

Between Form and Reality:

Shadow Report on the Implementation of the Strategy for Social Inclusion of Roma Women and Men in the Republic of Serbia (activists' perspective)



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Introduction

Roma Forum Serbia

The Strategy for Social Inclusion of Roma for the 2016-2025 Period (hereinafter the *Strategy*)¹ is the central document of the official, institutional framework for inclusion. It has been adopted after the *Roma Decade 2005-2015*² and harmonised with the European framework of the *Roma Integration 2020*³ which refers to the countries of the Western Balkans and Turkey. In the Republic of Serbia, inclusion of Roma women and men is implemented through the process of accession to the European Union and it is one of

¹ The Strategy for Social Inclusion of Roma for the 2016-2025 Period (Official Gazette of the Republic of Serbia”, No 26/2016). Available at: http://www.ljudskaprava.gov.rs/sites/default/files/dokument_file/national_strategy_for_roma_inclusion_2016-2025.pdf

² The Decade of Roma Inclusion 2005-2015 (“Roma Decade”) was a cooperative international initiative adopted by twelve European governments and supported by the European Commission, Open Society Institute (OSI), the World Bank, Council of Europe, UNDP, UNICEF, UNHCR and European Roma organizations as an effort to change the lives of Roma in Europe and to ensure the commitment by participating European governments to eliminate discrimination against Roma and close socio-economic gaps between Roma and the rest of society.

³ For more information see: <http://www.ljudskaprava.gov.rs/sh/node/21947>

the key points in the *Negotiating Chapters 19 (Social Policy and Employment)*, *23 (Judiciary and Fundamental Rights)* and *24 (Justice, Freedom and Security)*. For the time being, most of the activities pertaining to the implementation of the operational objectives and measures provided by the Strategy are implemented as an integrative part of the *Fundamental Rights* chapter of the *Negotiating Chapter 23*, as well as within the European project the *Roma Integration 2020* which gives the states the main directives for formulating the integration policies, their implementation, budgeting and monitoring. The Strategy is followed by a two-year *Action plan*⁴ containing operational objectives and measures with planned budgeted activities (in the case that funds are allocated) in five key areas: education, employment, housing, health and social security.

Roma Forum Serbia, for the third year in a row organises political education workshops that critically address the question of the institutional framework of inclusion of Roma in the Republic of Serbia. The aim is to support all the relevant actors as well as local Roma activists in their active participation in the process of inclusion and to encourage them to get involved in the political life of their local communities. The aim of this publication is to contribute to reporting on the progress that Serbia is making in the field of inclusion, in the form of a *shadow report*. The title might suggest a *bureaucratic form* of reporting, which, in principle, should contain concrete data about implementation of the planned operational objectives of the Strategy as well as each measure included in every of the five key areas, the analysis of the funds spent on the implementation of each measure and the concrete results of the implementation of the Strategy. However, this report has the form of critical texts.

The reason for this is that since the Strategy and the Action plan for 2017-2018 were adopted, the data that were made available to us through the

⁴ Available in Serbian at: http://www.ljudskaprava.gov.rs/sites/default/files/dokument_file/akcioni_plan_za_primenu_strategije_za_socijalno_ukljufivanje_roma_i_romkinja_u_rs_2016-2025_za_period_od_2017_do_2018_godine.pdf

official forms of reporting set out by the strategic framework have not been providing us with clear insight in the situation on the field, nor in the wider political context in which process of inclusion is happening.

Moreover, reformative policies which have been implemented on the national level in these past years, are in a total contradiction with the intentions of the *Strategy* to provide larger accessibility to education, health care and social security as well as a higher employment rate and adequate housing for Roma women and men. In addition, it is important to underline that there are not clear institutional mechanisms for monitoring of the *Strategy*, nor transparent reporting on budgetary funds spent on the operational objectives and measures. Unfortunately, the two-year *Action plan* pertaining to the *Strategy* does not contain estimates of the necessary budget broken down by each measure from the five key areas. The plan, nonetheless, refers to the funds for which it is needed to submit an application to donators, and this shows a complete lack of the political will for solving this question. All the data available regarding follow up of the implementation of the *Strategy* are: quarterly *Reports on Implementation of the Action plan for the Negotiating Chapter 23* in narrative form and with activity status⁵; yearly *Reports on Implementation of the Operational Conclusions* from the seminars on *Social Inclusion of Roma in the Republic of Serbia*⁶ and probably the most relevant *Template for annual progress reporting of the countries participants on the implementation of the Action plan for implementation of the Strategy for Social Inclusion of Roma in the Republic of Serbia for the 2016-2025*⁷. All these reports contain only total figures when it comes to the budgetary funds allocated for specific measures, without clarification on how the funds were spent or concrete data for evaluation of the outcomes provided by the measures. Furthermore, it is often noted that the budgetary funds were not allocated for certain measures or that the amount spent is consider-

⁵ Available in Serbian at: <https://www.mpravde.gov.rs/tekst/13933/izvestaj-br-32016-o-sprovedjenju-akcionog-plana-za-poglavlje-23.php>

⁶ Available in Serbian at: <http://www.ljudskaprava.gov.rs/sh/node/21718>

⁷ Available at: <https://www.rcc.int/romaintegration2020/docs/86/progress-report-serbia-for-2017>

ably smaller than the amount allocated, while the reasons for this remain unclear. In the case of reporting on the implementation of the *Operational conclusions*, the reporting form is the form of follow up of the activity status. In addition, even though local self-government units should report regularly as carriers of the local Action plans, this is rarely the case. The reason for this is not only a lack of efficacy of the local self-governments but also their completely passive attitude towards the question of inclusion of Roma women and men. Up to the publishing of this text, new biannual *Action plan for implementation of the Strategy for 2019 and 2020* has not been adopted.

The publication starts with the report on employment, written by **Jasmina Drmaku**, a member of the Roma Forum Serbia. The key problems related to that area concern a large portion of the population of Serbia. However, these problems are particularly present in the case of Roma national minority members. With a very high rate of unemployment and living in the conditions of such strong marginalisation and segregation that poverty as a stereotype is being linked to their identity, Roma women and men are very far from the possibility of having dignified work and life. In any case, in order to understand the problem and think of the solutions, we should not forget the wider picture, which is the situation in economy and social policies, as Drmaku warns. Nevertheless, this did happen when the *Strategy for Social Inclusion of Roma* was made. The negative consequences of such strategic framework can be seen through the outcomes of the active measures for employment of the members of Roma national minority.

Further on, **Robert Kasumovic**, member of Roma Forum Serbia and web portal Mašina, reports on the area of housing. More than one third of the Roma inhabitants live exclusively in Roma settlements, of which many are so-called informal settlements or substandard settlements. Even though the question of housing was one of the priorities of the *Decade of Roma Inclusion*, when it was possible to use the funds of the European Union in order to solve this problem, it has been barely addressed. Some research was conducted, without investing in a concrete solution of the problem of housing of Roma men and women. In the quarterly reports on progress of

the *Action plan for the chapter 23*, as activities that are successfully put in place, local plans for displacement of the Roma settlements are mentioned in an abstract manner as well as a feasibility study or eventual negotiation with the members of the local communities. From Kasumovic's report, we can conclude that the future of Roma men and women who live in the segregated substandard settlements does not appear to be more optimistic. Local self-governments are in charge of achieving operational objectives in the area of housing. They do not have sufficient funds for solving such a problem nor do they have their own local action plans for implementation of the operational objectives and measures provided by the *Strategy*.

It is often underlined that the most effective way for the Roma men and women to overcome the problem of poverty is through education. However, this does not result in a significant improvement of the situation regarding education. **Emina Nikolic**, pedagogical assistant and activist with the *Roma Educational Cultural Association - Romanipen* gives an overview of the situation in that area. She warns about the lack of institutional conditions that would make education more available to the Roma population. As there is no developed system for follow up and reporting on the quality of education of Roma, the only evident fact is that affirmative measures resulted with higher number of Roma that enrolled high schools from 2014 to present. pedagogical assistants could considerably contribute to the quality of the education of Roma children, however, their capacities are limited in number as well as by inadequate working conditions.

In spite of the laws that grant social protection to the most vulnerable citizens, in Serbia for years, the scope of the social protection is shrinking, as Jelena Kasumovic, experienced activist and currently a volunteer at the UNHCR, writes in her report from the area of social protection. Accessibility of the social protection to the Roma women and men has almost not at all been improved since the *Strategy for Social Inclusion of Roma Women and Men* was adopted. The situation is worsened by the laws and provisions that have resulted in reducing certain social welfare payments and more re-

strictive conditions for exercising the right to social protection. As relevant examples of such harmful legal regulation, Kasumovic refers to the *provision on the Measures of Social Inclusion of the Beneficiaries of Social Welfare* and the *Law on Financial Support to the Families with Children*, among other documents.

This publication closes with two field analysis. Their authors are legal workers **Zoran Kuzmanovic** and **Jelena Krivokapic**. Kuzmanovic and Krivokapic provide legal support to Roma women and men in the Roma settlements in Kragujevac and Novi Sad. Their experience shows the lack of political will to solve the issues of social vulnerability and discrimination of the Roma communities. It also shows the lack of connections among institutions, the stagnation in the field of inclusion of the Roma and stagnation in understanding the position and problems of the returnees and deported Roma women and men.



Employment

Jasmina Drmaku,

member of Roma Forum Serbia

According to the official data, there were 147,604 ethnic Roma registered in the Republic of Serbia, composing 2.1% of the total population. According to the unofficial data, there are almost half a million Roma in Serbia. In order to better understand the proportions of the poverty that affects Roma communities, it is enough to look at the data showing that one quarter of the population of Serbia lives in the risk of poverty¹ and that half of the population earns up to one third of the minimum wage necessary for a dignified life.² The data from the *Strategy for Social Inclusion of Roma for 2016-2025*

¹ Data from the Social Inclusion and Poverty Reduction Unit of the Government of Serbia (2017). Available at: <http://socijalnoukljucivanje.gov.rs/en/social-inclusion-in-rs/statistics/>

² See: Clean Clothes Campaign, country profile: Serbia (2017), Rosa Luxemburg Stiftung Southeast Europe, Belgrade Available at: <https://cleanclothes.org/livingwage/europe/country-profiles/serbia/view> and Krek, Maja (2018): Šta znači “prosečna zarada” ako je većina nema? (What does “average income” mean if the majority does not have it?), portal Peščanik. available in Serbian at: <https://pescanik.net/sta-znaci-prosecna-zarada-ako-je-vecina-nema/>

Period show that the unemployment rate of the Roma women and men is about 49%³ which makes it clear that there can be no possibility of stable, long-term employment nor a dignified life. In addition, this data shows that Roma women and men are to a great extent a non-competitive labor force on the labor market and that the degree of discrimination in employment is very high.

The fact that Roma communities are the poorest communities in Serbia entails many stereotypes against which Roma community fights on everyday basis; one of the strongest being that the ethnic denominator of the community became synonym for their socio-economic position. However, it does not mean that the question of employment availability and possibility to advance and learn new skills in order to move up on the social scale can or should be treated as separated from the situation in economy as well as socio-economic policies in the society. Unfortunately, this is exactly what happened with the strategic framework.

According to the categorisation of the National Employment Service, Roma men and women are in the category of low employability and therefore should be prioritised in the programs and measures of the active employment policy. The *Strategy* defines seven operational objectives which should contribute to the increase of the number of employed active Roma men and women. The special objective of the *Strategy* is to incite inclusion in the formal labour market of employable Roma women and men and increase of employability and economic strengthening of the Roma women and men - especially those who are in multiple categories of low employability. The accent is on the increase of the coverage of the Roma women and men by the measures of the active employment policy; the measures that contribute to the increase in employability with the aim of more competitive position-

³ The Strategy for Social Inclusion of Roma for the 2016-2025 Period (Official Gazette of the Republic of Serbia", No 26/2016). Available at: http://www.ljudskaprava.gov.rs/sites/default/files/dokument_file/national_strategy_for_roma_inclusion_2016-2025.pdf

ing on the labor market and fostering employment and self-employment of Roma women and men.

Active employment measures in the time of wage deduction

Numerous obstacles prevent achievement of the aforementioned objectives. In the first place, for an adequate approach to the issue of employment of Roma women and men, we should take in consideration the state capacities as well as the economic situation and possibilities of employment in Serbia. Lives of the citizens of Serbia are shaped by unemployment, the fact that the jobs pay far less than the amount that would provide dignified life and the lack of investment in the public sector. In the situation in which there is a lack of jobs and the available ones are mainly of bad quality, social security services are shrinking (for example: social benefits or accessible public transportation), and possibilities of advancement based on education are worsening, the chances for an increase in employability and employment rates of Roma women and men are grim.

As the state's support of workers is getting weaker, social inequality is increasing and is particularly affecting the Roma community.

So, the political and economic frame in which social inclusion of Roma women and men is implemented is very unfavourable, while the employment policy directly depends on the economic policy of the government. The latter remains directly focused on foreign investments and favoring big corporations in parallel with the process of privatisation. Decades-long experience shows that such policy does not contribute to the general welfare of the society.⁴ From the perspective of workers, it brings low-paying jobs while disproportionately burdening citizens with public expenditures through fiscal policy.

⁴ Radenković, Ivan (2016.), Strane direktne investicije u Srbiji (Foreign Direct Investments in Serbia), Rosa Luxemburg Stiftung Southeast Europe, Beograd. Available at: <https://www.rosalux.rs/en/foreign-direct-investments-serbia>

However, the issue of employment of the Roma women and men is not without contradictions, even when we treat the political and economical frame as a given and remain within limits of the official policy of integration. We have already pointed out that the unemployment of the Roma women and men according to the *Strategy* is 49%. This figure is from 2011, taken from the publication of UNDP *Data on Vulnerability of Roma and* followed by a remark that there are no precise data on unemployment of Roma.⁵ If we make a calculation using data for the same year from the National Employment Service, the unemployment rate is 15%. The figure does not change considerably for 2016, 2017 and the first five months of 2018; those are the periods in which the measures of the active policy of employment have been implemented and for which data have been published in the *Quarterly Reports on Implementation of the Action plan for the Chapter 23* (hereinafter: *Reports for the Chapter 23*). In Serbia, only data of the National Employment Service are considered as valid. Such difference in the data should be treated seriously. Local self-governments could give a more realistic overview of the state of affairs by conducting more in-depth research on their respective territories, considering that they are supposed to implement their own local action plans according to the plan of implementation and monitoring of the *Strategy*. Nevertheless, this does not happen.

The Belgrade municipality of Palilula is an illustrative example. According to the official data, available on the internet page of the Database for follow up of the measures for Roma inclusion⁶, in that municipality, there are 81 unemployed Roma. Yet, according to the same Database, there are almost 6,000 Roma inhabitants on the same territory. The proportion between the number of inhabitants and the number of unemployed Roma, appears to be, at

⁵ The Strategy cites another UNDP publication “Poverty of Roma from a human development perspective”, according to which informal unemployment of Roma in 2011 was 73%

⁶ Statistical Office of the Republic of Serbia, Database for monitoring of measures for Roma inclusion. Available at: <http://www.inkluzijaroma.stat.gov.rs/en>

the least, doubtful.⁷ Also, it should be taken into account that the number of Roma women and men living in the largest municipality of Belgrade, Palilula is far bigger than the official number and it probably reaches tens of thousands.

Certainly, without a precise statistical data about the number of unemployed Roma, it is not possible to adequately estimate efficacy of the active employment policy. However, the situation is even worse if the official data cannot provide an optimistic picture.

Year	Unemployed persons in the registry of the National Employment Service on the last day of the period	The number of unemployed covered by the measures of the active employment policy for that period	The number of employed persons in the registry of the National Employment Service for that period
2016	26.065	4.308	2.412
2017	26.456	5.140	4.150
2018 (until May)	27.108	2.589	1.847

The data from the table above show that from May 2016 to May 2018, from the registry of the National Employment Service, the total of 8,409 persons were employed while 12,037 Roma women and men were covered by the measures of the active employment policy. Still, the number of unemployed persons has not decreased but increased in that period. A serious problem is lack of follow up on the status of those who were covered by the measures of the active employment policy and who were registered at the National Employment Service before being employed. There is no data about whether the employed persons kept their jobs or if they did not, for how long they were employed.

The relative stagnation of the number of unemployed Roma women and men leads us to the assumption that the measures of the active employment

⁷ For a detailed analysis of the problem of national statistics, see Bradaš, Sarita (2017), Statistika i dostojanstven rad (Statistics and decent work). Available in Serbian at: <http://www.centaronline.org/sr/publikacija/1767/analiza-statistika-i-dostojanstven-rad>

policy are not effective. This is confirmed by the measures by which most of the Roma women and men were covered. Among the most implemented measures, there are: training for actively searching for a job, employment fairs and motivational and activation trainings for the low qualified and the persons without qualifications. In the overall situation of chronic lack of jobs, such measures will not give desired results - long term employment of the Roma women and men. It is questionable even to which extent these measures solve the problem that *Reports for the Chapter 23* state as the key one year after year: very low level or lack of qualification of the unemployed Roma women and men.⁸

Collectors of secondary materials

One more illustrative example of inefficacy of the Roma ethnic minority employment policy is the position of the collectors of secondary materials. According to the official data, about 20,000 Roma women and men are collecting secondary materials. The *Strategy* formally recognises them and provides the legalisation of their work status. Nonetheless, nothing is done in practice or, on the contrary, it is made even more difficult to collect secondary materials. It is also important to mention that their position would not necessarily improve even if the measures provided by the *Strategy*, such as: legalisation of the status of the collectors of secondary materials and their registration as entrepreneurs, were implemented. Regarding the possibility of making a profit of that activity, rare are those who would accept the risk of losing the social welfare benefits that they depend on because of the status change or of getting in the situation of not being able to pay taxes to the state.⁹

⁸ See, for example, the Report No 2/2018 on implementation of the Action Plan for the Chapter 23, str. 1095

⁹ More details in Serbian: Drmaku, Jasmina (2018.), *Sakupljači sekundarnih sirovina – progon umesto inkluzije*, in: Baković Jadžić, Tamara (ed.) (2018), *Romi između multikulturalizma i mere štednje*, Forum Roma Srbije, Beograd. Available at: https://www.rosalux.rs/bhs/romi-izmedu-multikulturalizma-i-politike-stednje_publikacija

Moreover, it is important to bear in mind that the policy of self-employment is often just a “cosmetic” change for masking precarity of labour. Instead of providing social protection and the possibility to sign collective contracts, to unionise, etc. all the responsibility for economic reproduction is put on the shoulders of the individuals who are at the mercy of the market.

To sum up: the lack of more detailed follow up on the effects of the Roma employment policy, as well as the faults of the official statistics prevent us from gaining a precise insight in the state of affairs related to the question of employment of the Roma women and men. The available data do not prove the efficacy of the self-employment policy, and the political and economic frame in which these policies are implemented is very unfavourable for advancement of the position of Roma women and men in Serbia.



Housing

Robert Kasumovic,

member of the Roma Forum Serbia and web portal Masina

At the end of 2016, a wall was built around the Roma settlement *Marko Orlovic* in Krusevac. Even though the company in charge of the project, *Putevi Srbije*, stated that it had been done for sound isolation, it was clear that the purpose of the wall was to hide poverty and to additionally segregate the inhabitants of the settlement. The wall has as well blocked many entrances to the settlement, worsened living conditions and made it almost impossible for the emergency vehicles (such as firefighters and ambulance) to enter.

For many years, the settlement *Crvena Zvezda* in Nis has been lacking adequate and uninterrupted access to electrical power. All of approximately one hundred houses in this settlement are connected to only two electric meters. After many years and even more false promises that the problem will be solved made by the local authorities, the inhabitants of this settlement have never received their individual electric meters. Because of an alleged debt, the whole settlement had been disconnected from the electric network for a six months period in 2016. Only after more than 60 non-governmental or-

rganisations had announced a protest, the electricity was reconnected. Mid 2017 it was made known that the land on which the settlement is located had been sold to a private investor and that the city would relocate the settlement. In July 2018 the settlement had been disconnected from the electric power supply network until 11th of January 2019 when the electricity was temporarily reconnected.¹ Up to date, it is not known if there are plans to eventually relocate this settlement in order to sell the land.

However, isolated these two examples might appear, unfortunately, life of the people in the settlements *Marko Orlovic* and *Crvena Zvezda* are striking examples of the irresponsibility of the state and of discrimination against Roma women and men in regards to housing.

Roma settlements in Serbia

Roma settlements are often characterised as substandard or informal and colloquially they are most often called non-hygienic settlements.

The definition of substandard settlements comprises an area on which housing units are grouped, having at least one of the following characteristics: inadequate access to drinking water, inadequate access to infrastructure (sewages, electric power supply, etc.), inadequate access to public services (schools, hospitals, bus stations), bad structural quality of the housing units (built with an inadequate construction technique, of bad quality materials, damaged over time, etc.), overpopulation (as the population density per unit

¹ Milić, V. (January 2019), *Naselju Crvena zvezda po nalogu suda privremeno uključena struja* (Settlement Crvena zvezda temporarily disconnected from electricity supply by court order), *Južne vesti*. Available at (in Serbian): <https://www.juznevesti.com/Drushtvo/Naselju-Crvena-zvezda-po-nalogu-suda-privremeno-ukljucena-struja.sr.html>

area) and insecure legal status of housing units (non-resolved proprietary and legal issues).²

These are the characteristics of the settlements that are considered as informal: the settlements whose inhabitants are not the owners of the land on which the housing units they live in have been built, the settlements that have been disconnected from basic public services and infrastructure and that are not built in accordance with urban planning and regulation. Such settlements are often located in polluted areas. The most extreme form of an informal settlement, characterised by segregation, poverty and housing units made from very bad materials are slums. The inhabitants of slums are often exposed to eviction treats, diseases and violence.³

The exact number of Roma settlements in Serbia is not known. The results of some researches show that there are as many as 583 substandard Roma settlement which comprise 23,895 substandard housing units in which 56,276 Roma women and men live.⁴ The infrastructure of a settlement is in a direct correlation with the quality of life of the inhabitants of that settlement. One of the main characteristics of Roma settlements is a particularly bad infrastructure. As many as 43.5% of Roma settlements are informal settlements or slums. These settlements do not have any infrastructure (electrical power supply, water, sewage, etc.). 44% of Roma settlements are considered as mostly having some type of infrastructure. Only 11% are classified as having sufficient infrastructure. Settlements composed of temporary housing units make up to 42.7% and settlements with barracks -5.3%. In 44.3% of Roma settlements in Serbia there is no streets. According to the statistics, up to

² Jovanović, Slađana (2014), Procena stanja u podstandardnim romskim naseljima u 21 opštini u Srbiji (Assessment of the substandard Roma settlements in 21 municipalities in Serbia), OSCE Mission to Serbia, Novi Sad. Available in Serbian at: http://www.ljudskaprava.gov.rs/sites/default/files/dokument_file/procena_stanja_u_podstandardnim_romskim_naseljima.pdf

³ Habitat III issue papers, 22-informal settlements, New York, May 2015. Available at: <https://unhabitat.org/habitat-iii-issue-papers-22-informal-settlements/>

⁴ Đorđević, Aleksandar (2017), Substandard Roma Settlements in Serbia: An Overview from Geographic Information System for 2016, OSCE Mission to Serbia, Belgrade. Available in Serbian at: <https://www.osce.org/sr/mission-to-serbia/309401?download=true>

9.2% of Roma settlements do not have electric power, however, due to recent cuts in some settlements, this percentage has risen considerably. 27.3% of the Roma settlements are without running water and as many as 65.1% are without sewage. In 41% of the Roma settlement there is no kindergarten and for inhabitants of 20% of the Roma settlements schools are inaccessible.⁵

These data from 2002 are almost identical to those of GIS database⁶ of sub-standard Roma settlement, which has been made by the Ministry of construction, traffic and infrastructure in 2015. The data of GIS database were used as a base for *Strategy for Social Inclusion of Roma 2016-2025*.

Even though the statistics point out very bad situation in the Roma settlements, we have to take in consideration a fact that the situation on the ground is much worse. The difference between statistics and the real picture is a result of inaccessibility and segregation of the Roma settlements and of the poor methodology used to analyse the quality of the settlements (observing only from outside of the settlements without entering them). Furthermore, a large number of Roma women and men deported from the countries of Western Europe ended up in some of the substandard or informal settlements due to inadequate institutional support to the returnees, so we can conclude that those settlements became even bigger or more populated.

Limitations to approaching the question of housing situation of Roma women and men

Almost all the measures that are applied in the process of inclusion of the Roma women and men are planned as projects. The state has reduced the solution of the problem of the poorest community in the society to project

⁵ Jakšić, Božidar and Bašić, Goran (2002), Roma settlements, living conditions and possibilities for integration Roma in Serbia, Centre for Ethnicity Research, Belgrade

⁶ Register of spatial units and GIS, Statistical Office of the Republic of Serbia. Available in Serbian at: http://www.stat.gov.rs/sr-Latn/oblasti/registar-prostornih-jedinica-i-gis?fbclid=IwAR3_jaZ-V7R3BK6C7uozwVWSPxGXfGksg6TE4vumB6bXdmwEpNEIRJnHjZY8

activities which are not continuous. One of the biggest projects carried out from 2005 to 2015 was the *Decade of the Roma Inclusion*. It was a big project, supported by EU, while the state had the main role in redistribution of funds, creation and implementation of the measures which would aim to solve the problems of the Roma ethnic minority. Housing, as one of the most important chapters that should have been solved within the project *Decade of the Roma Inclusion*, was not even opened. The state had access to important financial funds, but all the measures and activities have been reduced to financing several researches and creating documents that afterwards were not applied at all. After implementing the program of inclusion for 10 years, in the area of housing, the state has only established the number of substandard / informal settlements and allegedly drafted urban plans for 13 settlements.⁷ The Roma community did not feel almost any improvement after the project of Roma Decade ended and the question of housing was almost not at all addressed in that period. We can say that the Decade represents an example of the misuse of the problems of the Roma community, whose problems remained unsolved while the state was allocated important funds from the European Union in order to solve them.

Today, the document that represents the main idea of the state politics in the matter of inclusion is the *Strategy for Social Inclusion of Roma for the 2016-2025 Period* (hereinafter the *Strategy*). Housing is in the focus of one of the chapters of this documents. However, the whole *Strategy*, including the chapter on housing, has multiple issues.

The *Strategy* defines several key problems related to the question of housing of the Roma women and men. The operational objectives have been defined according to them: ensuring program and information-related preconditions for improving housing conditions of the Roma, create spatial-planning preconditions, create normative preconditions for resolving property-legal

⁷ Paunović, Suzana (July 2016): Srbija je postigla značajne rezultate u inkluziji Roma (Serbia has achieved significant results in the inclusion of Roma), Telegraf.rs. Available in Serbian at: <https://www.telegraf.rs/vesti/politika/2261525-suzana-paunovic-srbija-je-postigla-znacajne-rezultate-u-inkluziji-roma>

issues with the aim of legalisation of the Roma settlements, improvement of the public infrastructure in the settlements, implementation of relevant international standards regarding the evictions and rising cultural standard. These objectives are adequate but very broadly defined and in the given economic and political context, they are very hard to achieve. Nevertheless, the key problems are inadequate measures for their achievement. In order to achieve any of these operational objectives, the responsibility goes down to the level of the local self-government. It is not realistic to expect from the local self-government to have enough capacities and resources (logistical, financial, spatial) for solving complex issues related to housing of the Roma women and men, this being a great challenge even for the central state institutions. The biggest problem is that it is required of the local self-government to provide financial funds for realisation of the measures and operational objectives without stating the sources of these funds.

To which extent the *Strategy* is inadequate and the absence of the political will to implement it, the best is shown by the quarterly reports of the *Action plan for the Chapter 23 of the Negotiations with the European Union*. The *Strategy for Social Inclusion of Roma for the 2016-2025 Period* and the related action plans rely upon. If we compare the *Action plan for the Implementation of the Strategy* and the above-mentioned reports, we can clearly see that these documents are not harmonised and that the measures set out by the *Action Plan for the Implementation of the Strategy for Social Inclusion* are barely mentioned in the reports nor it is possible to follow them according to the numbers of the chapters that are assigned to them, even there where the *Action Plan* states that the budgeting of the activities is done through the *Action Plan for the chapter 23*.

The example of the settlement *Crvena Zvezda*, which was described in the *Report on Implementation of the Action Plan for the Chapter 23 of the Negotiations with European Union for the Second Quarter of 2018*, shows all of these flaws as well as lack of interest of the government in solving the issues related to housing situation of the Roma communities. The eviction of this settlement and solution to the problems of families that are still living

there has been announced and delayed since 2017. Nevertheless, the mere initiative to negotiate with the community about the eventual eviction is shown in the reports as “activity that is being successfully implemented”.⁸ Another example: the *Law on Housing and Apartment Building Maintenance* adopted in the same year, contains an article about respecting fundamental human rights in the cases of forced evictions. The authorities used this as yet another proof that efforts have been made towards inclusion even though a big part of civil sector had criticised the law as being one of many laws that are not good for the society.

Since the situation has been without changes for many years, we can conclude that the *Strategy*, action plans and reports are simply bureaucratic forms - empty words - in the process of accession to the European Union.

⁸ Council for the implementation of the Action Plan for the Chapter 23 (July 2018.), Report 2/2018 on implementation of the Action Plan for the Chapter 23., page. 1000. Available in Serbian at: <https://www.mpravde.gov.rs/tekst/20416/izvestaj-br-22018-o-sprovodjenju-akcionog-plana-za-poglavlje-23.php>



Education

Emina Nikolić,

pedagogical assistant and activist of the *Roma Cultural and Educational Association - Romanipen*

It is often said that the most effective way for the Roma women and men to overcome the problem of poverty is through education. However, the level of education is a necessary but insufficient precondition for moving on the social scale if we take in consideration overall increasing poverty of the society, great competition on the labour market and unequal conditions in which children are growing up. The research of multiple indicators of the position of women and children from 2014 which was used when making the *Strategy for Social Inclusion of Roma Men and Women for the 2016-2025 Period* (hereinafter the *Strategy*) showed that there are not even institutional conditions for larger availability of education to the Roma population. The following data should be taken in consideration:

- 5.9% of the children from the Roma settlements from 3 to 5 years of age attend educational programs in the early childhood, as opposed to 50.2% on the whole territory of Serbia.¹
- 79.9% of the children from Roma settlements attended preschool preparatory program while in the general population the rate is 98.1%.²
- Only 69% of the Roma children started the first grade of primary school on time; in the general population the rate is 97%.³
- Only 64% of Roma children graduate from primary school compared to 93% of the children in the general population.⁴
- Only 22% of the Roma children go to high school compared to 89% of the children in the general population.⁵

As the Strategy points out, another specific problem is the trend of Roma girls leaving school and starting families between 15 and 19 years of age. As many as 43% of Roma girls in this age group drop out of school to get married, while in the general population, the rate is 4% for the girls of the same age.⁶ It is important to stress that the problem of early marriage is a particular one which the state does not know how to handle nor has it developed mechanisms for overcoming this issue. New research and data that should be part of reporting and monitoring the implementation of measures from the area of inclusive education provided by the *Strategy* are almost nonexistent because there is not a developed system of monitoring and reporting

¹ Statistical Office of the Republic of Serbia and UNICEF (2014), Serbia Multiple Indicator Cluster Survey 2014 and Serbia Roma Settlements Multiple Indicator Cluster Survey 2014, Available at: http://www.stat.gov.rs/media/3481/serbia-2014-mics-national-and-roma-settlements-eng_20141218.pdf

² Ibid.

³ Ibid.

⁴ The Strategy for Social Inclusion of Roma for the 2016-2025 Period (Official Gazette of the Republic of Serbia", No 26/2016). Available at: http://www.ljudskaprava.gov.rs/sites/default/files/dokument_file/national_strategy_for_roma_inclusion_2016-2025.pdf

⁵ Ibid.

⁶ Ibid.

of the quality of education of Roma women and men.⁷ The only evident outcome is that by implementing affirmative measures in the area of education, the number of Roma enrolled in high schools from 2014 up to present has increased.⁸ However, there are not up-to-date, precise data about the number of Roma students who actually graduate from the high school.

Inclusive education

The *Law on the Foundation of the Education System in the Republic of Serbia* came into effect in 2009, when an inclusive educational approach was introduced as a basis for achieving quality and fair education for all the children within the educational system. Since then, multiple problems have been identified in the implementation of the aforementioned law regulation which have led to slowing down the process of the social and educational inclusion of Roma women and men in Serbia. The new educational cadres, pedagogical assistants, were introduced as a relevant social partner in the processes of the democratisation of educational and social institutions and have become an important link in the process of social and educational inclusion in Serbia. Since 2007, the total of 175 pedagogical assistants were hired in preschools and elementary schools with the aim to increase access to education for the children and youth from marginalised groups. As of the end of 2018, 50 more pedagogical assistants have been trained and should be hired throughout Serbia. This measure had been provided by the *Action Plan for the implementation of the Strategy for Social Inclusion of Roma in the Republic of Serbia for 2016-2025 Period* (hereinafter *Action Plan*) for the period of 2017-2018 and should contribute to the number of employed Roma women and men on the national level.⁹ The measure of spreading the

⁷ Third National Report on Social Inclusion and Poverty Reduction in the Republic of Serbia for the period 2014-2017, Government of the Republic of Serbia. Available at: http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2019/02/Treci_nacionalni_izvestaj_o_socijalnom_ukljucivanju_i_smanjenju_siromastva_2014%E2%80%932017_eng.pdf

⁸ Ibid.

⁹ In addition to already engaged pedagogical assistants, there are Roma healthcare mediators and coordinators for Roma issues as well.

network of the pedagogical assistants provided by the *Strategy* as well as by the appending *Action Plan* for 2017-2018, remains unachieved in the last available *Report on Implementing the Action Plan for the Chapter 23*.¹⁰ It is important to point out that the working position of the pedagogical assistants remains insecure and unprotected even though they have greatly contributed to a bigger coverage of Roma children in the preschools and elementary schools. Thus, year after year, the scope of their work as well as the number of tasks they perform have been increasing while their employment status remained practically unregulated and often depended on project financing. It is not rare that the pedagogical assistants have salaries below the national minimum income.¹¹

This is why we should bear in mind that the lack of connection among all the relevant institutions and existing mechanisms of support reduce the results of the efforts made by individuals to provide educational and social support to the children according to their needs.

Incentives for early development and learning - the example of the city of Kragujevac

Measure 1 of the *Action Plan for the Area of Education* comprises stimulative activities which can contribute to incentives for early development and learning in children of 3 to 5 years of age. Development of diversified programmes by the preschools should contribute to the increase of coverage of the children from vulnerable groups within different programs of shorter duration. The Republic of Serbia has allocated a total of 2,507,109.00 RSD

¹⁰ Council for the implementation of the Action Plan for Chapter 23 (July 2018.), Report 2/2018 on implementation of the Action Plan for Chapter 23, Available at: <https://www.mpravde.gov.rs/files/Report%20no.%202-2018%20on%20implementation%20of%20Action%20plan%20for%20Chapter%2023.pdf>

¹¹ For more information in Serbian see: Miladinović, Slađana (2017), Prekarni položaj pedagoških asistenata, in: Baković Jadžić, Tamara (2017), *Obrazovanjem do politizacije romske zajednice* vol. 2. Kontradikcije strateškog okvira inkluzije, Forum Roma Srbije, Beograd, str. 42. Available at: http://www.frs.org.rs/wp-content/uploads/2018/02/FRS_Obrazovanjem_do_politizacije_romske_zajednice_2017.pdf

for 2017-2018 for financing this measure, which was not the case up to now. As a part of the same measure, there is an activity that refers to fostering local self-governments to finance different programs for a larger coverage of children of the 3 to 5 years of age in preschool programs as laid out in the *Rulebook on Conditions for Defining priorities for Enrolment of the Children in Preschools*. Even though, according to the *Strategy*, every local self-government should develop a local action plan for social inclusion of Roma and implement provided measures accordingly, this is almost nowhere the case.

According to the internal data of the *Roma Educational Cultural Association Romanipen* in Kragujevac the number of Roma children in full day preschool programs for 2017-2018 was defeating. Namely, during that period only three children of the Roma ethnicity, 3 to 5 years of age were included in the full day preschool program. After parents were informed about necessary documents and importance of attending a preschool program, at the enrolment for 2018-2019 eleven more parents submitted request for enrolment of their children.

Analysing the interest that parents showed, we have concluded that the weak participation of the Roma parents was due to them not being informed about dates and criteria of the enrolment of the children in preschool programs as well as the lack of money. This year, co-financing by the local self-governments helped compensate the financial problem, thus resulting in increased interest of the parents from vulnerable social groups in enrolling their children in the preschool. We expect the participation of the Roma children in the school year 2019-2020 to be higher due to the subventions allocated to the families.

Sanctions instead of incentives

Important change of the *Law on Financial Support to the Families with Children* and its article 25 will negatively influence the number of children enrolled as well as the continuity in attendance of compulsory preschool and school programs. That change sets out that the parental allowance will be

cancelled if one of the children has not received all of the compulsory vaccines or is not attending regularly elementary school or preschool.¹²

According to non-official data that the Roma non-governmental organisations have collected in the field, Roma community does not have a negative attitude towards immunisation, but due the poverty and lack of information this is outside of the primary sphere of their interest. So it is not only contra-productive to punish them by this measure but is also cruel. The Article 25 of the *Law on Financial Support to the Families with Children* does not provide the measures of support, on the contrary, it sanctions already vulnerable families and makes the integration in the society additionally harder.

Field work of the *Roma Educational Cultural Association -Romanipen* shows that the Roma community is open for collaboration and that the educational workshops about health are very well attended. It is necessary to change the approach and use the existing resources, such as health mediators, Roma non-governmental organisations and pedagogical assistants, in order to improve health of the children in the Roma community thus making it easier for them to integrate the compulsory educational system without being sanctioned.

¹² A-11 Initiative has lodged an initiative for assessing the constitutionality of the Law on Financial Support to Families with Children. Available at: <http://www.a11initiative.org/en/a-11-initiative-has-lodged-an-initiative-for-assessment-the-constitutionality-of-the-law-on-financial-support-to-the-family-with-children/>



Social security

Jelena Kasumović,

Activist

An efficient and just system of social protection could alleviate existing socio-economic inequality. The Republic of Serbia has adopted a set of laws¹ that guarantee social protection to those who are the most vulnerable. However, we can see that the scope of the social protection, for some years, is shrinking for all citizens. When it comes to Roma women and men, the

¹ Law on Social Protection (Official Gazette RS, No 24/2011), available in Serbian at: https://www.paragraf.rs/propisi/zakon_o_socijalnoj_zastiti.html; Law on Financial Protection to Families with Children (Official Gazette RS, No 113/2017 and 50/2018, available in Serbian at: <https://www.paragraf.rs/propisi/zakon-o-finansijskoj-podrsce-porodici-sa-decom.html>; Family Act (Official Gazette RS, No 6/2015), available in Serbian at: https://www.paragraf.rs/propisi/porodicni_zakon.html; Law on Employment and Unemployment Insurance (Official Gazette RS, No 36/2009, 88/2010, 38/2015, 113/2017), available in Serbian at: https://www.paragraf.rs/propisi/zakon_o_zaposljavanju_i_osiguranju_za_slucuj_nezaposlenosti.html; Law on Housing and Maintenance of Buildings (Official Gazette RS No 104/2016), available in Serbian at: https://www.paragraf.rs/propisi/zakon_o_stanovanju_i_odrzavanju_zgrada.html; Law on Health Care (Official Gazette RS, No 105/2017), available in Serbian at: https://www.paragraf.rs/propisi/zakon_o_zdravstvenoj_zastiti.html.

question of accessibility of social protection is specifically treated in the documents *which should ensure their social inclusion*. The *Strategy for Social Inclusion of Roma for 2016-2025 Period* (hereinafter the *Strategy*) and the appending *Action Plan* provides a set of measures for advancing the position of Roma, including advancing the social protection through operational objectives which should diminish the social gap between the general and the Roma population.

Institutionalised obstacles

In the section related to the social security, the *Strategy* sets out advancing access to social protection services and accessibility of financial assistance, with the aim to reduce poverty and to increase the social inclusion of Roma women and men. In this field, three operational objectives are provided. The first operational objective specifies that the social security system shall use solutions which favour family support when providing support to the children at risk, including special support for Roma families as well. The second operational objective provides improving the availability of financial assistance for children and families of Roma ethnicity who are entitled to it, with special reference to welfare payments, custodial care and child benefits. The third operational objective refers to improving the data collection system in the area of social security so that it provides clear and up-to-date data on the exercise of rights of Roma women and men.²

Since the *Strategy for Social Inclusion of Roma Women and Men* has been adopted, we can say that almost nothing has changed regarding increase of the scope and accessibility of social protection for Roma women and men. Thus, the operational objectives, which are not sufficiently budgeted and concrete in their formulation, remain in the shadow of new legislation which

² The Strategy for Social Inclusion of Roma for the 2016-2025 Period (Official Gazette of the Republic of Serbia", No 26/2016). Available at: http://www.ljudskaprava.gov.rs/sites/default/files/dokument_file/national_strategy_for_roma_inclusion_2016-2025.pdf

additionally denies social protection to the most vulnerable members of the community.

Article 69 of the Constitution of the Republic of Serbia grants the right to social protection regulated by the *Law on Social Protection*. The latter defines that right as organised social activity of the public interest with the aim to provide aid and strengthen individuals and families for independent and productive life in the society as well as preventing and eliminating the consequences of social exclusion.³ Furthermore, in the *Strategy* it is stated that it is necessary to provide material support to all of those who live in poverty and deprivation, so that they can exercise their rights to survival and dignity.⁴

The state has adopted a set of other laws and regulations which, in principle, should contribute to preventing and decreasing social exclusion. However, certain provisions pertaining to these laws have had completely opposite outcomes: some social welfare aids were reduced, the conditions and procedures for exercising these rights have been made more strict which has resulted with the poorest layer of the society being pushed deeper in poverty and oppression. Roma community members, being the poorest citizens, are certainly affected by these measures.

Contradictory legislation

The *Provision on Measures of Social Inclusion of the Beneficiaries of Social Protection*⁵ adopted in 2014 reduces accessibility of social protection by providing a measure that is not constitutional. Namely, this measure authorises Social Centres to condition the right to social welfare by socially useful

³ Law on Social Protection (Official Gazette RS, No 24/2011)

⁴ The Strategy for Social Inclusion of Roma for the 2016-2025 Period (Official Gazette of the Republic of Serbia", No 26/2016)

⁵ Provision on Measures of Social Inclusion of the Beneficiaries of Social Protection (Official Gazette RS, No 112/2014), available in Serbian at: <https://www.minrzs.gov.rs/sr/aktuelnosti/vesti/uredba-o-merama-socijalne-ukljucenosti-korisnika-novcane-pomoci>

labour. If the beneficiaries do not respond to this request of the Social Centre, the social welfare that they are entitled to by the law - will be reduced or fully cancelled. Such work can absolutely be qualified as forced, which constitutes a direct breach of the Constitution of the Republic of Serbia. The main argument for adopting this controversial provision was that this will foster employment of the poorest citizens while contributing to their socialisation. Nevertheless, *A11 - Initiative for Economic and Social Rights* has published an analysis of the results of this provision which shows that only 138 beneficiaries of the social welfare assistance were employed of at least 9.436 persons who were engaged by the Social Centre. According to the Initiative, the working positions and tasks given to the beneficiaries of social welfare are exclusively ones that can be done by non-qualified or low-qualified workers (hygiene maintenance, ditch digging, cleaning graveyards) and therefore there is no contribution to the social mobility of the beneficiaries nor the possibility to acquire better competences for future employment.⁶

This measure from the provision was placed in the *Draft of the Law on Amendments of the Law on Social Security*. Furthermore, this new bill contains the legal framework for introducing the system of social cards. According to the official statement of the Ministry of Labour, Employment, Veteran and Social Affairs, the aim of introducing social cards is that all of those who receive any welfare assistance “are registered in one place, checked and categorised.”⁷ According to the minister, the aim of this law regulation is to make social welfare more just and to collect in one place all the data on the status of all the citizens who need aid from the state. Nevertheless, many experts point out that the social cards will not contribute to reducing

⁶ Four years of Forced Labour in Serbia: The results of the application of the Decree on Social Inclusion Measures for Recipients of Financial Social Assistance, A11 – Initiative for Economic and Social Rights (2018), available at: <http://www.a11initiative.org/en/four-years-of-forced-labour-in-serbia-the-results-of-the-application-of-the-decree-on-social-inclusion-measures-for-recipients-of-financial-social-assistance/>

⁷ Dorđević, Katarina (July 2018), Socijalne karte verovatno od sledeće godine (Social cards probably next year), Politika. Available in Serbian at: <http://www.politika.rs/sr/clanak/407866/Socijalne-karte-verovatno-od-sledece-godine>

poverty which should be one of the aims of the whole system of the social protection. According to the professor of the Faculty of Political Sciences, Zoran Stojiljkovic, social cards are necessary evil, something that could be called poverty management.⁸

In addition, some of the provisions of the *Law on Social Security* are problematic, in particular those who provides compulsory education and successful schooling as one of the conditions for exercising the right to financial welfare assistance. There are many cases of Roma children who do not attend school due to the lack of some necessary documents or information as well as bad living conditions.

Regardless of the fact that many non-governmental organisations have pointed out the necessity to change provisions of the *Law on Social Security* based on which the beneficiaries of the social welfare can receive the welfare payments only during nine months and not during the whole year, the *Draft of the Law on Amendments of the Law on Social Security* does not set out any amendments in this area.

Another discriminatory law which legalise retaliation against the poorest is the *Law on Financial Support to Families with Children*.⁹ This law provides that the families in which one of the children did not receive all the compulsory vaccines or is not attending school regularly will stop receiving the welfare payments. The data provided by UNICEF and Statistical Office of the Republic of Serbia show that only 12.7% of children from Roma settlements between 24 and 35 months of age got all the compulsory vaccines, compared to the general population in which the rate is 70.5% and that 63% of Roma children attend preschool regularly, while only two thirds of these children enrol elementary school. This then makes it more clear who will be the

⁸ Mirković, Jelena (October 2017), *Socijalne karte – sistem koji rešava problem siromaštva? (Social cards - a system that solves the poverty problem?, N1*. Available in Serbian at: <http://rs.n1info.com/Vesti/a338313/Veca-pravda-sa-socijalnim-kartama.html>

⁹ *Law on Financial Protection to Families with Children (Official Gazette RS, No 113/2017 and 50/2018)*

most affected by the measures provided by the aforementioned law.¹⁰ The most frequent reasons for which Roma children do not get vaccinated are lack of personal documents (birth certificate, health care card), poverty, as well as lack of information on procedures of obtaining personal documents.

The examples given here show us that the laws do not guarantee appropriate social protection to the poorest citizens. On the contrary, the discriminatory law provisions push them deeper in poverty. Moreover, social welfare assistance is being reduced and procedures to obtain that assistance are becoming more and more complicated and less accessible. However, this doesn't stop the government from listing some of those law regulations in the quarterly *Reports on Implementation of the Action Plan for the Chapter 23* as a contribution to the measures provided by the *Strategy*.

The problems we have pointed out here do not represent an exhaustive list of the obstacles on the way of achieving an efficient and just system of social protection. Nonetheless, they are illustrative enough to show that those obstacles are institutionalised and that there is a tendency to continue with such harmful legal regulation in the field of social protection.

¹⁰ Kljajić, Sanja (October 2018), *Udarac na najslabije* (A blow directed to the most vulnerable), DW. Available in Serbian at: https://www.dw.com/sr/udarac-na-najslabije/a-45881332?fbclid=IwAR1W9vcrHjtUYX4YINl1Q86W9D__N-8e5jx-9PRuaeyMKi2-gnG0xl0o8Pc



Report from the field — The impossibility of exercising the right to social security for Roma women and men in Serbia

Jelena Krivokapić,

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Analysis of the law regulations referring to social security in Serbia clearly shows a tendency to restrain the scope of social protection for those to whom this public service is of an existential importance. It is almost impossible to collect exact data about expenditures of the budgetary funds of the local self-governments on services of social protection as well as about to what extent the Roma community was covered by these services since the beginning of implementation of the *Strategy for Social Inclusion of Roma Women and Men*. However, everyday work in the field gives us an insight in the actual state of affairs.

The situation in the municipality of Beocin is illustrative of this matter. Firstly, we should mention that the amount of the welfare payment allocated is just a fraction of the amount needed for a barely dignified life in Serbia. The base for social welfare payment is 8,283.00 RSD. However insufficient this

¹ More information about the project: <http://www.frs.org.rs/en/roma-community-centres/>

sum is for surviving, it is made difficult to access that financial assistance or the amount is even lowered. Namely, the Law on Social Security provides the conditions for exercising the right to welfare payment which are applied for the whole territory of the Republic of Serbia. Nevertheless, when the municipality of Beocin is compared with the municipality of Novi Sad, its territorially adjacent municipality, the amount of the welfare payment for a four-member family in the municipality of Beocin is always smaller than the one allocated to the same size family in the municipality of Novi Sad with all the parameters and conditions being the same.

Additionally, in the municipality of Beocin, the lump sum benefit must be “worked for” by performing work of public interest as called for by the *Provision on social inclusion of the beneficiaries of financial social assistance*. After 5 working days, most often in the public communal services (f.ex. cleaning the streets), the beneficiaries receive a receipt with which one can obtain 5000 dinars of lump sum assistance. The beneficiaries of social financial assistance have to work even in the case of a health problem if they want to receive even that small income. Economic repercussions of such social policy have a negative impact on the labor market because the work force is paid very low - the social financial assistance being lower than the minimum wage.

In November 2018 a beneficiary of social welfare, single mother D.C. from the municipality of Beocin, asked the legal worker of the Centre for Social Service in Beocin to provide her with information about a way to receive a lump sum assistance because her twelve year old daughter was in the hospital. D.C. was told that she would have to work in order to receive a lump sum assistance. She replied saying she heard about that for the first time since no one had ever asked her to do so in the municipality of Zrenjanin where she had lived previously.² The legal worker of the Centre for Social Service then tried to humiliate the beneficiary by saying in a very

² Although the Provision on social inclusion of the beneficiaries of financial social assistance exists for a little more than four years, it has not been applied in all local self-governments.

loud voice: “you are not used to work?!” “Does it seem strange to you that you have to work?!” “You, Roma, are not used to work”. By doing so, the legal worker broke the provisions of *Rulebook on Forbidden Actions of the Social Service Employees*³ and emotionally and verbally assaulted the beneficiary, humiliating her as well as the whole Roma community.

The experience shows that there are also cases of breach of the *Law on General Administrative Procedure* according to which it is the official duty of the representative of the authorities to collect and analyse data about the facts that are being recorded and which are necessary for the decision making processes. Nevertheless, it is often the case that the institutions do not want to collect the documents necessary for exercising the basic rights, and that they ask the beneficiaries of the services to collect, by themselves, the documents such as birth certificates, citizenship certificates, etc. So, the persons displaced from the territory of Kosovo, who now living in the territory of Vojvodina, whose documents are in the displaced registry offices, are not able to cover the expenses of collecting the documents and are prevented from exercising their fundamental rights granted by law.

³ Rulebook on prohibited behaviour of employees in the field of social protection (Official Gazette RS, No 8/2012, 3.2.2012), available in Serbian at: <https://www.minrzs.gov.rs/sites/default/files/2018-11/Pravilnik%20o%20zabranjenim%20postupanjima%20zaposlenih%20u%20SZ.pdf>



Report from the field— Integration of the returnees in practice

Zoran Kuzmanović

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In my work experience, I have met many persons who needed legal help and did not have the financial means to afford it. In the city of Kragujevac, there is a large Roma community located in two homogenous and many heterogenous settlements of different types: in or near the cities and in villages. An important part of this community are internally displaced persons from Kosovo and Metohija. All of them are in difficult financial situations and often seek solutions for their problems in the countries of Western Europe, asking for asylum. As the chances for recognition of their right to asylum are very weak, they often do not manage to find a permanent solution for their status and have to return to Serbia either voluntarily or by deportation. Also, there is a large number of those who were returned from the countries of the Western Europe on the basis of the *Agreement between the European Com-*

¹ More information about the project: <http://www.frs.org.rs/en/roma-community-centres/>

*munity and the Republic of Serbia on the Readmission of Persons Residing without Authorisation.*²

When they return to Serbia, they face many problems, economic as well as administrative. The Roma community encounters many legal and administrative obstacles, and I would like to share those that I have encountered. One of the main problems is the lack of personal documents, which for some of the returnees under the readmission agreement means that they cannot prove their status as returnees. Difficult financial situation of the Roma returnees makes it more complicated to exercise their fundamental rights, and often the language barrier makes the formal communication with the institutions much harder. Also, a big problem is that most of the deported persons, once they arrive in Serbia, end up in one of the exclusively Roma settlements which are still not legalised nor are the settlements undergoing the procedure to be legalised. The fact that they cannot register at an address makes it additionally difficult for the returnees to obtain personal documents.

The problem is often that the Roma population is not well informed. Moreover, different state institutions are not informed about possibilities of solving problems which Roma women and men are facing and the institutions that should be working together on solving these problems often lack coordination among themselves.

One of the cases that I worked on while providing free legal aid is an illustrative example of this, more than hopeless, situation. It is the case of two returnees of Roma ethnicity who had spent many years abroad.

When they returned to Kragujevac, they faced a serious administrative obstacle which is a *condictio sine qua non* in many spheres of life for normal functioning in the legal system of any state - impossibility to obtain personal

² Agreement between the European Community and the Republic of Serbia on the Readmission of Persons Residing without Authorisation (Official Gazette RS – International agreements, No 103/2007). Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A22007A1219%2803%29>

identity card. The reason for this was unidentified place of permanent residence. Without a personal identity card, it is impossible to exercise all the other individual rights, like the right to social welfare assistance or the right to the health care.

Specifically, in the case of the two returnees, the problem was in the proof of permanent residence, which is a very frequent situation due to the fact that the returnees under the readmission agreement whose previous permanent residences had been made passive and who still cannot prove that they live at the registered address. In this particular case, it has been ongoing for almost a year.

One of them tried to register at the address of the Social Centre *Solidarnost* in Kragujevac and the other at the address where he lives and pays the rent - with the agreement of the owner of the place. It is important to say that after the *Rulebook on the Form of the Registration of the Residency at the Address of Institution* (in this case Social Centre)³ came to the effect followed by the *Instruction on Registering Permanent Residence at the Address of Social Centre*⁴ in December 2012, it was not fully made possible to register a permanent residence at the address of the Social Centre. The *Instruction* contains a questionable provision which is often interpreted arbitrarily. Namely, the police department in charge should issue a proof that the residency registration cannot be done according to the Article 11, provision 2, points 1, 2, and 3 of the *Law on Temporary and Permanent Residency of the Citizens*⁵ nor on the basis of the property, rental agreement or any other

³ Rulebook on the Form of the Registration of the Residency at the Address of Institution. See: <http://praxis.rs/index.php/en/praxis-watch/item/655-mup-doneo-nov-pravilnik-o-postupku-prijavlivanja-i-odjavljivanja-prebivali%C5%A1ta-i-boravi%C5%A1ta-gra%C4%91ana>

⁴ Instruction on Registering Permanent Residence at the Address of Social Centre. See: <http://praxis.rs/index.php/en/praxis-in-action/residence/item/654-novo-uputstvo-za-postupanje-centara-za-socijalni-rad-u-vezi-sa-prijavom-prebivali%C5%A1ta-na-adresi-csr>

⁵ Law on Temporary and Permanent Residency of the Citizens (Official Gazette RS, No 87/2011). Available in Serbian at: https://www.paragraf.rs/propisi/zakon_o_prebivalistu_i_boravistu_gradjana.html

legal basis. Certainly, this only makes the registering procedure longer and more difficult.

Regardless of the fact that one of the returnees requested to register permanent residency on the basis of the rental agreement, so his registration should not be questionable, the police department in charge issued a decision refusing the request with explanation that this person is unemployed and does not own any property on the territory of the city of Kragujevac so that the city cannot be considered as a centre of his livelihood. In the other case of the returnee who tried to register permanent residency at the address of the Social Centre we do not know the decision that has been made about the filed request. The reason for this is that the beneficiary could not take the official mail containing the said decision from the post office since he does not have personal identity document which is necessary as proof of identity. This person has difficulties to prove identity in the legal procedure against him, which makes his position in this legal procedure more vulnerable and difficult. I have to underline that, while I was providing pro bono legal assistance, I have received many complaints from some beneficiaries saying that the Social Centre refuses in many ways or delays the registration process even though the registration is an urgent need for many persons. Taking in consideration the given facts, a complaint has been filed to the Complaints Office of the Ministry of Interiors. No response has been received yet, several months after the complaint was filed. Also, we notified the Ombudsperson's office in Kragujevac and organised a meeting with the representatives of the said office in order to plan future steps.

Unfortunately, this situation results with a complete inertness of the returnees who are probably very tired and have lost any hope that their administrative problem will be solved so they stop taking any initiatives. The two aforementioned returnees did not come to the meeting with the representatives of the Ombudsperson's office. Also, our organisation lost any contact with these two beneficiaries even though we tried many times to reach them.

