved

in (whether it was ‘determination of citizenship’ or naturalisation). Slightly under one-quarter of those not registered as Serbian nationals (24 percent) reported either not going through any procedure but being rejected orally, or having undergone citizenship determination procedure. Another 6 percent reported no procedure had been initiated due to lack of funds. **Nearly one-half of respondents who claimed they lacked citizenship registration (47 percent) reported being rejected due to not being registered in the civil register of births.** Other reasons were cited by 35 percent, and a final 18 percent were unable to recall the exact reason.

**Figure 4.4.10.** Did you undergo determination of citizenship or naturalisation procedure? (%)



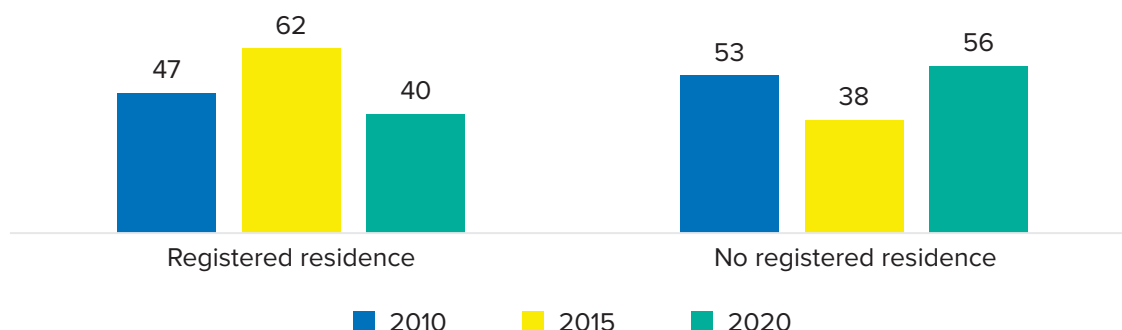
#### 4.4.3 Permanent residence

The key piece of legislation governing registration of permanent residence is the 2011 Law on Permanent and Temporary Residence, which allows individuals living in unlegalized homes in informal settlements to register the local Centre for Social Work (CSW) as their permanent residence. The arrangement has given these individuals the ability, for the first time, to obtain identity cards and gain access to basic rights once they had registered their permanent residence.

The findings of this survey reveal that some residents of informal settlements still lack a registered permanent residence. **These are more likely to be internally displaced persons from Kosovo and Metohija, which is not a surprising result.** Inconsistent practice by CSWs is another possible reason for the increase in proportion of RAE individuals at risk of statelessness who lack permanent residence registration. To address this issue, continued efforts are needed to sensitise civil servants who come into direct contact with persons at risk of statelessness, as well as to enhance institutional capacity.

**This Survey found that 57 percent of persons at risk of statelessness lack permanent residence registration.** This is an unprecedentedly high percentage: in 2010, the figure stood at 53 percent, and in 2015 - 38 percent of persons at risk of statelessness had no permanent residence registration.

**Figure 4.4.11.** Proportion of individuals lacking permanent residence registration in the RAE population at risk of statelessness in Serbia, comparison of 2010, 2015, and 2020 findings (%)



Slightly under one-half of persons at risk of statelessness without permanent residence registration lived in **Belgrade (48 percent)**, with another one-fifth living in Southern and South-Eastern Serbia and Vojvodina. The fewest persons at risk of statelessness without a registered permanent residence live in Western Serbia and Šumadija. Respondents at risk of statelessness without registered residence were more likely to live in slums (as reported by 27 percent of these individuals) and purpose-made settlements/huts/container housing (29 percent). **Nearly one-half of all households with persons at risk of statelessness that have no permanent residence registration reported having fled Kosovo and Metohija after 1999.**

Relative to 2015, persons at risk of statelessness who do have permanent residence registration were now more likely to say this was their current address (79 percent vs 50 percent in 2015). **A total of 16 percent of those at risk of statelessness now have the local CSW registered as their permanent residence** (as against none in 2015). Another 5 percent have a different address registered as their residence. **A significant 73 percent of those polled who are currently registered at a different address reported attempting to register their current address as their permanent residence but were rejected.**

The primary reason why RAE individuals at risk of statelessness lack permanent residence registration is that they live in illegalized buildings that are ineligible for registration. This was the explanation given by a total of 47 percent of those at risk of statelessness without permanent residence registration. The structure of these reasons has changed relative to previous rounds of the survey, with lack of birth certificates or certificates of citizenship no longer occupying first place. As many as one-fifth of those surveyed (21 percent) claimed ignorance of the procedure for registering their permanent residence - 15 percentage points more than in 2015. This finding reveals the need to continue raising awareness amongst the Roma, Ashkalis, and Egyptians of the necessity to have all documents and understand the procedures involved, including for registering their permanent residence to ensure the RAE population is able to exercise all rights that require registered residence (such as social protection and healthcare).

**Figure 4.4.12.** Reasons for lack of permanent residence, RAE individuals at risk of statelessness in Serbia (%)



One in three respondents lacking permanent residence registration reported having attempted to register at their current address but were rejected. A total of 67 percent of persons at risk of statelessness without a registered permanent residence claimed police officers had told them about the option to register at their local CSW, but 33 percent denied being given that information. Lastly, **as many as 56 percent of those surveyed received oral refusals not accompanied by a formal document rejecting their application.**

#### 4.4.4 Identity card

Current legislation<sup>14</sup> defines identity cards as documents used by Serbian nationals to substantiate their identity and other personal information; anyone over 16 years of age is required to hold an identity card. An application for an identity card must be made immediately after one's sixteenth birthday, with the provision that the applicant be registered with the civil register of births and as a Serbian national and have a registered permanent residence. The procedure involves administrative requirements and costs<sup>15</sup> that make no allowance for social vulnerability, which has a direct bearing on the number of issued and valid identity cards in the RAE population.

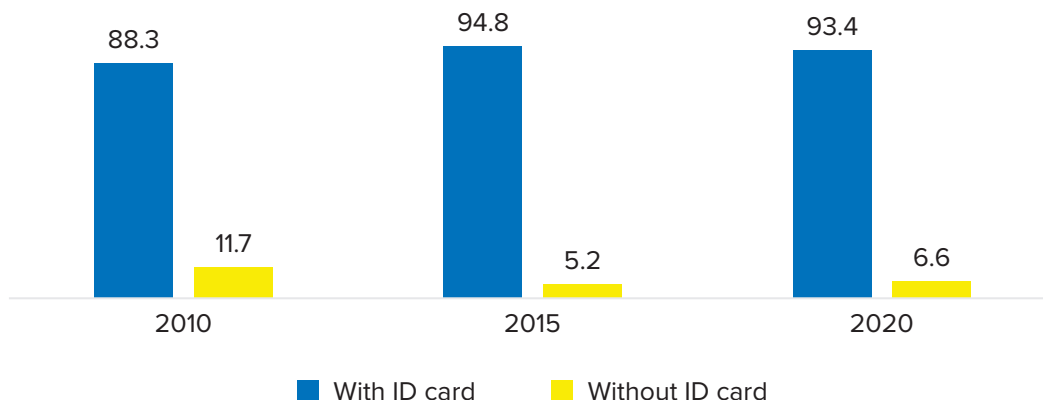
This Survey found **6.6 percent** of all households where at least one person aged over 16 lacked an identity card or had an expired one. **This accounts for 1.8 percent of the total RAE population surveyed.** If this

14 2006 Law on Personal Identity Cards.

15 The total cost of taking out a biometric personal identity card is RSD 1,154.80. See more on the Ministry of Interior website at [mup.gov.rs/wps/portal/sr/gradjani/dokumenta/licna+karta/licna+karta](http://mup.gov.rs/wps/portal/sr/gradjani/dokumenta/licna+karta/licna+karta) [in Serbian].

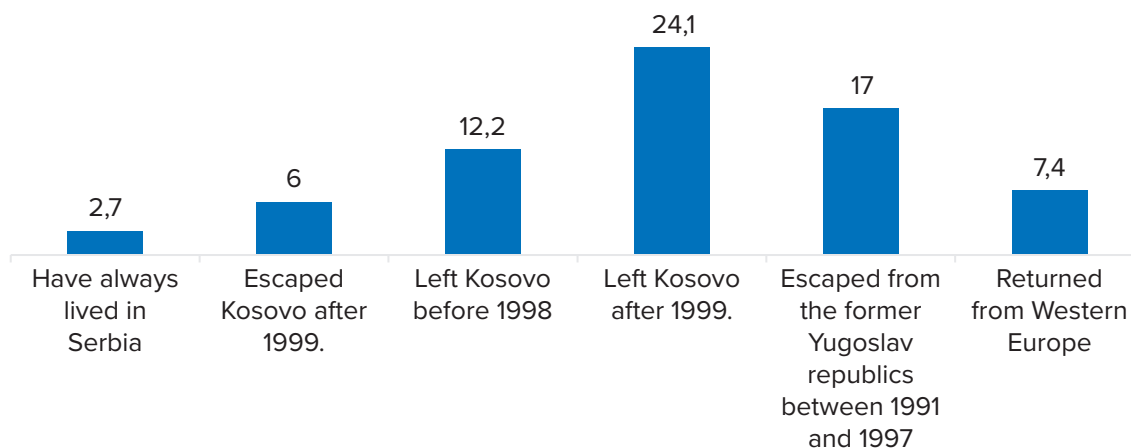
proportion is extrapolated onto the total RAE population living in informal settlements in Serbia (56,276), the current number of persons 16+ who have no identity cards totals **1,032**. Compared with 2015, this is a slight increase in the RAE population lacking identity cards, chiefly owing to the lack of funds in the RAE community. As such, the primary reason given for not having an identity card was that the procedure was too costly, followed by not having permanent residence registration. Other explanations included ignorance of the procedure, complicated procedures, and not having registered citizenship. One in twenty respondents felt having an identity card was unimportant.

**Figure 4.4.14.** Proportion of individuals lacking a valid identity card in the RAE population aged 16+ , comparison of 2010, 2015, and 2020 findings (%)



Migratory experience is a major factor for lack of identity cards. Only 2.7 percent of local RAE individuals lack identity cards, in sharp contrast to the RAE population that fled Kosovo after 1999, wherein the figure is as high as 24.1 percent, or to those who left Kosovo before 1998, where it is 12 percent. At 17 percent, this proportion is also significant amongst RAE individuals who fled other former Yugoslav republics between 1991 and 1997. By way of a comparison, in 2015, 15 percent of persons displaced from Kosovo after 1999 lacked identity cards, as did 10 percent of returnees from Western Europe (where the figure has now decreased slightly to 7.4 percent).

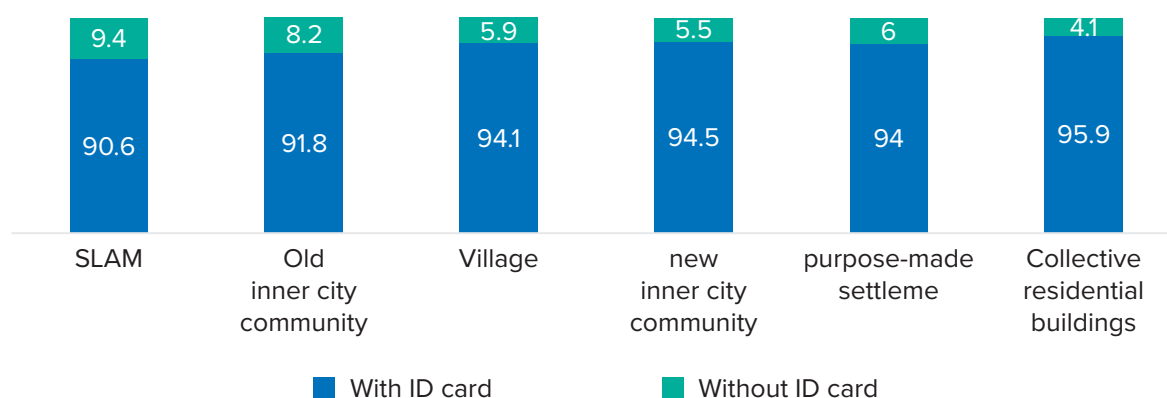
**Figure 4.4.15.** Proportion of individuals lacking a valid personal identity card in the RAE population aged over 16 by migration experience (%)



In 2020, the **regions** of Belgrade and Southern and South-Eastern Serbia had above-average rates of individuals lacking identity cards when compared to the Serbian average: 10.3 percent of the RAE population of informal settlements in Belgrade did not have identity cards, as did 7.7 percent of those living in Southern and South-Eastern Serbia. Vojvodina and Western Serbia and Šumadija had below-average rates of 5.5 and 4 percent, respectively.

Differences were also observed based on **settlement type**: the issue was at its most pronounced in slums, extremely deprived settlements, where 9.4 percent of all respondents lacked identity cards, followed by old inner city areas (*partajas*) at 8.2 percent. The proportion ranges from 4.1 to 5.9 percent in other types of settlements (poverty-afflicted villages, urban and suburban settlements, purpose-built settlements, collective housing, etc.).

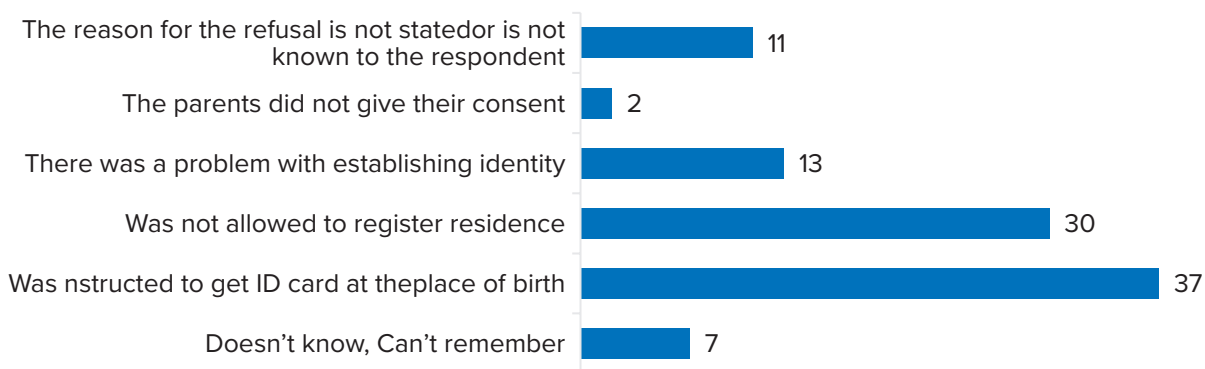
**Figure 4.4.16.** Share of RAE individuals lacking valid identity cards in the 16+ RAE population, by type of settlement (%)



Whereas 20 percent of the RAE population without identity cards reported in 2015 having **attempted to obtain them but were refused**, this Survey found **32 percent** in the same situation. The most common reasons given for not being able to obtain an identity card were being asked to apply in their place of birth (37 percent) and being refused registration of permanent residence (30 percent). Other issues included difficulties with substantiating identity (13 percent), reasons not communicated or unknown to the respondent (11 percent), and, lastly, no parental consent (2 percent).

This finding, coupled with the fact that **78 percent of those surveyed were unaware** that police officers were required to automatically obtain birth and citizenship certificates of after an application was made for an identity card, indicate that procedures – and the associated rights and responsibilities – still remain largely unknown.

**Figure 4.4.17.** Reasons for identity card refusal (%)

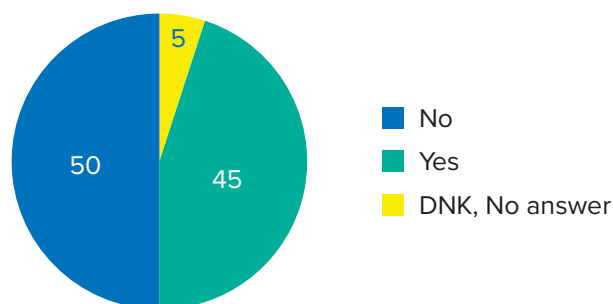


#### 4.4.5 Refugee/internally displaced person identity certificate

The Survey found **34 households** (with a total of 220 members) who had left or fled Kosovo after 1998. In **50 percent** of these 34 households, **members lacked IDP identity cards**, 45 percent had them, and 5 percent were not sure.



**Figure 5.4.18.** Do you hold an IDP identity card? (Only individuals who left or fled Kosovo after 1998) (%)



A total of 39 percent of those who lack IDP cards reported this was due to a lack of substantiating documentation, with 17 percent reporting loss or destruction of such documents. In effect, this means that 56 percent of respondents did not hold IDP cards due to documentation-related issues, whilst 22 percent identified ignorance of procedures as the main reason for their lack of such certificates. Interestingly, more than one-half of RAE individuals who do not hold IDP cards reported never having attempted to obtain them (as claimed by 58 percent), whilst 32 percent said they had been refused the cards by the authorities, in the vast majority of cases because they did not have the required documentation.

**Figure 4.4.19.** Reasons for RAE individuals not holding IDP identity cards (%)



As discussed above, internally displaced persons face difficulties when attempting to register permanent residence, owing to the Government Order on assessing compliance with requirements for issuance of

passports to individuals in the territory of the Autonomous Province of Kosovo and Metohija.<sup>16</sup> In that context, it is also important to establish the number of IDPs from Kosovo who lack registered permanent or temporary places of residence. The sub-sample of RAE individuals in informal settlements who live in households that left or fled Kosovo since 1998 includes 7 individuals lacking birth registration, 10 without either Serbian or foreign citizenship, **33 with no registered permanent or temporary residence**, and 21 (over-16s) lacking identity cards.

Only 2 households with members who fled a former Yugoslav republic between 1991 and 1997 lack **refugee certificates**. These respondents claimed not to have this identification chiefly because they did not have the required substantiating documents and due to ignorance of the procedures involved.

## 4.5 Access to rights and discrimination

The legislative and institutional framework that safeguards the rights and freedoms of ethnic minorities in Serbia are both well developed and harmonised with best practices and international standards. Nevertheless, earlier surveys conducted by Serbian and international organisations, as well as a review of complaints lodged with the Serbian Commissioner for Equality,<sup>17</sup> indicate the Roma community faces issues mainly with regard to work, employment, education, social protection, and healthcare.

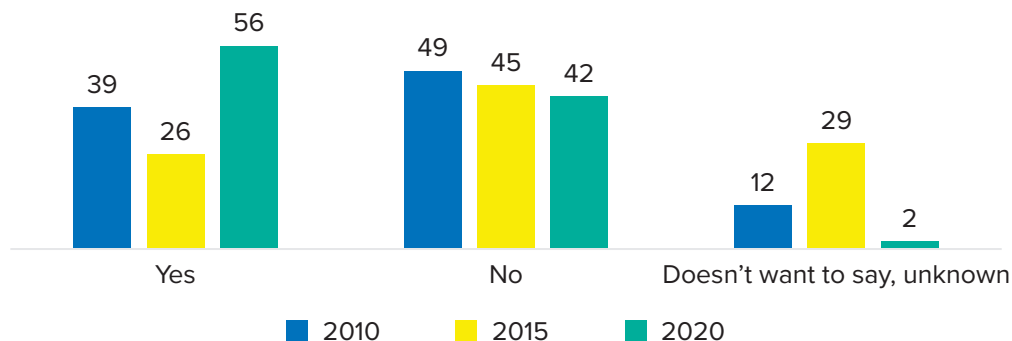
Lack of personal identity documents can be a major cause of discrimination against RAE individuals, especially as it greatly hinders institutional and social integration. In this context, the findings show **an increase in the proportion of RAE individuals facing difficulties due to lack of a personal identity document**: as many as 56 percent of those surveyed reported having encountered such obstacles, as opposed to 42 percent who denied having such problems.

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16 This piece of regulation governs the issuance of passports and registration of permanent places of residence for individuals with permanent residence in Kosovo or registered as nationals there. It requires these persons to undergo additional checks when applying for passports or to register permanent residence. For a detailed discussion, see Section 6.2, Exercise of rights in theory and practice.

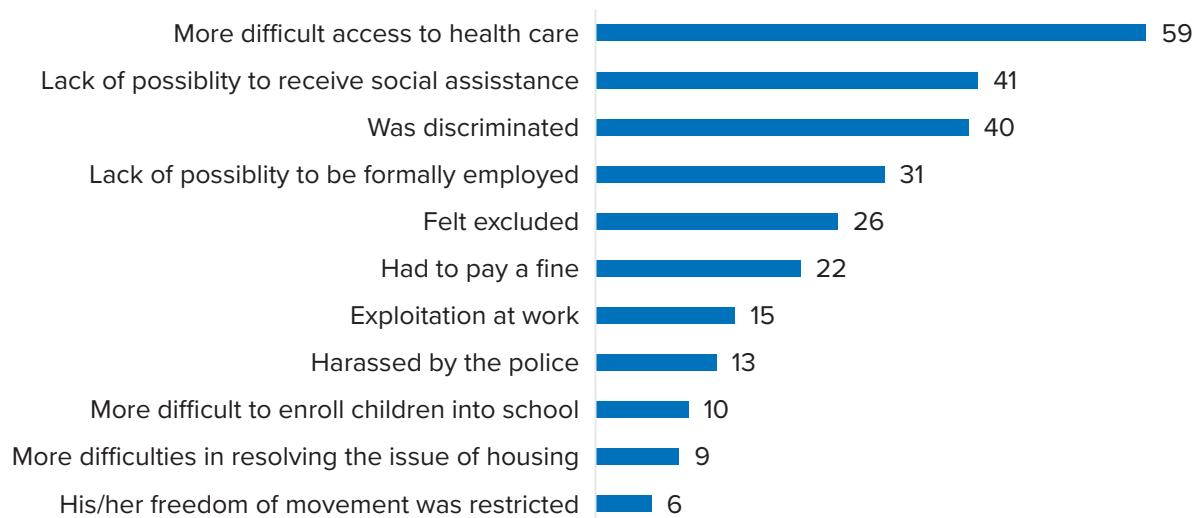
17 Annual report of the Commissioner for the Protection of Equality for 2019, available at [ravnopravnost.gov.rs/wp-content/uploads/2020/03/FINAL-RGI-2019-ZA-NARODNU-SKUPSTINU.pdf](http://ravnopravnost.gov.rs/wp-content/uploads/2020/03/FINAL-RGI-2019-ZA-NARODNU-SKUPSTINU.pdf) [in Serbian].

**Figure 4.5.1.** Issues faced due to lack of personal identity documents, RAE individuals at risk of statelessness in Serbia, comparison of 2010, 2015, and 2020 findings (%)



As many as 59 percent of those at risk of statelessness in informal settlements reported being denied healthcare. Exceptionally high percentages also cited inability to access social protection and feelings of being discriminated against, at 41 and 40 percent, respectively, followed by inability to obtain formal employment, at 31 percent.

**Figure 4.5.2.** Types and frequency of negative consequences due to lack of personal documents in the RAE population in informal settlements, in% (possibility of multiple answers)

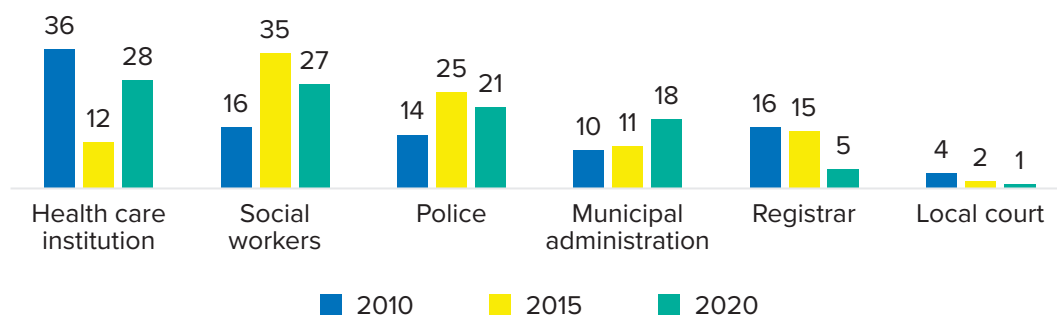


Looking at **settlement types**, the RAE population living in slums (68 percent) and purpose-made settlements, huts, and container housing were more likely to face difficulties due to a lack of personal documents. The greatest proportions of individuals vulnerable to these issues were found in Belgrade (81 percent vs the national average of 56 percent) and Vojvodina (69 percent).

Apart from a personal feeling of being faced with difficulties in their daily lives, 44 percent of those surveyed reported **having had problems when applying for documents with Government authorities**. This view was the most likely to be reported in Belgrade (at 65 percent). In their contacts with institutions, 58 percent of RAE individuals (living in informal settlements and lacking at least one document) were ignored; 57 percent did not receive the information or service they sought (were refused); 45 percent were humiliated; 43 percent were insulted; and 4 percent were asked for bribes.

The RAE population had most problems with regard to **healthcare institutions** (as reported by 28 percent), more than double the figure found in 2015 (when it had stood at 12 percent). This result was certainly affected by the Covid-19 pandemic, but the proportion is also exceptionally high for contacts with **social workers**, reported as causing issues for 27 percent of those surveyed who had applied with them for documents. These two categories are followed by the police (21 percent), local authorities (18 percent), and civil registrars (5 percent), with local courts cited in only 1 percent of all cases.

**Figure 4.5.3.** Serbian institutions where RAE individuals lacking at least one document faced problems, comparison of 2010, 2015, and 2020 findings (%)



Finally, 63 percent of those surveyed reported not having been denied humanitarian aid during the Covid-19 pandemic even though they lacked personal identity documents.

## 4.6 Free legal aid available to persons at risk of statelessness

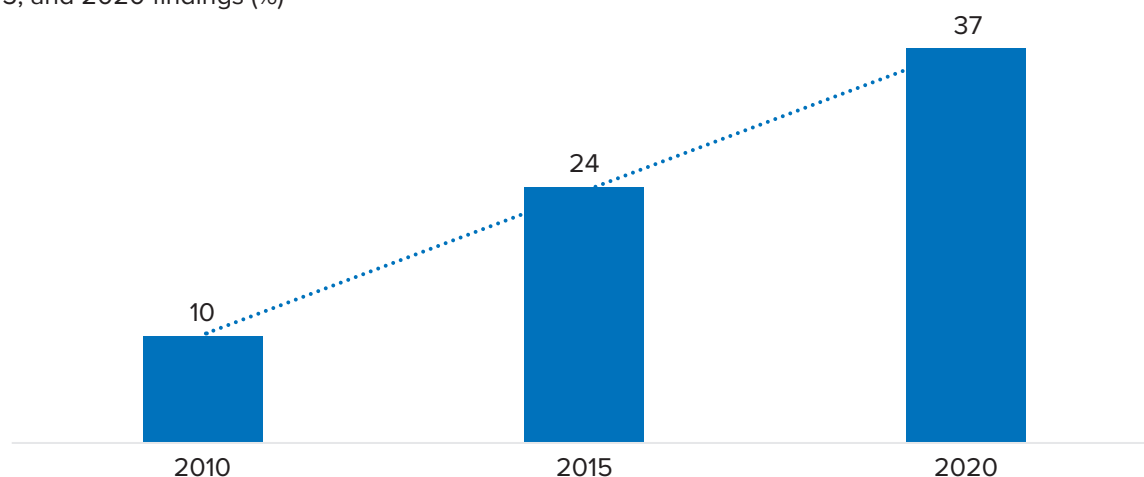
The Law on Free Legal Aid was enacted in 2018 and took effect on 1 October 2019. This piece of legislation draws on the constitutional guarantee of **universal access to legal aid** (Article 67) that can be provided by independent attorneys and legal aid services, pursuant to specific legislation. The Constitution also provides for cases in which legal aid is free of charge, which the law elaborates on by setting out **requirements for and types of free legal aid**, such as legal advice, help in preparing pleadings, representation, and defence. It also allows civic associations to provide free legal aid, albeit only in asylum and discrimination cases.

The latest version of the free legal aid provider roster maintained by the Ministry of Justice included attorneys, 166 local authorities, and 20 associations; also registered were 44 dispute resolution mediators and 26

associations.<sup>18</sup>

The RAE population at risk of statelessness **identify NGOs as the primary providers of free legal aid when applying for documents (as reported by 48 percent of those polled)**, with slightly fewer citing local authorities' legal aid services. Attorneys were the least commonly identified in this role, at 1.3 percent, and a final 15 percent chose 'none of the above' as their response. The relatively low recognition rate of free legal aid providers is partly a consequence of **61 percent of all respondents at risk of statelessness claiming no-one had offered them help to date** in their attempts to secure birth registration, obtain birth certificates, or other documents.

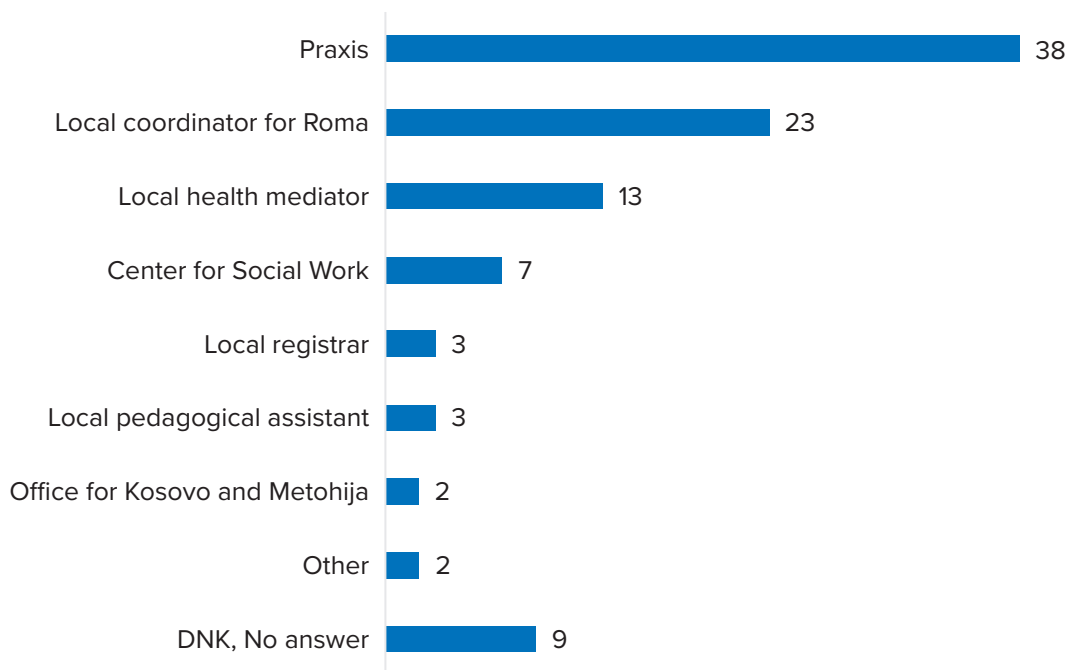
**Figure 4.6.1.** Percentage of the RAE population offered help to obtain documents, comparison of 2010, 2015, and 2020 findings (%)



As many as 59 percent of persons offered some sort of assistance cited the NGO Praxis, followed by local Roma co-ordinators (44 percent), CSWs (16 percent), local Roma health mediators (15 percent) local teaching assistants (7 percent), and the UNHCR and the Trustee/Commissariat for Refugees and Migrations (at 2 percent each).

18 The Register of Free Legal Aid and Legal Support Providers (last updated in September 2020) is available at [mpravde.gov.rs/tekst/26350/registar-pruzalaca-besplatne-pravne-pomoci-i-besplatne-pravne-podrske.php](http://mpravde.gov.rs/tekst/26350/registar-pruzalaca-besplatne-pravne-pomoci-i-besplatne-pravne-podrske.php) [in Serbian].

**Figure 4.6.2.** Institutions perceived as having provided most assistance to RAE individuals at risk of statelessness (%)



The top two institutions occupy the same places **in rankings of institutions perceived as having helped the most**: these are Praxis (38 percent) and local Roma co-ordinators (23 percent), with local Roma health mediators third (13 percent) and CSWs fourth (7 percent). Fewer than 3 percent each cited other institutions. The respondents awarded this assistance an average score of **3.83** on a scale from 1 (lowest) to 5 (highest).

## 4.7 Impact of Covid-19 on populations living in informal settlements

Vulnerability of the marginalised social groups was further pronounced during the Covid-19 pandemic. Apart from facing new health risks, the population of informal settlements encountered fresh threats to their livelihoods and already low standards of living. As the greatest part of household incomes in this group come from informal recycling and work in the shadow economy, these individuals were hit hard by the lockdown, in particular during the state of emergency when movement restrictions were imposed on all Serbians.

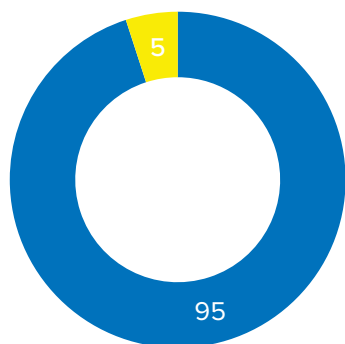
We explored the impact of the pandemic on the population of informal settlements through a battery of questions relating to the availability of government assistance and education to members of this community.

As many as 95 percent of the heads of households surveyed confirmed they received the EUR 100 one-off relief payment made available to all adult Serbian nationals.

Of the one in twenty respondents denied this assistance, two-fifths reported the reason was either not having identity cards or having allowed them to expire; 28 percent cited inability to meet the requirements; and 21 percent reported not being aware of how to access the relief payment.

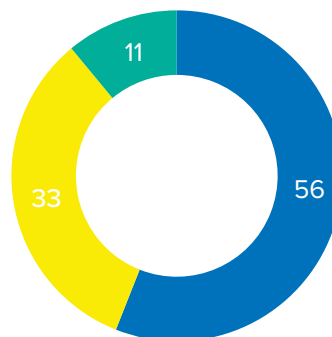
**Chart 4.71.**

Did you get the 100 euro relief payment?



- Yes, I got the money
- No, I didn't get the money

Did your children attend school lessons during the pandemic?



- No, they did not participate
- They participated
- He doesn't know, he can't remember

In 95 percent of cases, the relief payment ended up in households that needed it the most. By contrast, more than one-half of all school-age children from informal settlements did not attend school lessons modified in response to the pandemic.

Only one-third of all students (33 percent) followed lessons online or on television, and no fewer than 56 percent of the children missed out on school.

One-fifth of all households (21 percent) lacked elementary requirements for online instruction.<sup>19</sup> All these findings indicate the community was to a large part denied access to education during the coronavirus outbreak.

<sup>19</sup> Such as no electricity, no internet access, and no suitable devices (laptop or desktop computers or tablets, etc.).





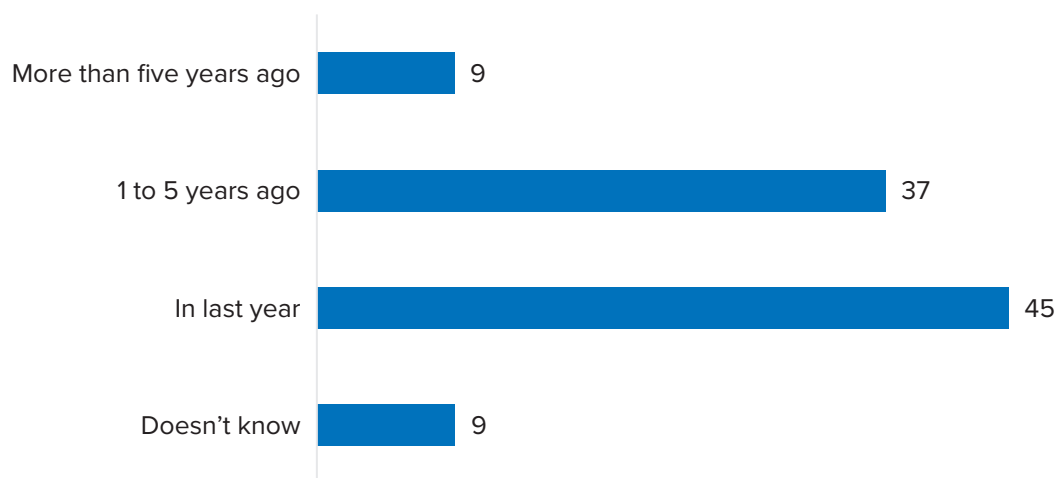


## 5. RIGHT TO SUBSEQUENT BIRTH REGISTRATION AND ACTUAL PRACTICE

### 5.1 Birth certificate

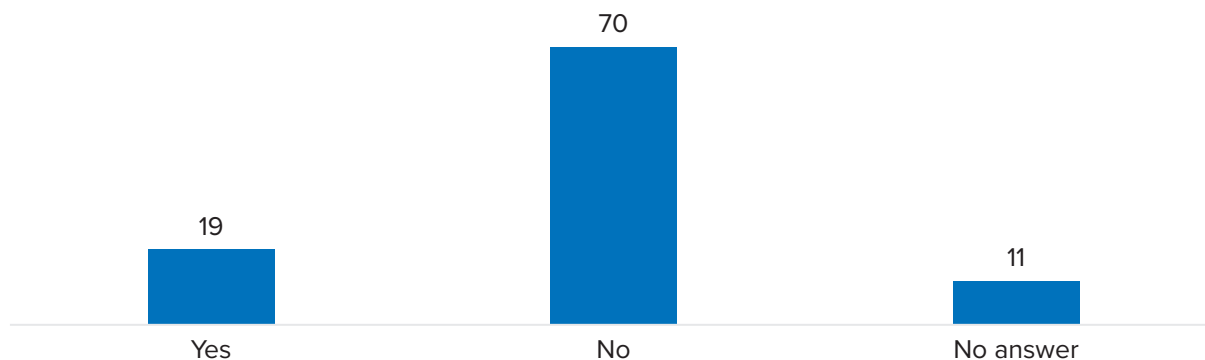
Nearly one-half of those surveyed (45 percent) reported having obtained birth certificates within the year preceding the survey, with another 37 percent claiming to have done so within the previous one to five years. Various reasons were reported for taking out these certificates, including to gain access to social welfare payments (**48 percent**); enrol children in school (24 percent); and **satisfy official requirements (19 percent)**.

**Figure 5.1.1.** When did you last take out a birth certificate? (%)



**As many as 70 percent of those surveyed** who had been faced with an official requirement to provide a birth certificate were unaware, they did not have an obligation to supply one and that the authorities could obtain one *ex officio*. This finding reveals there is remains room to raise awareness in the RAE population of the General Administrative Procedure Law so as to ensure they know their rights in this regard.

**5.1.2.** Are you aware that you are not required to provide a birth certificate and that the authorities must ask the civil registry for it directly? (%)

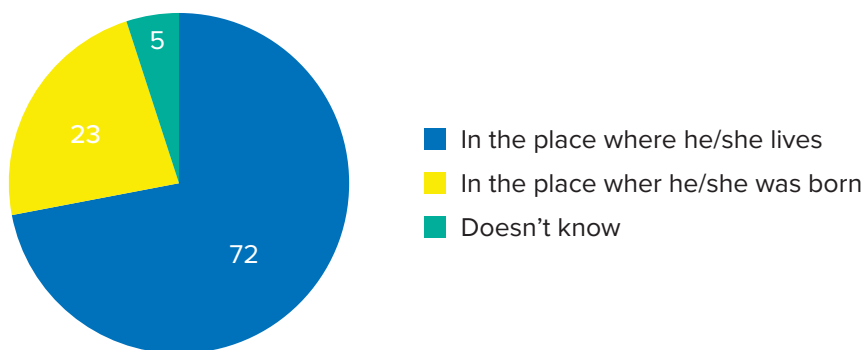


Most respondents (79 percent) reported having last taken out birth certificates in their current place of residence. **Sixteen percent claimed they needed to travel to their place of birth**, whilst 5 percent could not say. **Of those who had to travel to their birthplace, 48 percent were not aware that they could obtain a birth certificate in their current place of residence.**

## 5.2 Certificate of citizenship

Most respondents (48 percent) last took out certificates of citizenship between one and five years prior to the Survey, with 27 percent having done so less than one year before. **Nearly three-quarters of the Roma, Ashkalis, and Egyptians from the sampled settlements obtained citizenship certificates in their residence**, and 23 percent claimed to have done so in their birthplace.

**Figure 5.2.1.** When did you last take out a citizenship certificate? (%)

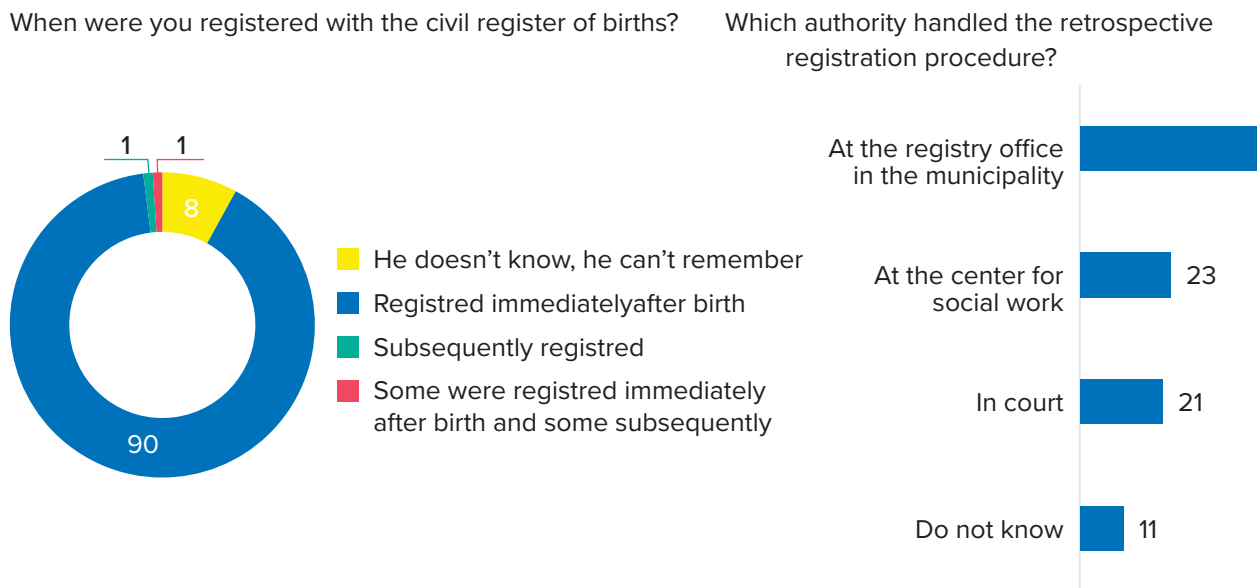


Most individuals who acquired citizenship retrospectively did so more than five years before the Survey with the help of NGOs.

### 5.3 Subsequent birth registration in practice

In 90 percent of the households sampled, members were registered with the civil register of births immediately after birth. In only 2 percent were all members registered subsequently, or some were registered at birth and others at a later date.

**Figure 5.3.1.**



Finally, in 8 percent of households the respondents were unsure of when they were registered with the civil register of birth and which authority handled the procedure.

Local authorities' civil register services most commonly handled subsequent registrations (in 45 percent of these cases). One-quarter (23 percent) were managed by CSWs and involved procedures for formally establishing a person's name, and one-fifth (21 percent) were ruled on by courts in non-contentious procedure to establish a person's date and place of birth. One in nine respondents (11 percent) were unable to remember where and how their birth registration took place.

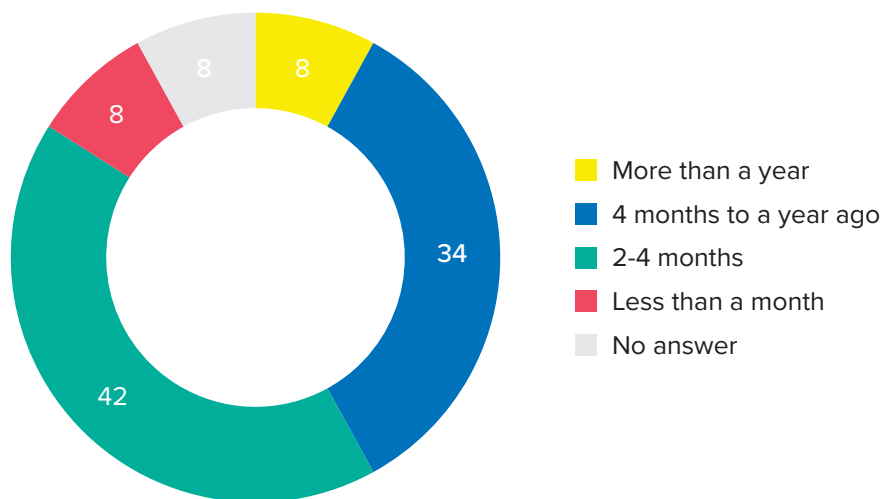
Most subsequent birth registrations were made more than five years before the survey (49 percent); in 26 percent of these cases the registration had been completed within the preceding five years; and 7 percent were registered within the 12 months immediately preceding the Survey. Residents of informal communities reported mainly receiving assistance for registration from NGOs (30 percent) and CSWs (20 percent).

This Survey found a total of 14 children under five years of age who had lacked birth registration. The vast majority (11 of the 14) had not been registered at birth even though most had been born in maternity

wards, mainly because the mothers lacked all requisite documents. All of these children were registered subsequently, with 9 first having had their personal names formally established by CSWs.

The subsequent birth registration procedure proved to be highly efficient in these 14 cases, and generally took less than four months to complete. One-third of the cases were completed within 60 days, and two-fifths were finalised within four months.

**Figure 5.3.2.** How long did the subsequent birth registration procedure take?



Depending on the criterion used, the number of persons at risk of statelessness ranged from 1,576 and 2,139. Individuals lacking four types of personal documents were considered to be at risk. Most respondents lacked temporary or permanent residence registration, followed by persons 16+ who did not have identity cards, persons without registered Serbian citizenship, and, lastly, individuals without birth registration.





## 6. KEY QUALITATIVE FINDINGS OF THE SURVEY

The primary objective of the qualitative part of the Survey was to build upon the findings of the quantitative portion by looking at the actions of stakeholders who directly or indirectly target statelessness in the Roma, Ashkali, and Egyptian community. In-depth interviews were selected as the most appropriate method for collecting this information. A tailor-made questionnaire was developed for each stakeholder group to identify actions taken to reduce and eliminate statelessness amongst the Roma, Ashkali, and Egyptians and understand the obstacles faced by the RAE population in both obtaining personal documents and exercising rights.

As such, the qualitative survey focused on:

- **Laws and regulations** relevant for statelessness in Serbia. The interviewees were staff of the **Office of the Ombudsman**, the Government watchdog that initiated a number of legislative amendments, as well as officers of the **Ministry of Public Administration and Local Government (MoPALG)** and the **Ministry of the Interior (MoI)**.
- **Exercise of rights by persons at risk of statelessness** and obstacles encountered by the relevant stakeholders in practice. The interviews were conducted with five local authorities (**Obrenovac, Čukarica, Kostolac, Bujanovac, and Leskovac**) and an NGO involved in this issue from the very beginning (**Praxis**), as well as with organisations dealing with the socio-economic dimension of statelessness amongst the Roma, Ashkali, and Egyptian population (**the A11 Initiative for Economic and Social Rights**).
- Lastly, the assessment also focused on the **next steps** to prevent the spread of statelessness in the RAE population. In addition to the Government institutions and local authorities mentioned above, the civil sector also provided valuable input in this regard.

### 6.1 Amendment of primary and secondary legislation

The most significant change of legislation in this area took place in **2012**, with the adoption of amendments to the **Law on Non-Contentious Procedure that introduced a new procedure for formal establishment of date and place of birth**.<sup>20</sup> This procedure is intended for individuals unable to obtain birth registration in the administrative procedure (which is often the case with those whose parents are deceased and so unavailable for the retrospective registration procedure, individuals whose parents also lack documents, and those unable to provide sufficient proof for other reasons). This piece of legislation was highly significant for many legally invisible Roma, who had previously been unable to secure birth registration for years. The amendments were initiated by the Office of the Ombudsman, which reported receiving many complaints from CSOs in 2009 and 2010 about the birth registration procedure, with the problem especially pronounced in the Roma population and IDPs from Kosovo and Metohija. In addition, field visits to Roma communities by the Ombudsman and CSOs concluded that improvements to legislation were needed to address inefficiencies.

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20 Law on Non-Contentious Procedure, Arts. 71a to 71j.



The Ombudsman initiated amendments to the Law on Non-Contentious Procedure in 2012, and the UNHCR and Praxis took part in drafting process.

Another major step forward was the **2011 Law on Temporary and Permanent Residence**,<sup>21</sup> which allowed persons residing in informal settlements without legal basis for tenancy to register another address, including of their local CSW, as their permanent residence. According to the institutions interviewed, this change removed all the remaining obstacles for issuance of identity cards, which requires registration of permanent residence. The following year saw the signing of a **Memorandum of Understanding (MoU) between the MoPALG, the UNHCR and the Ombudsman** which aimed at resolving issues faced by the Roma in accessing personal documents. This co-operation was extended in 2019 when the parties entered into a new agreement. Apart from contributing to legislative changes, the MoU proved highly significant in that it demonstrated that the authorities were committed to working on this issue together. Especially important were activities of the Technical Group under the first MoU, which will continue as the Operating Group pursuant to the 2019 MoU. In addition to the signatories, the Technical Group included other public authorities (the MoI, Ministry of Labour, Employment, Veterans' and Social Issues, Ministry of Justice, Ministry of Health, Belgrade City Administration (to name but a few) and civil sector. All respondents rated this type of co-ordination highly and saw it as an example of best practice in collaboration between Government bodies, independent state authority, the international organisations, and the non-governmental sector.

In October **2016, the Ministry of Health and the MoPALG initiated the 'Baby, welcome to the world' project**, which aimed at streamlining registration of children born in healthcare institutions. According to the MoPALG, the aims of this initiative have largely been met. This simplified procedure is regulated by the Instructions for Administrative Procedures in One-Stop-Shop Birth Registration. The Instructions envisage birth registration for children whose mothers lacked personal documents, but its non-binding nature means individuals still encounter problems.

The latest piece of legislation amended in this field is the **Law on Civil Registers, which took effect in January 2019**. Even though the institutions claimed the changes should remove the outstanding problems, the CSOs noted that this law had failed to regulate birth registration for children whose mothers lack personal documents, as two statutory instruments remain in force that prevent registration of all particulars of newborn children if their mothers are not in possession of personal documents.

October 2019 also saw the entry into force of the new **Free Legal Aid Law**, which stipulates the creation of free legal aid services at local authorities. This piece of legislation ought to ensure the most vulnerable individuals receive free legal aid, but its effects are yet to be felt. The complicated procedures mean that persons at risk of statelessness need legal advice to even be able to access free legal aid.

The **MoU** that was in force from 2012 and 2016 has had a tangible impact and resulted in progress with birth registration and access to documents. The MoI, MoPALG, and Ombudsman all noted that the

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21 Law on Permanent and Temporary Residence, Article 11.

amendments were accompanied by **much training for civil servants in direct contacts with persons at risk of statelessness** (including registrars, social workers, police officers, and judges). Moreover, the MoPALG and the Ombudsman made visits to informal settlements to identify the needs of RAE individuals and raise their awareness of options for birth registration. A **comprehensive outreach campaign** was also carried out.

Some of this legislation constitutes examples of best practice. One such rule is the procedure for establishing date and place of birth, which has served as a model for a similar regulation in Montenegro (in 2015). The use of CSW may also be a good option for addressing the lack of registered residence.

As part of its efforts to meet standards in the run-up to EU accession, Serbia has signed a **Readmission Agreement** that establish and regulate requirements and procedures for the repatriation of Serbian citizens or third-country nationals residing without permit in EU Member States. The Strategy for Reintegration of Returnees under the Readmission Agreement<sup>22</sup> establishes a system for admitting and sheltering these individuals and envisages numerous activities to facilitate their reintegration into local communities. The Strategy recognises that many returnees will be Roma and sets out the key issues faced by this population upon their repatriation to Serbia, including **access to personal documents**.

## 6.2 Exercise of rights in theory and practice

The above outlined activities have in recent years resulted in much progress towards eradicating and preventing statelessness in Serbia. **MoU signatories have dealt with a variety of issues of relevance for effective implementation of regulations.** The Office of the Ombudsman emphasises the importance of training for judges following amendments to the Law on Non-Contentious Procedure to acquaint them with new features of this piece of legislation. The Office of the Ombudsman reports a guide for judges has also been developed that explains all the steps required to establish a person's date and place of birth. These activities are significant as it was necessary to raise awareness amongst those in direct contact with persons at risk of statelessness that this group is highly sensitive and often faces straitened economic circumstances. Training of civil servants seems to have dispelled their initial lack of understanding for the undocumented persons and helped promote co-operation between institutions, particularly at the local level. Even though human capacity has improved in recent years (as reported by both CSOs and local authorities), there still remains room for improvement, especially amongst local civil registrars and social workers. It is imperative that training for civil servants continue. The Operating Group, created under the 2019 MoU, has faced challenges in 2020 due to the ongoing Covid-19 pandemic, but the authorities claim the Group will continue offering trainings and undertaking other activities as soon as the public health situation allows.

**In recent years, the relevant line ministries have issued several opinions and guidelines to facilitate the application of rules, standardise practices, and remove ambiguities as to how to proceed in particular situations.** The MoI and MoPALG underline that one objective for the future will be to identify any remaining

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22 2009 Strategy for Reintegration of Returnees under the Readmission Agreement.

obstacles to birth registration and access to documents for the Roma population and remove those constraints; particular emphasis will be placed on registering new-born children.

In 2019, **Praxis** also identified some practical issues.<sup>23</sup> Data collected by this NGO indicate that amendments to the Law on Non-Contentious Procedure have largely contributed to the reduction of the number of legally invisible persons, there remain obstacles in its implementation. The key issue here concerns lengthy procedures for establishing date and place of birth: even though the law requires this process to be completed within 90 days from application, the time limits are often exceeded. Additionally, applicants are frequently ordered to pay court fees, even though the law exempts them from having to pay procedural costs.

As has already been discussed, amendments to the Law on Permanent and Temporary Residence have to a large extent resolved issues with residence registration of those living in informal Roma settlements. **That being said, individuals already registered elsewhere are denied access to this option, even though they have been living away from their formal place of residence for years.** This problem especially affects IDPs from Kosovo and Metohija who now reside at addresses where they cannot register permanent residence. **An additional issue identified at two of the five local authorities interviewed involves CSWs.** Here, the residence registration procedure requires the local police station to send the residence registration form to the appropriate CSW for verification, which in effect means the CSW approves registration. In some communities, however, the CSWs are reluctant to follow this rule and refuse to verify registration forms, primarily due to limited human resources at the CSWs and the resulting belief they will not be able to meet the needs of the new beneficiaries. Such behaviour is contrary to instructions from the Ministry of Labour, Employment, Veterans' and Social Affairs, which requires CSWs to approve registrations of residence. It seems the situation has improved since the enactment of the Law on Permanent and Temporary Residence, but inconsistencies remain that indicate a need to continue raising awareness of social workers and improving CSW capacities.

The local authorities that took part in the Survey claimed they were investing efforts to ensure persons at risk of statelessness understood the importance of having a complete set of personal documents. **All local authorities agreed that there was often limited awareness of the requirement to register children at birth, have a personal identity card, or register permanent residence, and that this was driven by a variety of factors, including illiteracy, language barriers (especially in Bujanovac), fear, and mistrust of Government bodies amongst the Roma, Ashkalis, and Egyptians. (The local governments' staff interviewed agreed that the Roma community was highly mistrustful of the authorities.)** Most local authorities' actions are pursued in the field, in direct contact with individuals who live in informal settlements. All five local authorities felt co-operation with national institutions to address issues of RAE individuals at risk of statelessness was good,

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23 Praxis, Review of the remaining obstacles in exercise of the right to birth registration, acquisition of citizenship and permanent residence registration, 2019, available at: [https://www.praxis.org.rs/images/praxis\\_downloads/Review\\_of\\_the\\_remaining\\_obstacles.pdf](https://www.praxis.org.rs/images/praxis_downloads/Review_of_the_remaining_obstacles.pdf)

but emphasised the need for continuing joint activities and raising awareness amongst the RAE population of the importance of personal documents. Some local authorities are also working closely with NGOs (such as Bujanovac, Obrenovac, and Kostolac) and the UNHCR. Urban municipalities (in Belgrade and Požarevac) are primarily relying on their respective city/town administrations to serve as intermediaries whilst they benefit from this collaboration. The key NGO in this field is Praxis, as has been noted above.

Huge progress has been made in addressing the issue of legally invisible persons since 2011. **At that time, there were thousands of persons at risk of statelessness, with numbers in some local authority areas ranging from dozens to hundreds (such as in Bujanovac). The situation has now greatly improved, and the local authorities claim that the figures range from fewer than ten (as in Kostolac, Obrenovac, and Leskovac) to several dozen (in Southern Serbia and some parts of Belgrade).**

The NGOs surveyed also noted problems with application of the General Administrative Procedure Law, which requires authorities to use official channels to obtain the documents they need to substantiate an individual's identity. The law is applied properly in most cases, but at times civil servants will ask applicants to collect the documents themselves, alleging this will accelerate the process. (This issue was reported by both the A11 Initiative and some local authorities, such as Kostolac.) The Roma population is the most severely affected by such behaviour as their poor finances prevent them from obtaining a variety of documents (as this requires paying fees and, in some cases, travelling to one's place of birth).

Three of the five local authorities interviewed (Leskovac, Obrenovac, and Čukarica) have established free legal aid services. The local governments claimed no legally invisible persons had applied for assistance, and that most petitions involved Roma individuals seeking help with housing and education. Kostolac Municipality relies on the free legal aid service of its parent town, Požarevac, and the resulting expense of having to travel to town has constrained access for the most vulnerable and poverty-stricken groups, who are also most at need of free legal aid. A solution for this situation was found in co-operation with an NGO that has hired a lawyer to help the most vulnerable individuals once a week at the local Roma Office. The NGOs, by contrast, reported that the Free Legal Aid Law does not regulate this area appropriately and that staff of local free legal aid services, and especially law practitioners, lack experience in working with undocumented persons. As many legally invisible persons are also illiterate, in some cases the complex procedures and requirements for filing applications in writing using specific forms preclude access to legal aid for persons at risk of statelessness, or these individuals require legal advice before they can even access free legal aid.

**Internally displaced persons from Kosovo and Metohija** are a particularly vulnerable sub-group of the Roma, Ashkali, and Egyptian community, both generally and in terms of their risk of statelessness. According to the MoI and CSOs, the position of IDPs is especially difficult as civil registers for some parts of Kosovo have been destroyed or are missing or unavailable to Serbian authorities, requiring the authorities to reconstitute these records and re-register individuals. Even though these civil registers have now been reconstituted to a large extent and the situation is much better than before 2010, some persons have failed to provide documents to substantiate re-registration. **Internally displaced persons encounter multiple problems when registering permanent residence.** The Government Order on assessing compliance with requirements for issuance of passports to individuals in the territory of the Autonomous Province of Kosovo and Metohija requires

persons from Kosovo and Metohija to undergo additional checks when applying for passports or to register permanent residence. Even though the MoI claimed the Order did not apply to IDPs (in other words, holders of IDP certificates), **in many cases RAE individuals from Kosovo and Metohija are not formally registered as internally displaced persons.**

Local authorities claimed there were large numbers of returnees under the Readmission Agreement in Serbia, and that some of them face problems in obtaining personal documents. Obtaining returnees' foreign documents often requires complicated procedures and is usually not possible without support from the Ministry of Foreign Affairs. The NGOs that work with these persons on a daily basis also reported cases where civil registers abroad need to be updated to correct erroneously entered information. Finally, registration of permanent residence is often an issue in Serbia, primarily with returnees whose last registered permanent residence was in Kosovo.

### 6.3 Next steps

**The situation has improved greatly relative to 2011, when the first amendments were made to regulations to address the large number of RAE persons at risk of statelessness.** The Survey has also revealed that issues persist which preclude access to rights by at-risk individuals.

**Registration of birth and personal name, the key pillars of personal identity, obviously ought to be made possible for every child born in Serbia immediately after birth.** Article 7(1) of the UN Convention on the Rights of the Child requires its signatories to do so by stipulating that '[t]he child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.'<sup>24</sup> In Serbia, this right is not available to children of undocumented parents as they cannot be registered immediately after birth, as is the standard procedure.<sup>25</sup>

This is the fundamental problem reported by NGOs (Praxis and the A11 Initiative), **as new-born children of undocumented mothers cannot be registered.** At best, this means that they will remain undocumented and unable to access rights for a few months, in case their parents succeed in having them registered subsequently. Still, these children may remain at risk of statelessness indefinitely, as their parents may fail to register their birth or name, or obtain certificates of nationality for them. Changes to certain secondary legislation could help RAE individuals at risk of statelessness by breaking the vicious circle whereby the children of legally invisible persons face the same issue themselves.

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24 1989 Convention on the Rights of the Child.

25 According to the Regulation on the procedure for issuing notice of birth and content of notice of birth form for children born at healthcare institutions and the Instruction on keeping civil registers and civil register forms, parents must be in possession of birth certificates and personal identity cards (whereas foreign nationals need passports).

There is a need for continuing awareness-raising efforts and training for civil servants, including free legal aid providers, who are in direct contact with persons at risk of statelessness. In some cases, these civil servants are poorly receptive to the particular issues faced by the Roma in accessing documents, and may also infringe upon the principles of good governance by issuing oral rejections or requiring applicants to submit documents even though their authorities are allowed to access these data through official channels. Even though human capacity has certainly improved in recent years, much still remains to be done, especially locally, to train registrars, police officers, and social workers. This training specifically ought to be extended to staff of local free legal aid services.

**Registration of permanent residence** remains a fundamental issue. Since a person without a registered residence is unable to obtain an identity card, their children will be at risk of statelessness since a mother without an identity card cannot register her children directly at birth. The option for using the local CSW as the place of residence for individuals who otherwise lack legal grounds to register residence, introduced in Article 11 of the 2011 Law on Permanent and Temporary Residence, has greatly broadened access to residence registration. **Nevertheless, the findings of this Survey show that problems persist with access to this right (specifically for Roma displaced from Kosovo and Metohija).** Even though the CSWs initially resisted this move, especially given their limited capacity, the situation seems to be better now, **but inconsistencies remain at some CSWs owing to both ignorance of the procedure and lack of awareness amongst social workers.**

In practice it happens that **returnees under the readmission agreement either lack birth certificates altogether or do not have international ones, a requirement for re-registering with national records.** Issues are also evident with registration of permanent residence. To facilitate re-integration of these individuals upon their return to the country they need appropriate support to overcome the likely administrative issues they encounter when seeking to obtain documents. Particular emphasis was placed on the need for local institutions to work more closely with local trustees for refugees and migrations, as the trustees are in direct daily contact with these individuals.

**There is a pressing need for the RAE population to be made more aware of procedures for obtaining documents.** Roma co-ordinators, health workers (especially Roma health mediators), and teaching assistants are particularly important in this regard.







## 7. CONCLUSIONS AND RECOMMENDATIONS

This round of the Survey has confirmed the findings of the previous two rounds, revealing that **Roma, Ashkali, and Egyptian individuals, especially the internally displaced from Kosovo and Metohija, face higher risk of statelessness**. As these persons are unable to exercise their rights on a daily basis, there is a clear need to continue working to overcome the procedural and legal constraints that affect them. The UNHCR has been actively supporting the MoPALG, the institution directly tasked with civil registers, and other stakeholders involved in the regulation of this issue. The **2012 MoU** between the UNHCR, MoPALG, and Office of the Ombudsman has greatly facilitated the implementation of new laws and helped harmonise the practices of various public authorities, which has reduced the RAE population at risk of statelessness living in informal settlements by slightly more than 1,100 - a major improvement of as much as 42 percent relative to 2015. **The MoU was extended in October 2019, and the activities envisaged under it ought to address the remaining issues faced by persons at risk of statelessness**. This progress reveals that Serbia has dedicated much attention to addressing this issue, together with the UNHCR and human rights NGOs. Nevertheless, the number of undocumented persons and who are often marginalised and difficult to reach means there is a room for more efforts to enhance the position of this community and reduce the incidence of statelessness risk in Serbia. **It is worth noting that persons at risk of statelessness are particularly vulnerable, even within their communities and settlements, as measured by all demographic and socio-economic criteria.**

### **This includes:**

- 1) persons with below-average educational attainment;
- 2) persons who live in households that are both larger and poorer than the average;
- 3) one-half of the persons originating from Kosovo and Metohija or a neighbouring country;
- 4) persons who are more likely to live in slums or collective centres;
- 5) fewer than one-third of this population can afford food and personal hygiene products; and
- 6) the Serbian language is less likely to be used in these households, which can pose an additional obstacle for communicating with them and hinder their integration.

The Survey was conducted on a sample of **1,807 households living in informal settlements throughout Serbia, excluding Kosovo and Metohija. These settlements are home to a total of 9,218 persons**. The Survey covered 56 municipalities and towns throughout Serbia with a larger proportion of the Roma population than the national average according to the 2011 census. The findings reveal that informal settlements are currently home to **253 persons with no birth registration, 275 individuals who lack any nationality, 1,023 persons without identity cards, and 2,027 persons with no registered temporary or permanent residence.**

Using the methodology applied in previous rounds of the Survey, where indicators of statelessness risk were lack of birth certificate; lack of citizenship; and lack of identity card, would reduce the number of households at risk of statelessness to 128, and the number of persons in them at risk to 255. It is worth mentioning, however, that the number of individuals without registered permanent/temporary residence,



who are also considered at risk of statelessness according to the new iteration of the methodology, has risen in comparison with the prior two survey rounds. This means 2.9 percent of all individuals in the households sampled (9,218) are at risk of statelessness, as compared to the 3.9 percent in 2015.

By region, the statistical regions of Belgrade and Southern Serbia are home to the greatest share of persons at risk of statelessness, the same as in previous rounds of the survey. The key drivers of risk of statelessness in these populations are lack of identity cards and permanent or temporary residence registration.

The Survey has revealed a **drop in the number of RAE individuals at risk of statelessness lacking birth registration** relative to 2015. They now account for 0,45 percent of those surveyed, in contrast to the 1 percent seen in 2015. Ignorance of the procedure and absence of documents to substantiate registration (at 28 percent each) were the most commonly reported reasons for not being registered with the civil register of births. This finding indicates that more work ought to be done to **raise awareness amongst persons at risk of statelessness about birth registration procedures and give them appropriate support to become registered**. One-half of unregistered respondents who attempted to obtain registration reported not knowing why they were refused, and 38 percent claimed their applications had been refused orally and no formal decisions were issued. These examples are breaches of the principle of good governance and **show the need for more training for civil servants who come into direct contact with persons at risk of statelessness** to educate them about the specific characteristics of this group.

The 2011 **Law on Permanent and Temporary Residence** has allowed RAE individuals living in unlegalized homes in informal settlements without legal basis for tenancy to register their local CSW as their permanent residence and subsequently obtain identity cards, which was in some cases the first time that some of these persons were able to do so. However, the Survey has shown that **as many as 57 percent of those at risk of statelessness lack residence registration**. This is the highest figure in the three rounds of the survey, and makes it apparent that greater efforts are needed to apply the law in practice. **Persons who lack residence registration are more likely to be IDPs from Kosovo, which is not surprising given the issues they face when registering permanent residence**. Inconsistent application of procedures by CSWs may also be behind the rising number of RAE individuals with no registered permanent residence. As such, more work must be done to **sensitise civil servants in direct contact with persons at risk of statelessness and enhance institutional capacity**.

In spite of the progress with addressing issues faced by Roma at risk of statelessness revealed by this Survey, additional efforts are clearly needed to resolve the outstanding issues and provide assistance for the remaining population at risk and allow them to exercise their rights:

- **Registration of children of undocumented mothers should be allowed immediately at birth**. These children may remain at risk of statelessness indefinitely, as their parents may fail to register their birth or name, or obtain certificates of nationality for them. One option for doing so would be to amend the Regulation on the procedure for issuing notice of birth and content of notice of birth form for children

born in healthcare institutions and the Instruction on keeping civil registers and civil register forms, which mandate that parents must be in possession of birth certificates and personal identity cards when notifying the birth of a child.

- **More training is needed for civil servants who come into direct contact with persons at risk of statelessness** to educate them about the specific characteristics of this group and avoid violation of the principles of good governance, such as refusing applications orally or requiring them to obtain documents that the authorities are able to secure via official channels.
- It is especially important to **continue training and connecting all civil servants involved in these issues**. There is a space to work more at the local level to build capacity amongst registrars, police officers, and social workers, as well as staff of free legal aid services. Local trustees for refugees and migrations, who are in direct daily contact with individuals returning to Serbia under readmission agreements and have problems in obtaining personal documents, should also be included in these trainings.
- The Survey has shown that **many persons at risk of statelessness have no permanent residence registration, as well as that individuals from Kosovo and Metohija are more likely to face issues with residence registration. Every Serbian national must be allowed to register their permanent residence whilst implementing regulations consistently**. Where a person is not able to register their home address as their residence, they must be allowed to use the CSW address or that of their spouse or parent. It is also necessary to address the impact of the Government Order on assessing compliance with requirements for issuance of passports to individuals in the territory of the Autonomous Province of Kosovo and Metohija on the ability to register residence in their current place of residence, and so facilitate registration of residence for persons from Kosovo and Metohija.
- The Survey has shown **an increase of persons who do not possess an ID card among the RAE population** living in informal settlements. The most frequent reasons cited for this are lack of resources and inability to pay the taxes related to issuance of the document that all the Serbian citizens over 16 are obliged to have. Thus, a recommendation to **review the possibility of waiving the obligation to pay for technical processing of identification cards and the costs of identity card forms for the socially vulnerable categories**.
- **It is particularly important to continue raising awareness of the RAE population about the importance of possessing all documents**. Apart from motivating the Roma, Ashkali, and Egyptian community, fieldwork by Roma co-ordinators and Roma health mediators is also crucial as they often initiate procedures.
- **Provision of free legal aid by local services should be simplified and better adapted to the needs of end beneficiaries. In order to reach the most vulnerable persons in need of free legal aid, it is very important that specialised NGOs continue operating in this field**. This would address the absurd situation where legally invisible persons, some of whom are illiterate, need legal counsel to access free legal aid, due to either the complexity of these procedures or the fact that some applications must be made in writing and on specific forms.





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