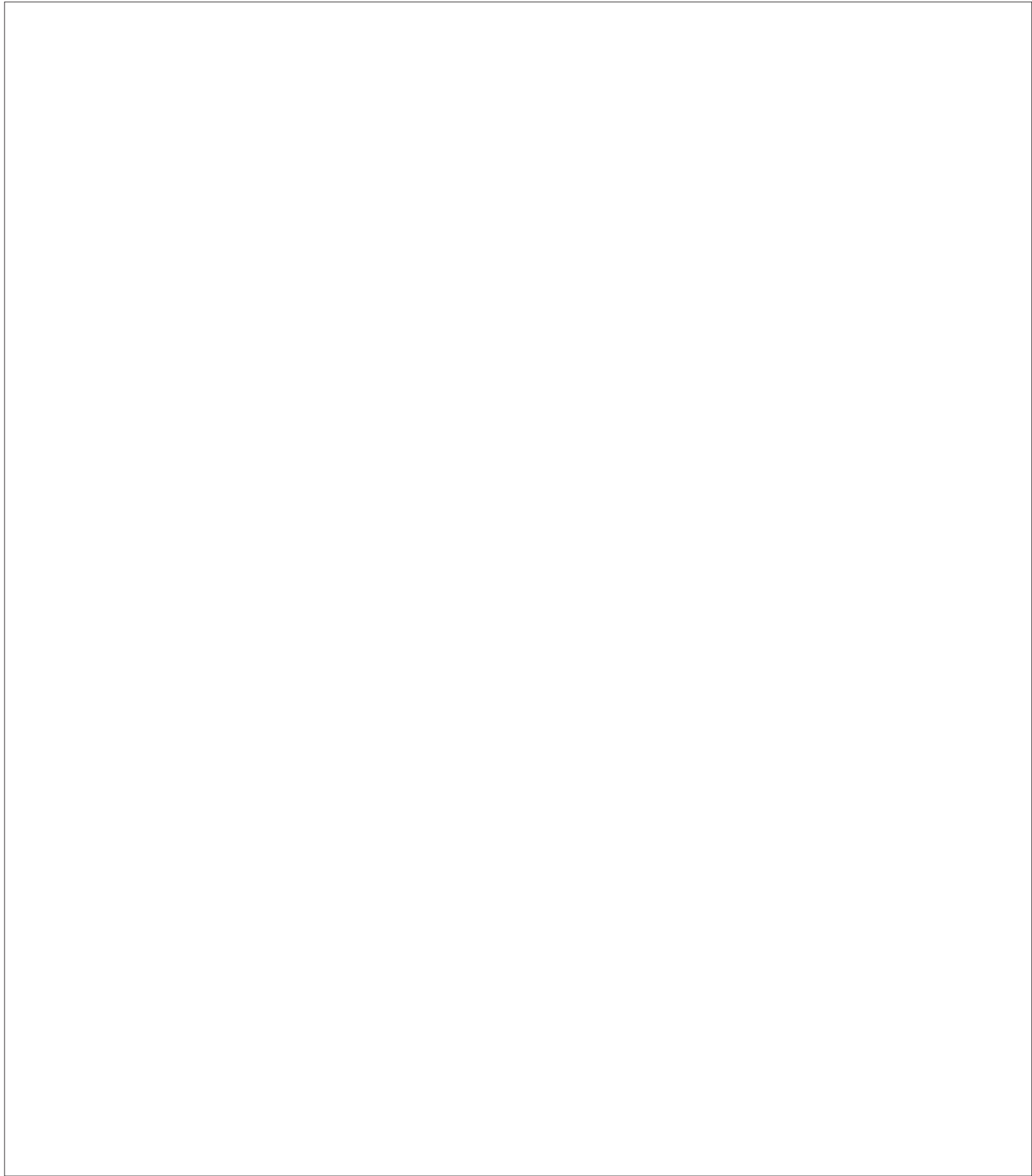




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PERSONS AT RISK OF STATELESSNESS IN SERBIA

June 2011.



EXECUTIVE SUMMARY

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EXECUTIVE SUMMARY

The present report offers basic information on the situation of households and persons at risk of statelessness. It is based on a survey carried out by IPSOS Strategic Marketing for the needs of the United Nations High Commissioner for Refugees (UNHCR) in Serbia.

Objectives:

1. Establish the number of persons at risk of statelessness faced with serious obstacles in obtaining personal documents;
2. Identify and map locations where such persons predominantly reside;
3. Determine the awareness of such persons about the need to possess personal identification documents and citizenship;
4. Record or identify the cause for the lack of personal documents

Main characteristics of persons at risk of statelessness:

- Among the Roma, Ashkali and Egyptians population, 6.8%¹ of them have been identified as at risk of statelessness, of whom:
 - 21% are minors;
 - 26% are internally displaced persons (IDPs) from Kosovo²;
 - 54% live in illegal settlements.

Socio-economic status of persons at risk of statelessness:

- 47% live on seasonal jobs;
- 37,5% live off scrap material recycling;
- 36,5% live off social assistance;
- 75% do not have enough money to meet the dietary and basic hygienic needs;
- More than 80% have no money for other surveyed needs – paying bills, health care and education related expenses, clothing and footwear, as well as expenses for sports, entertainment, cultural activities.

¹ According to the most updated information in the Government's response to the EC Questionnaire it has been noted that "most of the researchers estimate that there are some 450.000 Roma residing in Serbia". Using the researchers' estimate there would be some 30.000 Roma, Ashkali and Egyptians at risk of statelessness.

² The number of Roma, Ashkali and Egyptians who are internally displaced from Kosovo and are at risk of statelessness is disproportionately higher.

Lack of documents among persons at risk of statelessness in RAE population:

- 5.4% have no identity card³;
- 1.5% are not registered in birth registries⁴;
- 3% do not have registered permanent/habitual residence⁵;
- 2.3% are not registered in citizens' registries⁶;
- 1.05% lack both an identity card or IDP card⁷.

Reasons for lack of documents:

- Non-registration in birth registries and/or non-possession of birth certificates and, consequently, of other necessary documents;
- High cost of obtaining documents;
- Complicated procedures (many do not understand processes);
- Rejection by institutions due to incomplete documentation;
- Extreme social marginalization of a growing number of persons resulting in, among other things, ignorance of legal procedures, fear of coming forward and a belief that authorities will not assist them.

Consequences of the lack of documents:

- Thousands of persons in RAE population encountered problems due to lack of documents;
- In approaching institutions, the main obstacle to the exercise of rights recorded was the lack of adequate information or service;
- Most frequent problems faced are lack of access to health care and social assistance.

³ Considering the research estimates quoted by the Government of Serbia in the EC Questionnaire there would be approximately 24.300 persons without an ID card among the Roma, Ashkali and Egyptians in Serbia.

⁴ Considering the research estimates quoted by the Government of Serbia in the EC Questionnaire there would be approximately 6.750 persons that are not registered at birth among the Roma, Ashkali and Egyptians in Serbia.

⁵ Considering the research estimates quoted by the Government of Serbia in the EC Questionnaire there would be approximately 13.500 persons without registered residence among the Roma, Ashkali and Egyptians in Serbia.

⁶ Considering the research estimates quoted by the Government of Serbia in the EC Questionnaire there would be approximately 10.350 persons that are not registered in the citizen's registries among the Roma, Ashkali and Egyptians in Serbia.

⁷ Considering the research estimates quoted by the Government of Serbia in the EC Questionnaire there would be approximately 4.725 persons lacking both ID and IDP cards among the Roma, Ashkali and Egyptians in Serbia.

1. STATELESS PERSONS

Nationality represents a legal bond between a person and a State. It provides people with a sense of identity and, more importantly, enables them to exercise a wide range of rights. Article 15 of the Universal Declaration of Human Rights affirms that “everyone has the right to a nationality”. It is therefore recognised that every individual, everywhere in the world, should hold a legal bond of nationality with a state.

The lack of any nationality, statelessness, can therefore be harmful, in some cases devastating to the lives of the individuals concerned. Statelessness often limits access to birth registration, identity and travel documents, education, health, employment, housing, political participation and freedom of movement. One of the causes of statelessness can be forced displacement, but it can also lead to forced displacement. Other possible causes of statelessness could be the exclusion of (or failure to include) specific groups from the body of citizens, gaps in nationality legislation, administrative obstacles, state succession, lack of birth registration and documentation, etc. Today, there are an estimated 12 million stateless people worldwide. They are not considered as nationals by any State under the operation of its law.

The UN General Assembly selected UNHCR for the task of assisting States to protect stateless persons and to resolve statelessness situations not only because refugee and statelessness problems sometimes overlap, but also because protection of stateless persons requires, in many ways, an approach similar to dealing with refugees.

There are two crucial international instruments in the area of statelessness - the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. While the 1954 Convention provides a definition of stateless persons and establishes an internationally recognized status for stateless persons, which provides them with specific rights, the 1961 Convention provides States with tools for avoiding and resolving cases of statelessness.

Serbia is a Party to the 1954 Convention, but has not yet acceded to the 1961 Convention, although its nationality legislation is in line with the Convention. While Serbia already has in place a basic legislative framework relating to statelessness issues, mechanisms for identifying stateless persons and its administrative capacities for the protection of those identified as stateless persons should be further improved.

With many years of field experience in Serbia, UNHCR has identified that the problem of statelessness, or being at risk of statelessness, disproportionately affects the Roma, Ashkali and Egyptian population. Due to marginalization and often discrimination, the Roma, Ashkali and Egyptians are often not able or do not feel capable to access birth registration and/or personal documents. As a result, they are unable to establish/prove their nationality and effectively enjoy basic social, economic, cultural and political rights and thus are at risk of being stateless. This problem is often carried over from generation to generation.

The conflicts in Western Balkans in the 1990s and the forced displacement that followed have exacerbated this problem, such as loss of documents during flight and the destruction of archives. UNHCR has also identified that there are legal gaps (subsequent registration) and administrative obstacles (re-registration and registering residence) in Serbia that hinder the marginalized communities from obtaining documents and going through the subsequent registration procedures. The legal gaps are reflected in a lack of material and procedural norms for the procedure of subsequent registration in the Serbian Law on Registry Books, which results in arbitrary decisions by competent bodies, diverse interpretation and conditions of proof, leading to legal uncertainty, inefficient and complicated procedures. The obstacles include fees and costs of travel to obtain documentary proof for the vulnerable group of RAE population.

It is noteworthy that Serbia is State Party to the Framework Convention on the Protection of National Minorities and has guaranteed to national minorities “the right to equality before the law” and the prohibition of discrimination. The State also undertook to adopt adequate measures to promote the effective equality taking into account “the specific conditions” of these persons and this “shall not be considered as an act of discrimination”

UNHCR’s activities to address the problems in the field of statelessness in Serbia vary from advocacy, awareness-raising and sensitisation at all levels, to direct assistance to individuals concerned to address the specific problems faced. UNHCR in Serbia has been providing direct assistance to persons at risk of statelessness, particularly focussing on the Roma, Ashkali and Egyptians communities through EU funded projects. UNHCR’s legal implementing partner “Praxis” has been providing free legal aid to assist persons at risk of statelessness in obtaining documents and initiating procedures of subsequent registration and re-registration. In the last four years, through UNHCR’s projects implemented by Praxis more than fifteen thousand diverse documents were provided to persons at risk of statelessness in Serbia and over 2,500 procedures of subsequent registration into birth registries initiated. Also, more than a thousand persons were assisted in obtaining ID cards and thousands were helped in accessing basic social and economic rights.

With the US Government funds, UNHCR implemented a project to automatize the registry offices dislocated from Kosovo to Krusevac, Kragujevac, Kraljevo and Vranje. The Project brought the registry books into order, preserved the data through digitalization and removed existing bottlenecks, thus facilitating speedier and efficient issuance of civil status documents for persons displaced from Kosovo and at risk of statelessness.

Addressing the issue of “persons at risk of statelessness” and the legislative gaps related to subsequent registration, UNHCR and its partners (OSCE, Praxis and the Centre for Advanced Legal Studies) proposed to the Serbian authorities the possibility of adopting a “*Model Law on Legal Subjectivity*”. The idea is to simplify procedures to the maximum extent possible in order to make the challenge of subsequent registration less daunting for the growing number of marginalized individuals. If adopted the Model Law would be a *lex specialis* with a limited time of duration not exceeding one year, which would enable action of the State in accessing and resolving the persons at risk of statelessness who have not been registered at birth. The ultimate goal is to find a pragmatic solution for the legally invisible and others in need of documentation.

2. METHODOLOGY

This report offers basic information on the situation of households and persons at risk of, i.e., of becoming stateless persons. It is based on the survey carried out by IPSOS Strategic Marketing for the needs of UNHCR in Serbia.

While it is not possible to know the current exact number of Roma, Ashkali and Egyptians in Serbia, there are various estimates that have been provided⁸. The results of the Survey are based on an estimate of the growth pace made by the Serbian Statistical Office (RZS) and the United Nations Development Program (UNDP) following the 2002 Population Census⁹. The forthcoming population Census to be conducted in October 2011 is expected to provide accurate data¹⁰.

The survey was carried out in the second half of 2010 in the territory of Serbia (excluding Kosovo) among households with at least one member who has declared himself/herself as a Roma, Ashkali or Egyptian. The sample was a two-stage stratified random sample in order to provide representiveness of the data. Primary selection units were constituencies in settlements with Roma population, selected proportionally to the size of the estimated Roma population. A list of all settlements was provided by UNHCR. In the second stage, households were chosen with equal probabilities, and selected by the method of random start and equal random walk. The sampling interval was 3. The sample covered 1,930 households and 9,568 individuals.

The data was collected through face-to-face interviews. The interviewer recorded basic information on the households in an interviewer's diary (which contained information about the result of visit, the number of household members and their possession of documents) until a household with at least one person without an ID card was identified.

It should be mentioned that a weighted sample was used in the analysis. The weighting was carried out according to the region, type of settlements, gender, age category and education.

The objective of the survey was to:

1. Determine the number of persons at risk of statelessness facing serious obstacles in obtaining personal documents;
2. Identify and map locations where such persons predominantly reside;
3. Establish the level of awareness of such persons regarding personal documents and nationality;
4. Record or identify the cause for the lack of personal documents.

⁸ In the response of the Government of Serbia to the EC Questionnaire, it has been indicated that "in 593 settlements there were 201.353 domicile and 46.238 internally displaced Roma" and that "most of the researchers estimate that there are 450.000 Roma residing in Serbia".

⁹ According to this, there are some 130.000 Roma, Ashkali and Egyptians in Serbia (excluding Kosovo).

¹⁰ The final results of the 2011 Population census will clarify the number of Roma, Ashkali and Egyptians in Serbia, enabling UNHCR to identify the exact numbers of persons at risk of statelessness on the basis of the percentage established in this Survey.

The survey covered several aspects of the problem of lack of personal documents:

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

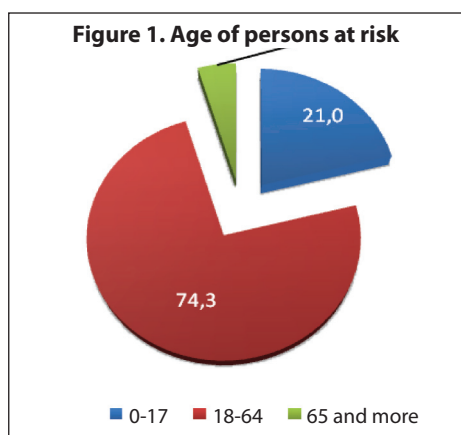
Possession of documents was surveyed in several ways. The first step was to establish whether household members have valid identity cards, passports and personal identification number for minors, followed by more detailed research in those households where there are members without some of the basic documents.

3. SURVEY RESULTS

3.1. Main characteristics and material status of households

Demographic characteristics

Among the total population of the Roma, Ashkali and Egyptians in Serbia, persons at risk of statelessness¹¹ account for 6.8% respondents¹². Their percentage is higher (14%) among persons displaced from Kosovo.



The age structure of households shows that the Roma, Ashkali and Egyptians population is considerably younger than Serbia's overall population. The average age of those persons is 27.76, while the average for citizens of Serbia is 41.2. The average age of persons at risk of statelessness is 31¹³. Gender representation is balanced, with almost equal percentages of males and females.

The average household has 3.32 members, and nearly 15% live in households with more than five members. Regarding education, 37.8% persons at risk of statelessness above the age of 15 have no formal education, 52.9% attended only elementary school, while 6.8% attended secondary school. While the sample is small, it is indicative that 61.5% children of elementary school age who are at risk did not attend school during the current school year.

Table 1. Nationality – estimate made on the total RAE population

	PERSONS AT RISK	TOTAL
SERBIAN	81,0%	96,8%
MACEDONIAN	4,0%	0,8%
OTHER	2,7%	0,9%
UNKNOWN	12,3%	1,5%
TOTAL	100,0%	100,0%

¹¹ Persons without a valid identity card above the age of 18 and persons without a personal identification number below the age of 18.

¹² The exact number of Roma, Ashkali and Egyptians in Serbia will be known after the 2011 Population census results are published. If the estimates of researchers quoted by the Government if Serbia to the EC Questionnaire are used, the number of persons at risk of statelessness would be approximately 30.600 persons.

¹³ A majority of them is in the 18–64 age-bracket

The language that is predominantly spoken in households with persons at risk is the Romani language (46/8%), followed by Serbian (31%), and 13% speak both Romani and Serbian, while Albanian is spoken in 3% of such households.

Most persons at risk of statelessness declare themselves as Roma (91.5%). The question about nationality shows that a significant percentage of persons at risk did not declare their nationality. Furthermore, a higher percentage of Macedonian nationals were recorded among the persons at risk compared to the overall RAE population.

A majority of the Roma, Ashkali and Egyptians were born in the place where they currently live. However, persons at risk of statelessness are more often born in Kosovo than the overall RAE population (Figure 2). Likewise, most persons at risk lived all their lives in central Serbia (59.4%), but one has to notice once again a significant number of persons who came from Kosovo prior to and after the conflict in Kosovo (32.9%).

The distribution by region shows that the largest number of persons at risk is situated in the territory of Vojvodina and Belgrade, while the Roma, Ashkali and Egyptians are generally most numerous in Southern Serbia. Persons at risk who fled or left Kosovo after or before 1998 account for the highest percentage of that population in Vojvodina and Belgrade (66.1%).

More than a half of the settlements where persons at risk of statelessness live are illegal squatter settlements (54.2%), while 22.8% are semi-legal settlements where one or two houses are built legally and others around them illegally, whereas the percentage of the RAE population in general that live in illegal settlements is 39.6% and 29.7% in semi-legal settlements.

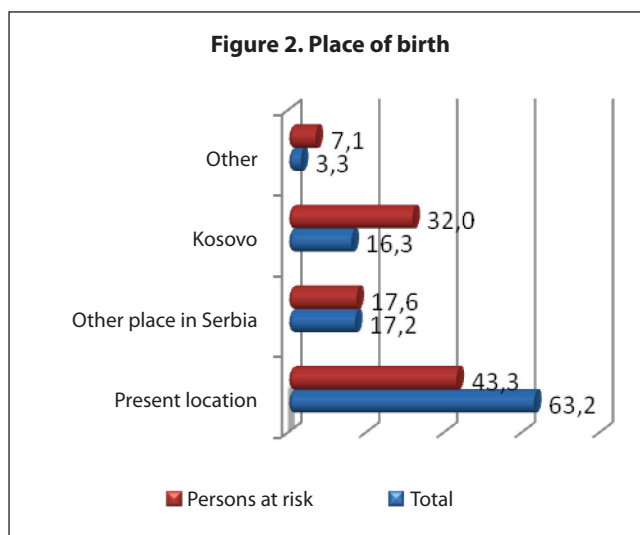
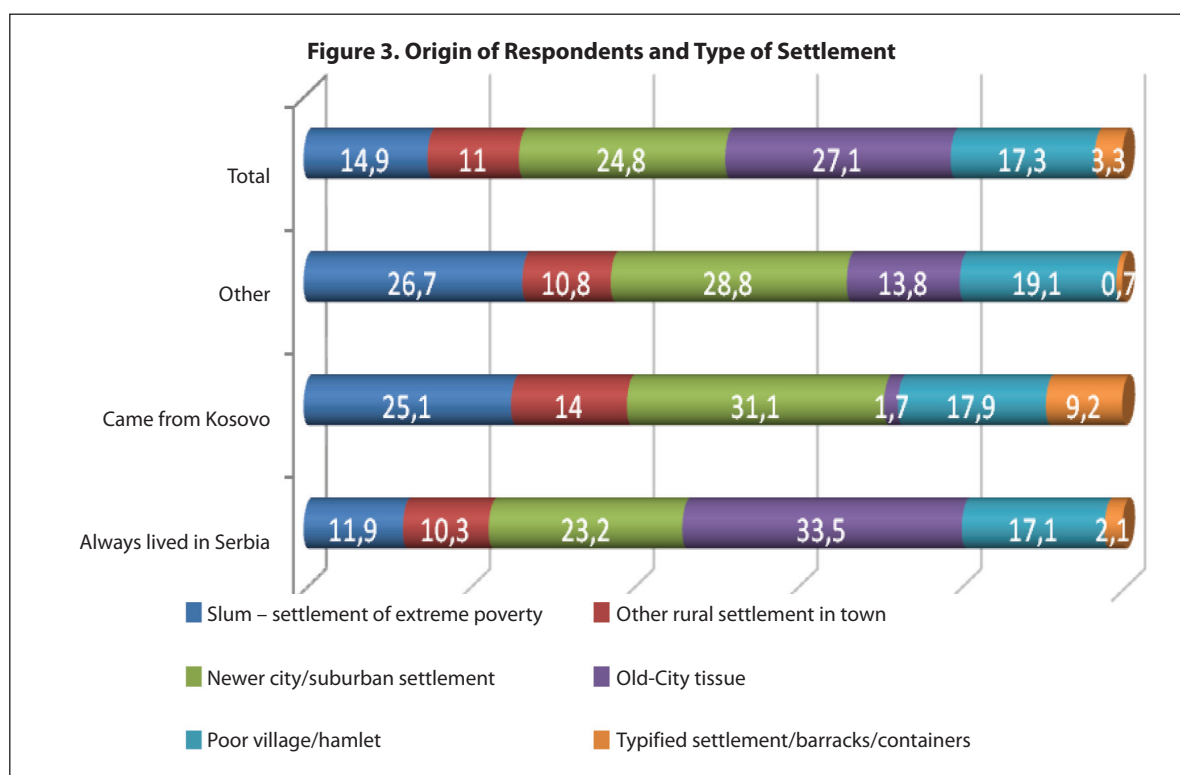


Table 2. Regional division – estimate made on the total RAE population

	PERSONS AT RISK	TOTAL
VOJVODINA	29,8%	25,7%
BELGRADE	34,6%	22,9%
WESTERN SERBIA	2,7%	4,8%
CENTRAL SERBIA	4,9%	7,4%
EASTERN SERBIA	8,1%	7,8%
SOUTHERN SERBIA	19,8%	31,4%
TOTAL	100,0%	100,0%

Seventy-five percent of persons at risk of statelessness live in or near urban areas. Looking at distribution according to the place of residence, most of them live in older, isolated and rural settlements within towns (27%), then in slums (24.4%) and poor villages (20%).



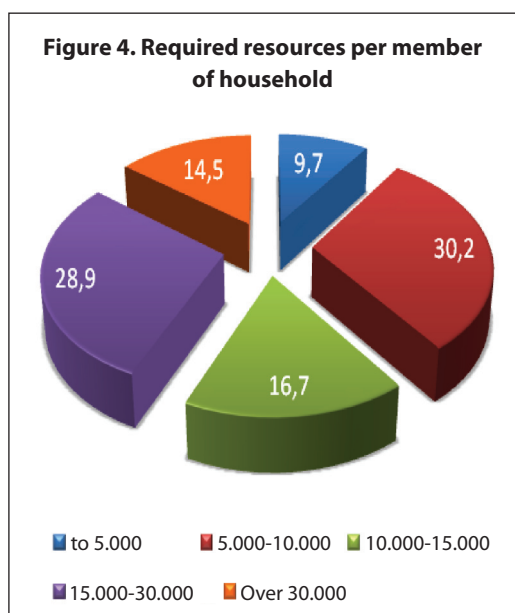
Material status

Sources of income of households with members at risk include seasonal jobs (47%), waste material recycling and trading in scraped objects (37.5%) and social benefits (36.5%).

Precisely the three mentioned sources of income are listed and main income sources in almost equal percent (around 23%). Persons at risk who live in illegal settlements (48%), as well as those originating from Kosovo (51%), are more engaged in collecting raw materials.

According to respondents, the average monthly amount required for covering basic costs per member of the household is 20.816 dinars. Almost a third of households believe that the required amount ranges between five and ten thousand, while another third believes that they need an amount ranging from 15,000 to 30,000 per household member.

The lack of funds for basic needs, such as food and hygiene, constitutes the main problem for 75% of households. Slightly more than 80% have no money for other surveyed needs – paying bills, health care and educational expenses, clothes and footwear, as well as expenses for sports, entertainment and cultural activities.



3.2. Possession of documents

Possession of documents was surveyed in several ways. The first step was to determine whether household members have valid identity cards, passports and personal identification numbers for minors, followed by more detailed research in households in which there are members without some of basic documents.

The findings show that a majority of respondents who are of age do not possess valid passports. Bearing in mind that the mentioned document is not one of the essential documents for the exercise of rights, it is far more important to have an identity card and a personal identification number. The findings show that more than 5% of adult Roma, Ashkali and Egyptians do not have valid identity cards, and 1.5% of children do not even have a personal identification number.

Table 3. Possession of documents – estimate made on the total RAE population

	VALID PASSPORT FOR OF AGE MEMBERS	VALID IDENTITY CARD FOR OF AGE MEMBERS	PERSONAL IDENTIFICATION NUMBER FOR UNDERAGE MEMBERS
HAS, SHOWED	21,5%	60,1%	71,5%
HAS, NOT SHOWED	17,4%	31,2%	24,7%
HAS NONE	60,6%	8,6%	3,9%
REFUSES TO ANSWER	0,5%	/	/
TOTAL	100,0%	100,0%	100,0%

A survey carried out among displaced persons in 2010 by the Serbian Statistical Office shows a similar situation when it comes to the population of internally displaced Roma¹⁴. According to the findings of that survey, a little less than 11% do not have identity cards, and the same goes for the possession of birth certificates.

Most households with persons at risk of statelessness are aware of the importance of having documents, bearing in mind that 81.3% claims that it is extremely important to have documents, and 12% that it is fairly important. However, from the level of their engagement in obtaining documents, some 70% of persons at risk have not attempted getting their documentation in order. This will be further elaborated in the analysis of the lack of concrete documents that were examined.

The findings to be presented in the chapters that follow are related exclusively to persons who reported the lack of a document, that is, to 6.8% of the surveyed population¹⁵.

It is important to mention that it has been established that independent variable examination had a weak impact on the non-possession of documents (sex, age, region, origin, ethnic affiliation, etc.). The impacts presented in the analysis below have been recorded.

¹⁴ The survey „Needs Assessment for Displaced Persons in Serbia“ was taken for the needs of the Office of the Commissioner for Refugees of the Republic of Serbia and UNHCR in late 2010.

¹⁵ According to the most updated information in the Government’s response to the EC Questionnaire it has been noted that “most of the researchers estimate that there are some 450.000 Roma residing in Serbia”. Using the researchers estimate there would be some 30.000 Roma, Ashkali and Egyptians at risk of statelessness.

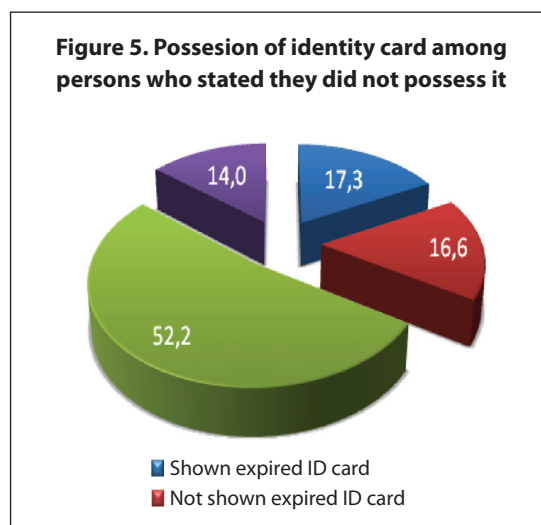
3.3. Identity card

Some 5.4% of persons at risk of statelessness have no identity card. Slightly more than a third of such persons have identity cards whose validity has expired, of whom a half was able to show it, while the other half was not. For 14% data does not exist.

The expired identity cards for the most part were issued by the state of Serbia, with Macedonia, Kosovo and Italy being only sporadically the issuing countries of that document.

The reasons for the non-possession of identity cards are manifold (Figure 6). *High costs of obtaining an identity card constitute a significant obstacle for 58.3% of persons at risk of statelessness.* Almost 33% persons have identity cards whose validity has expired, while around 27% report the lack of birth certificates or lack personal identification number, which prevents them from obtaining identity cards. Likewise, the percentage of those who cannot prove their nationality in order to be able to exercise the right to an identity card is considerable. Almost the same percentage of persons at risk has a problem with residence registration and sees the documentation procedures as too complicated for their understanding.

Among persons at risk who reported the lack of identity cards, 68% of them never tried to get one, while 21.7% were refused, 3% is in the process of obtaining it and 1.4% have given up. The main reason for the refusal, according to the respondents, is the lack of necessary documentation for obtaining an identity card.



3.4. Birth certificate

3.7% of the general Roma, Ashkali and Egyptian population in Serbia lack birth certificates, while the number among RAE persons at risk of statelessness is much higher (59%). A fact of special concern, however, is that 1.5% of the RAE population has not been registered in birth registries¹⁶.

From among those who do not possess birth certificates, a half claim that they have been entered into the registry: 75% claim that they were registered in Serbia, 15% in Kosovo, 4% in Macedonia, while the remaining 6% is distributed among six different states (Montenegro, B/H, Croatia, Sweden, Denmark and Italy).

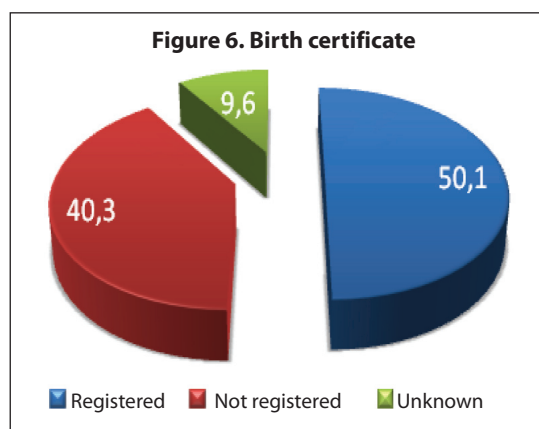
The percentage of non-registered is a bit higher among the Ashkali (9%), but their number is too small for making a reliable estimate. There are more non-registered persons in Belgrade (5%), as well as among minors (3.1%).

The reasons for the non-possession of certificates and the non-registration in the birth registry are closely connected. The main reason for non-possession of these certificates is the failure to be registered at birth. This represents a major problem among minors (72%), and the main reason for that is the *lack of documents or registration in the birth registries of their parents, because almost 60% of them do not have the required documents, and 19.4% of them have not been registered at birth*. The lack of birth certificates is more pronounced in illegal settlements (around 58%).

High costs of obtaining these certificates, as well as of the procedure for registration into the registries, also constitute a serious obstacle, as do the lack of information about the procedure and the impression that procedures are too complicated.

The respondents have tried to obtain birth certificates in 44% cases, but only 10% actually succeeded in doing so. Sixty-five percent of them were refused: 31% of these cases were refused because they are not registered at birth, 17% of respondents gave up, primarily due to the high cost of the procedure (59%) and the long distance they needed to travel to process their documentation with the competent authorities (32%).

Among those who are not registered at birth, 70% never tried to register, while 25% tried but were refused. **The most important reason for the refusal is the non-possession of all necessary documents.**



¹⁶ The non-possession of birth certificates does not constitute a dramatic problem if a person has possibilities to obtain that certificate without major obstacles.

3.5. Residence registration

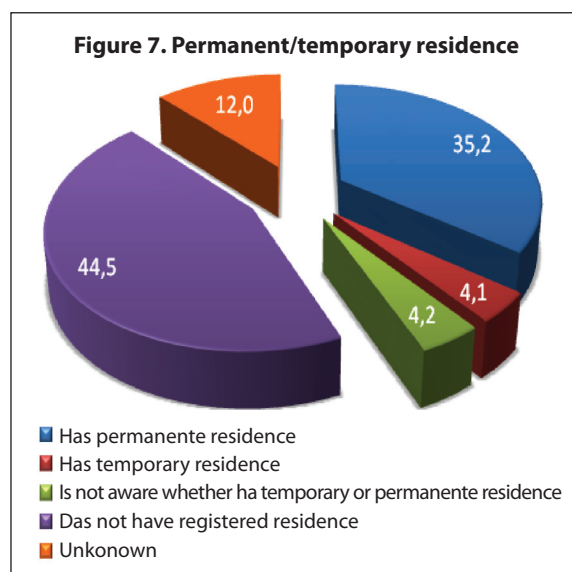
Almost half of the persons at risk of statelessness do not have registration of either habitual or permanent residence. The estimate is that there are 3% of such persons at the national level.

Most persons who claim that they have permanent or habitual residence could not, or did not want to present a registration certificate for review. It was done by a mere 18% of those who claim to have permanent residence and 10% of those with habitual residence.

Although a small number of the Ashkali and Egyptians are in the sample of persons at risk of statelessness, it is still indicated to conclude that almost none among them had a residence registration certificate, that is, permanent residence.

A significant difference can be noticed based on age, considering that 38% of persons of age at risk of statelessness have no habitual/permanent residence, while among minors that percentage is 93%.

Perhaps the most important reason for many not being able to obtain a birth certificate is directly related to the lack of habitual or permanent residence. Registration of residence is not possible because these persons live in illegal settlements, that is, they have no legal address. This problem is faced by more than a half of persons at risk of statelessness who live in illegal settlements, that is, 5% of the overall RAE population in illegal settlements. One fourth of persons without habitual/permanent residence have tried to register residence, but were refused. The majority, 50% were refused because of a lack of required documents, 17% could not prove the intention to settle permanently, 14% on account of living in illegal settlements, while 11% cited their origin from Kosovo as a reason for refusal. Seventy-five percent of persons never tried to obtain permanent and/or habitual residence.



3.6. Records of citizens

Most persons at risk of statelessness (67%) have no certificate of nationality. Among them, less than a third claim that they are entered into the records of citizens. Eighty-seven percent of such persons claim that they are registered in Serbia, 6% in Kosovo and 6% in Macedonia. According to estimates, at the level of the RAE population there are 2.3% of persons who are not entered into records of citizens.

Inhabitants of illegal settlements (68%) account for the most numerous segment of those who are not registered in the records of citizens. The Ashkali are somewhat more often unregistered as citizens, moreover they do not have a certificate of nationality in any single case. It was confirmed that there are more non-registered persons in Belgrade (6.6%), as well as among those who are not domicile population (6.1%).

When asked about the reasons for their non-registration as citizens, a majority of them (41.6%) mentions the cost. The next reason that is cited is the complicated procedure for the persons who are not in the records (35.3%) and the lack of information on the procedure (24.2%). The percentage of parents without the required documents is also significant (23.7%), and if one adds to that 11% of parents who have not been entered into the birth registries, that is, who have no nationality, it is possible to detect the transfer of problems in the family from generation to generation.

As perceived by the respondents, the main reasons for the non-possession of certificates of nationality include the lack of birth certificates and the high costs of obtaining certificates. The lack of birth certificates is the biggest problem among minor persons (86%). Likewise, inhabitants of illegal settlements account for 65% of those who do not have a certificate of nationality. As a reason for that, 22% persons stated that they are not even entered in the records of citizens, and almost the same percentage believes that the procedure for registration is too cumbersome.

Eighteen percent of persons tried to register in the records of citizens, but were declined, of whom 61% were declined due to the lack of proof of birth registration, while 18% because their parents did not possess adequate documentation. Also high is the percentage of persons at risk of statelessness (73%) who never tried to prove their nationality.



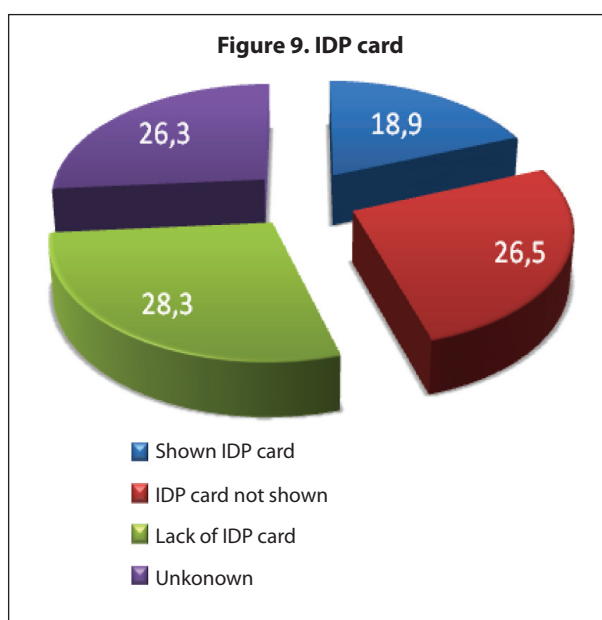
3.7. Displaced person/refugee card¹⁷

It is estimated that in the Roma, Ashkali and Egyptians population displaced from Kosovo after 1998, 66% of persons have valid identity cards. Sixteen percent do not have that basic document, while data is not available on the additional 17.6% .

Eight percent possess IDP cards from the total number of displaced Roma, Ashkali and Egyptians. IDP cards are not possessed by 34% of displaced persons at risk of statelessness, while no data is available on 11%.

Twenty-eight percent of persons who do not possess either an identity card or an IDP card have been identified. As the main reason for the non-possession of IDP cards, 56% of respondents cited the lack of documentation which can corroborate their claims, while 46% of persons stated that the documentation was destroyed.

Twenty-eight percent of persons at risk of statelessness have tried to obtain IDP cards, but in 89% of cases they were declined due to irregular documentation. Almost 60% never tried to obtain that document.

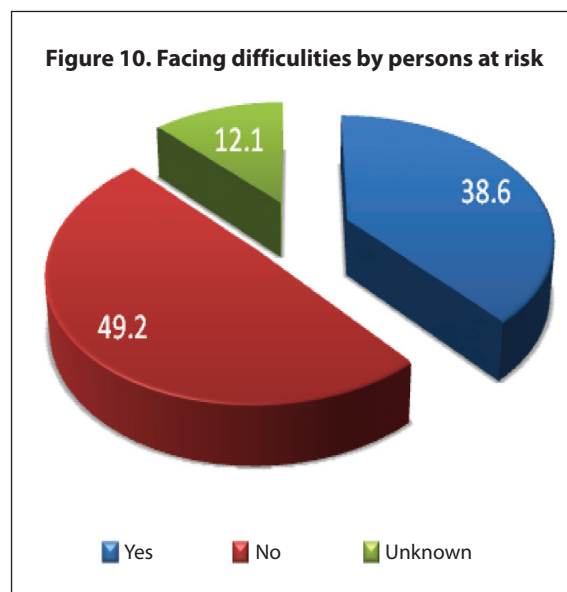


¹⁷ The number of persons at risk of statelessness who answered these questions is very small (164), so the results should be taken with some reservations.

3.8. Access to rights, discrimination, assistance

As part of the survey, it was also researched how the respondents saw the problems in and obstacles to obtaining documents, as well as whether they received assistance in obtaining documents. 49.2% stated that they had not encountered problems due to lack of documents. However, 38.6% noted facing difficulties.

In terms of regions, 57% of persons at risk of statelessness are faced with problems in eastern Serbia, 47% in Belgrade and 45% in Vojvodina. A significant percentage of non-domicile population, too, is facing difficulties (51% of cases), as opposed to the domicile population (35%).



The main problem caused by the lack of documents is the denial of health care (78.2%). The lack of possibilities to exercise rights to social assistance was mentioned as a problem by 47.6% of persons. That population lives in the conditions of destitution, so their orientation toward social assistance is high and that makes the lack documents an even more significant obstacle in receiving assistance. It is also important to note that 23.3% of the respondents felt that their freedom of movement was limited due to lack of documents, 11.6% were faced with discrimination, 10.2% were harassed by the police and 7.9% had to pay a fine for lack of documents.

The share of those who did not have a possibility to be legally employed is also not negligible or the possibility of free movement .

Problems in approaching public institutions caused by the lack of documents were faced by 23% of persons at risk of statelessness. Among them, the Ashkali (55%) and Egyptians (45%) encountered that problem a bit more often. Likewise, more serious problems were also faced by persons residing in illegal settlements (33%), as well as 49% of those who live in Belgrade.

On the basis of reported adverse consequences, it is possible to conclude that institutions with which there is most of the problems are health care institutions (accounting for 64%), followed by social workers (accounting for 30%). Twenty-nine percent faced problems when they approached registry offices for the registration of birth, and 25% of persons with the police.

The problem of refusal by the employees of institutions to provide them with adequate information or services was underscored by 75% of persons. What follows is 25% of persons who stated humiliation and 22% who stated disregard as problems. Also, cited as problems by the surveyed persons at risk of statelessness were requests for additional payments (bribes) and insults, with 14% each.

Assistance in obtaining documents was provided to almost 10% of persons at risk of statelessness. By far the most represented among the mentioned organizations which were offering assistance is „Praxis“ (mentioned by 67.3% of persons), followed by social welfare centers (mentioned by 10.3% of persons), as well as local Roma coordinators (mentioned by 9.3% of persons).

The least assistance (2.6%) was provided in the region of southern Serbia, and the most in Belgrade (15.6%). Likewise, persons at risk of statelessness, who have moved from Kosovo, received assistance in one fifth of the cases.

- It is estimated that 49.2% of persons at risk of statelessness faced problems due to lack of documents.
- In most of the cases, problems were in the field of accessing health care and social assistance.
- In approaching institutions, the refusal to provide adequate information or service was cited as the main obstacle to the exercise of rights.
- 10% of persons at risk received help in relation to documents.

4. CONCLUSIONS AND RECOMMENDATIONS

Acknowledging the fundamental right to a nationality, as highlighted by Article 15 of the Universal Declaration of Human Rights;

Reiterating that States have the primary responsibility for respecting, protecting and allowing its citizens to enjoy their human rights;

Noting that Serbia's laws are already in conformity with the existing international Conventions on statelessness and in the spirit of the Strategy for improvement of the status of Roma in the Republic of Serbia; and

Consistent with UNHCR's mandated responsibilities to assist and work with States in identifying, protecting, preventing and reducing statelessness, and the observations arrived at by the survey carried out in October 2010, we respectfully conclude and recommend the following:

1. Need for special effort regarding a growing marginalized population

While the majority of persons in Serbia are able to process their personal documentation through the existing legal system, there is a small (6.8%) but growing number of individuals for whom the system does not function. These individuals are extremely marginalized persons, primarily belonging to the Roma, Ashkali and Egyptian minority population. They frequently have no domicile, many have been displaced, lost family members, property and documents, traditionally distrust institutions and are frequently discriminated against. The existing Law on Registries is not workable for this group of people and they are in need of special attention to be documented. Many of these marginalized individuals are in urgent need of counseling and legal assistance to facilitate the process of their personal documentation due to what they see as complex and costly procedures; their numbers continue to gradually increase throughout Serbia.

2. Need for cooperative approach to address those at risk of statelessness/legally invisible

The relevant authorities, UNHCR and other stakeholders should work together to better define the response to the problem of the growing number of marginalized individuals at risk of statelessness, with the aim of preventing and reducing statelessness, particularly for those that have no birth certificates and are legally invisible.

3. Training and sensitization necessary

Specific training and sensitization of relevant stakeholders and municipalities processing documentation should be carried out to facilitate the process, offset any insinuation of discrimination and encourage those persons without documentation to come forward and resolve their respective documentation.

4. Simplifying process of documentation and establishing uniformity of prerequisites necessary to ameliorate the problem

Consider amending the Law on Registries or drafting specific and simplified guidelines to facilitate the process of subsequent registration for those marginalized individuals who are not capable of carrying out this responsi-

lity on their own. Simplifying and providing a more flexible process of presenting documentary evidence would go a long way for many marginalized individuals to obtain their appropriate documentation.

5. Monitoring in situ

The authorities should consider, jointly with UNHCR and other relevant players, monitoring the situation in situ so that they are fully aware of the specific needs and nuances regarding personal documentation for the very marginalized population. On-going, on the spot monitoring will allow for better appreciation of the problem of this marginalized population and will likely result in more creative approaches in addressing/resolving this problem.

6. Reaching out to the persons of concern within the Roma, Ashkali and Egyptian population

The relevant authorities, UNHCR and civil society should work together on outreach activities targeting the Roma, Ashkali and Egyptian population in Serbia to raise awareness on the problem and provide information on processes and solutions.

7. Adopting new legislation and best international practice in the area of registering residence for Roma without a legal address and homeless persons

Introduce best practice solutions into the draft Law on Permanent and Temporary Residence which would enable the registering of residence of Roma living in illegal settlements and homeless persons, ensuring them access to basic rights..

8. Need for assistance to the marginalized population to obtain documents crucial for enjoyment of citizenship rights

Without an identity card citizens cannot effectively enjoy citizenship rights. The marginalized segment of the Roma, Ashkali and Egyptian populations are often unable to obtain identity cards and are in need of assistance to obtain them, due to poverty, marginalization and lack of funds.

6. SOURCES

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PERSONS AT RISK OF STATELESSNESS IN SERBIA

60
YEARS

 **UNHCR**
The UN Refugee Agency