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SERBIA

A REPORT BY THE EUROPEAN ROMA RIGHTS CENTRE

Country Profile

2011-2012

CHALLENGING DISCRIMINATION PROMOTING EQUALITY

errc
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1 About the Country Profile

The Serbia country profile focuses strongly on hate speech and violence, housing, education, migration and asylumas key areas of work for the ERRC. The information is correct as of April 2013.

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2 Introduction and Background Data

According to the 2011 population census there are 147,604 Roma in Serbia, comprising 2.05%[1]of the country's population. This makes Roma the second largest minority in Serbia after the Hungarian national minority.[2]

However, unofficial sources estimate that the number of Roma in Serbia is significantly higher, in the range of 250,000 to 500,000.[3] In addition to the autochthonous groups, approximately 40.000 – 50.000 Roma fled during and after the conflict in Kosovo to Serbia proper; among which only half of them registered as internally displaced persons (IDPs).[4] However, it is not known, if all of them remained in Serbia or left for destinations in Western Europe. Further, thousands of Roma have been returned to Serbia from Western European countries in the last years as failed asylum seekers; including Roma who were originally from Kosovo.

Roma in Serbia constitute a diverse community which has some specific features: The autochthonous Romani groups can be differentiated along religion (primarily orthodox or Muslim, but also other religious affiliations), main language (Romani, Serb, Hungarian, Albanian, etc), regional origin (Vojvodina, Central Serbia, South Serbia), socio-economic status, etc. Many Roma are assimilated and hide or deny their ethnic origin. In recent years, more persons in Serbia state that they belong to the ethnic groups of Ashkali or Egyptians, who declare themselves as distinct ethnic groups that are not related to Roma. In Serbia, the majority of Egyptians and Ashkali are originally from Kosovo.

Nation-wide, comprehensive data on the socio-economic situation of the Roma in Serbia do not exist. Nation-wide statistics are in general based on the census results; Roma, however, in majority do not disclose their identity in census-taking which creates a serious obstacle for the production of reliable data.

2.1 Socio-Economic Data

Employment: The Romani population, and especially Romani women, are the most discriminated against in the labour market.[5] A European Commission against Racism and

1 See: Statistical Office of the Republic of Serbia, available at: **http://webrzs.stat.gov.rs/WebSite/public/PublicationView.aspx?pKey=41&pLevel=1&pubType=2&pubKey=154**.

2 Roma Feel Less Fear and More Hope After Census, Open Society Foundations, 12 December 2012, available at: **http://www.opensocietyfoundations.org/voices/roma-feel-less-fear-and-more-hope-after-census**.

3 Government of the Republic of Serbia, "Strategy for Improvement of the Status of Roma in the Republic of Serbia", Belgrade, 2010, p. 9, available at: **http://www.seio.gov.rs/upload/documents/ekspertske%20misije/protection_of_minorities/strategy_for_roma.pdf.**

4 *Ibid.*, p. 28.

5 Serbia 2012 Progress Report, European Commission, Brussels, October 2012 available at: **http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/sr_rapport_2012_en.pdf**.

Intolerance (ECRI) 2011 report highlights that Roma in Serbia face low economic activity and there is almost total exclusion of Roma from the public sector, which indicates a pattern of discrimination against Roma.[6] The low educational attainments are reflected in low employment rates – only one in five Roma is working in Serbia. The employment gap between Roma and majority population of working age is 29 percentage points. The low education levels are also reflected in much lower earnings. The average net monthly income of an employed Roma is 48% less than the income of a member of the majority population.[7] The majority of Roma households "depend on low income obtained mostly from seasonal work such as agriculture and construction or collecting scrap metal for recycling".[8]

Roma are officially recognised as a national minority in Serbia and thus entitled to be proportionately represented in public administration and public offices.[9]. However, research by the Minority Rights Center in 2010[10] on the representation of Roma in public administration found that among 16,675 employees in 51 state administration bodies there are a total of 728 (declared) members of national minorities, including only eight Roma. National minorities in Serbia comprise 17% of total population while in state administration they are represented with less than 5%; Roma make up 2.05%[11]of the entire population while in state administration they are represented by only 0.04%.

According to a UNHCR 2011 survey, Roma IDPs face a far more difficult situation on the labour market compared to non-Roma IDPs. Roma are less engaged in formal employment (9.8%) as compared to non-Roma (27.1%) and also have a higher share of formal unemployment (32.3% vs. 20.6%). Around a third (29.5%) of all IDPs, 34.8% of those in need and 79.3% of Roma are working without any contract. Roma are more likely to perform tasks on the streets, markets, door to door (60.8%), while non-Roma are more likely to work in companies and institutions (58.7%). As many as 70% of Roma IDPs work occasionally and only 10% are employed full-time. Non-Roma IDPs are in a better position, with indefinite contracts in 51.8% of cases.[12]

6 European Commission against Racism and Intolerance Secretariat, *ECRI report on Serbia (fourth monitoring cycle)*, 31 May 2011, p. 18, available at: **http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/serbia/SRB-CbC-IV-2011-021-ENG.pdf**.

7 World Bank, *Economic Costs of Roma Exclusion*, April 2010, available at: **http://siteresources.worldbank.org/EXTROMA/Resources/Economic_Costs_Roma_Exclusion_Note_Final.pdf**; for comparison: in Bulgaria the average monthly income is 31% less; in Romania, 55% and 58% in Czech Republic.

8 ECRI report on Serbia, May 2011, p. 18.

9 Article 77 of the Constitution of the Republic of Serbia, („Official Gazzette of the Rep. of Serbia" No. 98/2006), available at: **http://www.parlament.gov.rs/upload/documents/Constitution_%20of_Serbia_pdf.pdf**.

10 Minority Rights Center, *Participation of Roma in Public Administration*, ppt, Belgrade, 13 December 2010, available at: **http://mrc.org.rs/images/stories/panel/Konferencija%20ROMI%20U%20JAVNOJ%20UPRAVI.pdf**.

11 *N.B.* According to 2002 census Roma made 1.44% of overall population in Serbia.

12 UNCHR, Joint IDP Profiling Service and Commissariat for Refugees of the Republic of Serbia, *Assessment of the Needs of Internally Displaced Persons in Serbia*, 2011, available at: **http://www.unhcr.rs/media/IDP_Needs_AssessmentENGLISH.pdf**.

Education: The educational situation of Romani children is characterised by low enrolment rates, high dropout rates and the misplacement of students in special schools and classes offering substandard education.[13] Inclusive education is still not fully developed, and too many Roma children are still being enrolled in special schools.[14] However, the number of enrolled Romani children enrolled into special schools decreased from 8% to 6% in the last years.[15]

Preliminary data on the educational attainment of Roma from the 2011 population census indicates that more than 15% of all Roma in Serbia above the age of 10 are illiterate[16] compared to the national average which is below 2%.[17] Sixty-nine percent of all illiterate Roma are women. 34.2% of Roma have incomplete primary education compared to 11% of the overall population. Even though there has been an increase in the number of Roma completing the primary and secondary education comparing to the previous census in 2002, disparity with national average is still high. Today, a little bit more than 11% of Roma hold a secondary education diploma[18] compared to almost half of the general population (48.93%).[19]

According to a UNICEF survey, the percentage of Romani school-age children who attend first grade has increased by 25% since 2005. Still, disparities between the general population and Romani children from Romani settlements are marked in terms of enrolment and even more prominent in attendance rates, primary school completion and enrolment to pre-school education.[20] The latest data show that 74% of Romani children from Romani settlements enrol in primary schools with a completion rate of 34%. This is the lowest completion rate compared to children from rural areas (74,14%) and the general population (95,2%).[21]

Since the 2005/06 school year, the government has been implementing affirmative measures on the enrolment of Romani pupils and students into secondary schools and universities. In the

13 ERRC submission to UN UPR on Serbia, 16 July 2012, page 3, available at: **http://www.errc.org/cms/upload/file/serbian-un-upr-submission-16-july-2012.pdf**.

14 Serbia 2012 Progress Report, European Commission, Brussels, October 2012 available at: **http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/sr_rapport_2012_en.pdf**.

15 Strategija razvoja obrazovanja u Srbiji do 2020. godine (Strategy for development of education in Serbia up to 2020), ("Sluzbeni glasnik RS" br. 107/2012 do 09.11.2012),p. 29, available at: **http://www.mpn.gov.rs/prosveta/page.php?page=307**.

16 Radio Beograd 1*, Romano Them: interview with Mrs Snezana Lakcevic, Head of the Census Department, Statistical Office of the Republic of Serbia*, Belgrade, 07 February 2013, available at: **http://www.rts.rs/page/radio/ci/story/27/%D0%A0%D0%B0%D0%B4%D0%B8%D0%BE+%D0%91%D0%B5%D0%BE%D0%B3%D1%80%D0%B0%D0%B4+1/1262070/%D0%A0%D0%BE%D0%BC%D0%B0%D0%BD%D0%BE+%D0%A2%D1%85%D0%B5%D0%BC.html**.

17 Statistical Office of the Republic of Serbia, *Educational Attainment, Literacy and Compute Literacy – data by municipalities and cities*, Belgrade, 2013, p. 102, available at: **http://popis2011.stat.rs/?lang=en**.

18 Radio Beograd 1, Romano Them, 07 February 2013.

19 Statistical Office, *Educational Attainment*, p. 33.

20 UNICEF, "In Serbia, early results of household survey show progress and disparities alike", 20 July 2011, available at: **http://www.unicef.org/infobycountry/serbia_59264.html**.

21 Strategija razvoja obrazovanja u Srbiji do 2020. godine (Strategy for development of education in Serbia up to 2020).

2011/12 academic year, 380 Romani students were enrolled in secondary education and 154 Romani students in tertiary education through affirmative measures.[22] Still, the percentage of Romani students from Romani settlements attending secondary education remains disturbingly low. While 89% of children in Roma settlements are attending primary school, only one in five Roma children (19%) of secondary school age attends secondary school.[23]

Health: According to the most recently published data, over the last several years there has been a significant decrease in child mortality rate in Romani settlements.[24] However, the difference in the mortality rates of Romani children comparing to majority of population is still high. Both infant and under-five mortality rates in Romani settlements are double the country average.[25] The highest infant mortality rates (26 per thousand live births) and under five mortality rates (29 per thousand live births) are among Romani children whose mothers have no formal education.[26]

As far as the coverage of the Romani population by health insurance is concerned, indicators show that the amendments to the regulations allowing Roma without registered residence, and even the "legally invisible" persons to obtain health cards have been effective.[27] According to the UNDP, World Bank and European Commission (UNDP/WB/EC) regional survey 93% of Roma in Serbia age 16 and above have access to medical insurance, the same as general population.[28] However, in 2012 the problem of access to health insurance for the most vulnerable population – persons living in informal settlements and "legally invisible persons" recurred. The NGO Praxis reported that persons of Roma ethnicity without registered permanent or temporary residence were *again* denied access to health insurance.[29]

In 2011 and 2012 seventy-five Roma Health Mediators, coordinated by the Ministry of Health, have continued to work within local health institutions in 59 cities and towns throughout Serbia.

22 "Best practices and partnerships – the key to efficient, just and quality education" by MA Marija Aleksandrovic, the National Council of the Roma National Minority, March 2012, Belgrade, available at: **http://www.mpn.gov.rs/sajt/page.php?page=313**.

23 Statistical Office of the Rep. of Serbia, *Serbia Multiple Indicator Cluster Survey (MICS) 2010 - Monitoring the situation of children and women*, (Belgrade: UNICEF, 2011), p. 165.

24 UNICEF, "In Serbia, early results of household survey show progress and disparities alike", 20 July 2011, available at: **http://www.unicef.org/infobycountry/serbia_59264.html**.

25 The infant mortality rate in Serbia is 7 comparing to Romani settlements where the infant mortality rate is 14 deaths per 1000 children; under five mortality rates is 8 comparing to Romani settlements where under five mortality rate is 15 deaths per 1000 children, *Ibid.*

26 Statistical Office of the Rep. of Serbia, *Serbia MICS 2010,* p. 48.

27 Belgrade Center for Human Rights, *Human Rights in Serbia 2011*, Belgrade, 2012, p. 258, available at: **http://english.bgcentar.org.rs/images/stories/Datoteke/human%20rights%20in%20serbia%202011.pdf**.

28 UNDP/WB/EC regional Roma survey 2011, available at: **http://europeandcis.undp.org/data/show/D69F01FE-F203-1EE9-B45121B12A557E1B**; this is confirmed by data of the Ministry of Health showing that around 8.7% of Roma does not have medical insurance. See Ministry of Health, *Project "Health Mediators"*, ppt, 31.12.2010., available at: **http://www.zdravlje.gov.rs/showpage.php?id=73**.

29 Praxis, "Denial of Access to Health Insurance to Persons of Roma Ethnicity", press release, 04 May 2012.

Roma Health Mediators are paid partially from the State budget[30] and are hired through temporary contracts that have to be renewed every three months.[31]

Housing: According to research conducted in 2002, there were 593 Roma settlements in Serbia, each with minimum fifteen families and more.[32] The majority of Roma settlements are located in Belgrade, Central Serbia, Vojvodina and several districts of Southern Serbia.[33] In 2002, 43.5% of all settlements were classified as unhygienic or slums.[34] Most of these settlements are segregated and located on the outskirts of larger cities, some even being physically isolated by fences.[35] Houses are often built with scrap materials, with neither sufficient protection from the elements nor a complete network of electricity. More than a quarter of settlements remain bereft of water supply and only one third has paved roads.[36]

A more recent report found that there are a total of 93 Romani settlements in Vojvodina. It is estimated that these settlements have more than 21,000 inhabitants, each counting from as little as ten inhabitants to over 3,000 Roma. Nearly half of these settlements (41%) were characterised as slums and 45% of all Roma settlements is not legalised. Higher percentage of settlements is equipped with water supply (78%), electricity (79%), public lightning (60%) and roads (54%); still, only 14% are connected to the sewage system. It is worrying that 41 Romani settlements are located on sites at risk, unhealthy or in other way hazardous locations such as near the landfills, cattle burying sites, factories, etc.[37] The 2011 UNDP survey indicates that 22% of Roma do not have access to improved water source and 39% to improved sanitation comparing to 12% and 16% of non-Roma.[38]

30 Zaštitnik građana Rep. Srbije, *Radna verzija izveštaja Rezultati istraživanja Zaštitnika građana o sprovođenju Strategije za unapređenje položaja Roma*, available at: **http://www.ombudsman.pravamanjina.rs/attachments/REZULTATI%20ISTRAZIVANJA%20ZG%20O%20PRIMENI%20STRATEGIJE.pdf**.

31 Open Society Foundations, *Roma Health Mediators: Successes and Challenges*, (New York: Open Society Foundations, 2011), p. 38 available at: **http://www.opensocietyfoundations.org/sites/default/files/roma-health-mediators-20111022.pdf**.

32 Ethnicity Research Centre, Bozidar Jaksic, PhD, Goran Basic, LLD – "Roma settlements, living conditions and the possibility for integration of Roma in Serbia, Belgrade, 30 December 2002. Possibility for integration of the Roma in Serbia", results of the social research, Belgrade, 30 December 2002.

33 UNDP, *Human Development Report Serbia 2008: Regional cooperation*, Belgrade, 2008, available at: **http://www.undp.org.rs/download/nhdr2008_eng.pdf**.

34 *Ibid.*

35 Information Submitted to the Committee on the Elimination of Racial Discrimination on the occasion of Initial Periodic Report of Serbia, 78th Session, available at: **http://www2.ohchr.org/english/bodies/cerd/docs/ngos/Praxis_RegionalCentreforMinorities_CEKOR_CHRIS.pdf**.

36 *Ibid.*, p. 16.

37 Pokrajinski ombudsman, *Romska naselja u Vojvodini*, (Novi Sad: Pokrajinski ombudsman Autonomne pokrajine Vojvodine, 2011), available at: **http://www.ombudsmanapv.org/ombjo/attachments/article/122/romska_naselja_u_vojvodini.pdf**.

38 UNDP/WB/EC, Regional Roma survey 2011.

3 Summary of (Crosscutting) Laws, Policies and Structures

Roma in Serbia are officially recognised as a national minority according to the Law on the Protection of Rights and Freedoms of National Minorities, which enables them, at least formally, to enjoy both individual and collective human rights.[39] The protection of ethnic minority rights is one of the key principles laid down in the Constitution of the Republic of Serbia (Constitution) guaranteeing to national or ethnic minorities a certain level of autonomy in questions relating to their culture, education, media, official use of language (Article 75), non-discrimination (Article 76), introduction of affirmative measure (Article 76, paragraph 3), right to representation in public offices (Article 77) and prohibition of forceful assimilation (Article 78).[40]

Serbia also ratified the Council of Europe Framework Convention for the Protection of National Minorities and adopted two umbrella laws; in addition to the Law on the Protection of Rights and Freedoms of National Minorities, the Law on National Councils of National Minorities.[41] Legislation in the areas of education, media, state administration and local self-government contains specific provisions aimed at the realisation of collective rights of national minorities, including Roma.

3.1 Prohibition Against Racial and Ethnic Discrimination

Equality and non-discrimination is formally granted and protected by the legal and institutional framework in Serbia. A comprehensive anti-discrimination framework prohibits all forms of discrimination against individuals and groups, in accordance with EU anti-discrimination rules. In 2009, Serbia adopted a Law on Anti-Discrimination[42] (LAD) which entered into force in January 2010, followed by the election of the Commissioner for Equality Protection (CEP) later that year. In its 2011 annual report, the CEP indicates that even though the number of complaints tripled compared to 2010 (from 124 to 349 new cases in 2011), the overall number of complaints is still relatively small.[43] The highest number of complaints is related to discrimination based on nationality/ethnicity (72) amongst which almost 32% related to discrimination against Roma.[44]

39 Law on the Protection of Rights and Freedoms of National Minorities, ("Official Gazette of FRY" No. 11/2002, "Official Gazette of SCG" No. 1/2003, "Official Gazette of the Rep. of Serbia" No. 72/2009).

40 Ustav Republike Srbije, („Službeni glasnik R. Srbije" br. 98/2006), available at: **http://www.paragraf.rs/propisi/ustav_republike_srbije.html**.

41 Law on National Councils of National Minorities, ("Official Gazette" No. 72/2009).

42 Law on Prohibition of Discrimination, ("Official Gazette" No. 22/09).

43 Commissioner for Equality Protection,*Regular Yearly Report of the Commissioner for Equality Protection for Year 2011*, Belgrade, March 2012, p. 44, available at: **http://www.ravnopravnost.gov.rs/lat/izvestaji.php?idKat=16**.

44 *Ibid*., p. 47.

The anti-discrimination legal framework is complemented with specific laws on gender equality,[45] prevention of discrimination[46] and professional rehabilitation of persons with disability,[47] as well as with specific anti-discrimination provisions contained in education,[48] labour,[49] health[50] and social security laws.[51]

However, in practice the extent of discrimination issues raises the question of the law's effectiveness. International human rights organisations and state institutions have highlighted the fact that Roma continued to be the most vulnerable minority community and a target for verbal and physical harassment from members of the public, police violence and societal discrimination. Similarly, LGBT people, national minorities and disabled people still face discrimination in Serbia.[52]

Serbia's anti-discrimination legislation is broadly in line with European standards on combating racism and racial discrimination. However the European Commission recently underlined that certain aspects of the Serbian anti-discrimination law are not in line with the *acquis,* notably the scope of exceptions from the principle of equal treatment, the definition of indirect discrimination and the obligation of reasonable accommodation for disabled employees.[53]

3.2 Governmental Policies on Roma Inclusion

The Government of the Republic of Serbia adopted the National Action Plan for education, health, employment and housing in 2005 in the course of launching and signing declaration of the *Decade of Roma Inclusion 2005 - 2015*.[54] During the Serbian Presidency of the Decade of Roma Inclusion, the Government adopted the Strategy for the Improvement of Roma Status in the Republic of Serbia (the Strategy) on 9 April 2009, followed by the adoption of the (revised) three-year National Action Plan for its implementation (NAP).The Strategy and NAP

45 Law on Gender Equality,("Official Gazette of the Rep. of Serbia" No. 104/2009).

46 Law on Prevention of Discrimination of Persons with Disability, ("Official Gazette of the Rep. of Serbia" No. 33/2006).

47 Law on Professional Rehabilitation and Employment of Persons with Disability, ("Official Gazette of the Rep. of Serbia" No. 36/2009).

48 Law on the Fundamentals of the Education System, ("Official Gazette of the Rep. of Serbia" No. 72/2009, 52/2011).

49 Article 18-23, Labour Law, ("Official Gazette of the Rep. of Serbia" No. 24/2005, 61/2005, 54/2009).

50 Article 20 and Article 26, Law on Health Protection, ("Official Gazette of the Rep. of Serbia" No. 107/2005, 88/2010, 99/2010, 57/2011, 119/2012).

51 Article 25, Law on Social Protection, ("Official Gazette of the Rep. of Serbia" No. 24/2011).

52 Bertelsmann Stiftung's Transformation Index (BTI), Serbia country report 2012, report available at: **http://www.bti-project.de/fileadmin/Inhalte/reports/2012/pdf/BTI%202012%20Serbia.pdf**.

53 European Commission, Serbia 2012 Progress Report, document available at: **http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/sr_rapport_2012_en.pdf**.

54 Signed by the Serbian Prime Minister in Sofia, Bulgaria, on 2 February 2005.

cover 13 different areas including: education, housing, employment, health care, displaced persons, social insurance and social care, personal documents, culture, information, status of Roma women, return based on readmission agreements, discrimination and political participation. However, to date the NAP for the period 2012 – 2014 still has not been adopted.[55]

Other key and crosscutting national policies affecting position of Roma are: Poverty Reduction Strategy (2004), UN Millennium Development Goals, National Strategy for Improving Position of Women and Promoting Gender Equality (2009), Strategy for Development of Education in Serbia up to year 2020, National Strategy for Social Housing (2012), National Program for Integration of Republic of Serbia into European Union, National Employment Strategy 2011-2020, Strategy for Reintegration of Returnees based on the Readmission Agreement (2009), Strategy for Combating Illegal Migrations in the Rep. of Serbia for 2009-2014, Strategy for Public Health in the Rep. of Serbia (2009), the National Strategy for Combating Gender-Based Violence and Family Violence (2011).

In November 2011, a new law on permanent and temporary residence was adopted, allowing individuals without a formal address to register residence with their local centre for social work.[56] However, exercising this right was made possible only in November 2012, when the necessary bylaw was adopted.[57] Praxis, a Serbian NGO, reported that despite these changes there are additional complications related to the registration of a permanent residence using the address of the social welfare centres.[58]

In August 2012 the National Assembly adopted the Law on Amendments to the Law on Non-Contentious Procedure,[59] enabling a court procedure in which "legally invisible" persons (i.e. persons who are not formally registered) can establish birth facts: time and palce of birth and parents. They can then complete enrolment into birth registries Through this procedure, a person who does not have an official record of their birth,where the time and the place of birth cannot be proven through the regular administrative procedure, can initiate a process before the court for establishing birth facts. However, the effectiveness of such decision is questionable since the amendments to the law stipulate that the judicial decision on establishing birth facts is not binding for the authority deciding on citizenship.[60]

55 Opinion of Omubdsman of Serbia, 19 June 2012, available at: **http://www.paragraf.rs/dnevne-vesti/200612/200612-vest7.html**.

56 Zakon o prebivalištu I boravištu građana, ("Sl. Glasnik RS" br. 87/2011 od 21.11.2011.).

57 Pravilnik o obrascu prijave prebivališta na adresi ustanove, odnosno centra za socijalni rad ("Sl. glasnik RS" br. 113/2012 od 30.11.2012.).

58 Praxis, "Additional Complications Related to Registration of Permanent Residence at the Address of Social Welfare Centers", press release, 23 January 2013, available at: **http://praxis.org.rs/index.php/en/praxis-in-action/access-to-justice/item/505-dodatne-komplikacije-u-vezi-sa-prijavom-prebivalista-na-adresi-centra-za-socijalni-rad**.

59 Serbia, Law on Amendments to the Law on Non-Contentious Procedure, Official Gazette no 85/2012, available at: **http://www.paragraf.rs/propisi/zakon_o_vanparnicnom_postupku.html**.

60 Praxis, "Court Decision Is Not Binding on the Body of Internal Affairs – Legally Unsustainable Decision", press release, 14 September 2012, available at: **http://www.praxis.org.rs/index.php/en/praxis-watch/item/491-sudska-odluka-ne-obavezuje-organ-unutrašnjih-poslova-–-pravno-neodrživo-rešenje/491-sudska-odluka-ne-obavezuje-organ-unutrašnjih-poslova-–-pravno-neodrživo-rešenje**.

3.3 Political Participation and Roma Related Structures

Following the parliamentary elections in 2012, the Ministry of Human and Minority Rights, Public Administration and Local Self-Government, which included a unit responsible for coordinating the implementation of the Roma Strategy, was dissolved, and the Government Office for Human and Minority Rights (the Office for Human Rights) was established.

The Office for Human Rights performs professional activities for the Government and relevant ministries that are related to: protection and promotion of human and minority rights, monitoring of compliance of national legislation with international treaties and other international acts on human and minority rights and initiation of amendments in national legislation; general issues concerning national minorities; monitoring the status of national minorities residing on the territory of the Republic of Serbia and exercising of minority rights; creating relations with home countries of national minorities.[61]

The resignation of Deputy Prime Minister for EU Integration, Božidar Đelić, who was also chairman of the inter-ministerial Council for Improvement of the Status of Roma and Implementation of Decade of Roma Inclusion (the Council) and the National Coordinator of the Roma Decade, in December 2011 has brought into question the further work of the Council which has not met since.[62]

Following the direct elections for the national councils of national minorities in 2010, the new National Council of the Roma National Minority (NCRNM) was established, consisting of 35 members. The NCRNM established boards for education, official use of language, culture and media, as well as several regional offices throughout Serbia.[63]

At the regional and local level there are various structures for the implementation of Roma-related policies, including the Office for Roma Inclusion within the Government of the Autonomous Province of Vojvodina, municipal Roma coordinators in approximately 55 municipalities,[64] over 170 teaching assistant and 75 Roma Health Mediators.[65]

Currently, one Romani individual is a Member of the Parliament of Serbia who represents the Romani political party that, prior to the elections, established a common list with a mainstream political party.

61 Serbia 2012 Progress Report, European Commission, Brussels, October 2012, available at: **http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/sr_rapport_2012_en.pdf**.

62 BCHR, *Human Rights in Serbia 2011*, p. 257.

63 See: **www.romskinacionalnisavet.org**.

64 Available at: **http://www.ljudskaprava.gov.rs/nacionalne-manjine/grupa-za-unapredjivanje-polozaja-roma**.

65 Serbia 2012 Progress Report, EC, p. 18.

4 Key Issues by Theme

4.1 Housing

4.1.1 LEGAL AND POLICY FRAMEWORK

The Constitution of the Republic of Serbia does not provide explicit protection of the right to adequate housing, and the right not to be subjected to forced evictions. However, by stipulating direct implementation of the human and minority rights as guaranteed by the Constitution, generally accepted rules of international law, and ratified international treaties and law (Article 18) the constitutional order in Serbia guarantees the right to adequate housing.

The legal framework regulating evictions is complex, inadequate and inconsistent. It is comprised of several laws regulating different areas (housing, construction, communal services, and expropriation) and includes: the Law on General Administrative Procedure, the Law on Execution and Security, the Law on Housing, the Law on Planning and Construction,[66] the Law on Communal Services and the Law on Expropriation.[67]

The Roma Strategy includes a set of recommendations in connection with evictions; they underline the necessity of harmonising relevant domestic laws with international standards in order to guarantee a legal procedure in accordance with international standards, including the principal of non-discrimination and the right to adequate alternative accommodation.[68]

In 2009 the Parliament passed the Law on Social Housing (LSH) which regulates conditions for sustainable development of social housing, manners of securing and utiliisng funds for the development of social housing and other relevant questions (Article 1).[69] Persons entitled to social housing under this law are those without a home or a home of an adequate standard, and who cannot afford housing under market conditions. Most importantly, the LSH sets criteria for allocating social housing, including: housing status, income level, health condition, disability, size of the household, property status. Persons belonging to vulnerable groups, including Roma, have priority when determining order of allocation of social housing (Article 10).[70]

66 The Law on Planning and Construction, "Official Gazette of the Rep. of Serbia" No. 72/2009, 81/2009, 24/2011.

67 Platform for the Right to Adequate Housing, "Legal Standards and Eviction of Roma in Serbia (draft)", working paper, December 2012.

68 *Ibid.*

69 Zakon o socijalnom stanovanju (Law on Social Housing), ("Sl. Glasnik RS" br. 72.2009. od 03.09.2009.).

70 Platform for the Right to Adequate Housing, "Legal Standards and Eviction of Roma in Serbia (draft)", working paper, December 2012.

Even though the LSH determined a six-month deadline for adoption of the social housing strategy, the Government only adopted the National Strategy for Social Housing[71] in February 2012, defining conditions for the development of social housing in Serbia. The issue of Roma housing and informal settlements is implicitly regulated by the Strategy through the section on improving housing conditions in substandard settlements (specific goal 7): improving the legal status (measure 7.1), infrastructure (measure 7.2) and living conditions of individual households (measure 7.3). However, the Strategy makes scarce reference to evictions. Specifically, it does not make any reference to international standards on the right to adequate housing, or principles on forced evictions established before international forums.[72]

According to the Law on Permanent and Temporary Residence[73] and the necessary bylaw[74] of November 2012, individuals without a legal basis of housing in the Republic of Serbia are allowed to register their residence with the local Centre for Social Work. However, to date it seems that that not all Centres for Social Work implement the Law and the bylaw consistently.

4.1.2 BACKGROUND AND ERRC ACTIVITIES

Apart from substandard living conditions, forced evictions remain a pertinent problem disproportionately affecting the Roma community in Serbia. Over the last four years, the ERRC has been monitoring an increase in forced evictions of Roma in Serbia. The vast majority of evictions were carried out or are imminent in Belgrade.[75] Since 2009, the ERRC and several local NGOs who form part of the Platform for the Right to Adequate Housing have registered 18 forced evictions, affecting over 650 Romani families, numbering more than 2,700 individuals.[76] Almost all instances of forced evictions were marked by the same human rights violations, notably the failure to provide evictees with adequate (or indeed any) alternative accommodation, as Serbia has undertaken to do under international law or to consult affected communities throughout all stages and provide due process and compensation.[77]

Many Romani neighbourhoods face evictions despite their long-standing existence. Authorities often fail to make any distinction between settlements which have grown up spontaneously in the last few years and those which are long-established, such as the Veliki Rit settlement in Novi Sad which has existed for more than 50 years on State-owned land.

71 The National Strategy for Social Housing ("Official Gazette of the Rep. of Serbia" No. 13/2012), available at: **http://www.srbija.gov.rs/vesti/dokumenti_sekcija.php?id=45678**.

72 Platform for the Right to Adequate Housing, "Legal Standards and Eviction of Roma in Serbia (draft)", working paper, December 2012.

73 Zakonoprebivalištuiboravištugrađana, ("Sl. glasnikRS" br. 87/2011 od 21.11.2011.).

74 Pravilnik o obrascu prijave prebivališta na adresi ustanove, odnosno centra za socijalni rad ("Sl. glasnik RS" br. 113/2012 od 30.11.2012.).

75 SERBIA: EU Enlargement Programme ERRC report, May 2012, p. 3, available at: **http://www.errc.org/cms/upload/file/ecprogress-serbia-2012.pdf**.

76 Platform for Realization of the Right to Adequate Housing, media release, 26 December 2012, available at: **http://www.mc.rs/platforma-za-ostvarivanje-prava-na-adekvatno-stanovanje.4.html?eventId=8820**.

77 SERBIA: EU Enlargement Programme ERRC report, May 2012, p. 3-4.

Despite having been inhabited continuously for so many years, the municipality prepared an Urban Development Plan as if the settlement was not present. The only solution offered by the city was the relocation of the residents.[78]

The two biggest mass evictions were from informal settlements in Belgrade located under the Gazela Bridge in 2009 (175 families) and in Belvil in 2012 (257 families). According to ERRC documentation and information from other organizations, during this four-year period more than 2,700 Roma have been forcibly evicted.

Gazela

The Romani settlement located under the Gazela Bridge was one of the largest informal settlements in Belgrade. It was established during the 1990s. After the conflict in Kosovo, Gazela became the largest Romani settlement in Belgrade at the time, including many destitute Romani families fleeing Kosovo. Belgrade authorities argued that the relocation of Roma living in the Gazela settlement was necessary due to immediate reconstruction of the Gazela Bridge,[79] financed partially through the European Bank for Reconstruction and Development (EBRD) and the European Investment Bank (EIB) loan.[80]

The ERRC has intensively documented the processes around the Gazela settlement prior to and immediately after the eviction which took place at the end of August 2009. The situation with the resettled families has been monitored closely since and in August 2011 the ERRC conducted field research in all resettlement locations, both in newly-established container settlements in Belgrade (Makis, Kijevo, Lipovica, Mladenovac and Boljevci) and locations in southern Serbia (Bojnik, Leskovac and Vranje) where some families were sent back as their original place of residence.

According to ERRC research, 114 Romani families (around 1,000 residents) whose residence was registered in Belgrade were moved to five different segregated locations around Belgrade. At that time, 53 Romani families which were not registered in Belgrade were returned to their last registered residence in eight southern Serbian municipalities. Three and a half years after the eviction and resettlement of 114 Romani families in Belgrade, City authorities have failed to provide a permanent housing solution to all affected families.

ERRC research at the container sites in Belgrade in August 2011 showed a deterioration of the living conditions in several cases, and pinpointed some of the ongoing problems. The metal housing containers fail to meet the standards of habitability as set out in international legal standards on the right to adequate housing. The ERRC documented overcrowded

78 ERRC, *Standards Do Not Apply: Housing in Romani Communities*, (ERRC:Budapest, 2010), p. 24-25.

79 Resettlement Plan for Unhygienic Settlements on the Territory of Belgrade in 2009. Provided by Belgrade city authorities to the Minority Rights Center on 15 December 2009. Shared by the Minority Rights Centerwith the ERRC in January 2011.

80 European Investment Bank, *Gazela Bridge Rehabilitation Project*, available at: **http://www.eib.org/projects/news/gazela-bridge-rehabilitation-project.htm**.

living conditions in all six container sites.[81] In addition, many families complained that they also lack storage space and thus have to leave many of their personal belongings outside of the containers.

The containers are also inadequate in terms of structural integrity and general liveability: they were not weatherised and lack insulation and sealants to keep rainwater from seeping in and as a result, the residents are at constant risk of electrocution.[82] In hot weather residents cannot cool the containers, so they suffer breathing problems in the containers, and during the winter it is difficult to heat the containers.

Residents also lack sufficient and functioning toilet facilities. Running water is supplied only to communal taps and sanitary units. The ERRC documented an insufficient supply and poor condition of shared sanitary facilities in Makiš, Kijevo, Lipovica, Mladenovac and Krnjača. One exception is the Boljevci settlement where local authorities built individual sanitary facilities for each container.

Many of the relocated Roma worked in the Belgrade city centre, collecting scrap metal as their income source prior to the eviction. Since their forced relocation, many residents are effectively barred from this informal employment since they cannot afford the cost of local transportation to the city centre. The majority of the resettled families are reportedly now fully dependent on state welfare as their primary source of income.[83] In addition to the difficulties posed by the distance from income generating areas, scrap metal collection is prohibited in the newly established settlements.[84] Belgrade authorities promised to build a recycling centre which would provide employment opportunities for the affected families but this is yet to be realised.[85]

Romani families resettled to the container sites in Boljevci and Kijevo[86] have been attacked by local non-Romani residents in the area. On 16 August 2011 six men threw rocks at the residents of the Boljevci container site.[87]

The 53 Romani families[88] who were resettled to the south of Serbia following the Gazela eviction, were disadvantaged by their return to mostly incomplete and uninhabitable houses and the absence of social support and labour opportunities in the areas of relocation. According to ERRC field research in 2011 most of these families from Bojnik, Leskovac, Vranje and Lebane returned to Belgrade in search of employment or seasonal work where they live in informal settlements.

81 ERRC field research in Makis, Kijevo, Mladenovac, Lipovica, Boljevci and Krnjaca, Serbia: August 2011.

82 ERRC field research in Makis, Kijevo, Krnjaca, Mladenovac and Lipovica, Serbia: August 2011.

83 ERRC filed research in Kijevo, Makis, Boljevci, Mladenovac, Krnjaca and Lipovica, Serbia: September 2009 and August 2011.

84 ERRC interview with M.F. Kijevo, Serbia: 18 August 2011.

85 ERRC interview with S.T. Boljevci, Serbia: 18 August 2011.

86 On 26 September 2009, unknown persons threw rocks at the container site in Kijevo, ERRC interview with B.M. Kijevo, Serbia: 27 September 2009.

87 ERRC interview with S.T. Boljevci, Serbia: 18 August 2011.

Belvil

On 26 April 2012 the Belgrade City Administration evicted 257 Roma families (974 Roma men and women) who lived in the informal Belvil settlement. Roma with permanent residence registered in Belgrade, as well as Roma IDPs from Kosovo were resettled to the container settlement located predominantly on the outskirts of Belgrade (Dren, Jabučki Rit, Makiš, Kijevo, Resnik), while 133 families (487 persons) were returned to their places of residence in cities across Serbia.[89] Refusal to provide alternative accommodation in Belgrade and their forced return to the last place of residence is not only a violation of their right to adequate housing, but also the right to freedom of movement and residence, enshrined in the International Covenant on Civil and Political Rights (Article 12).

Shortly after resettlement to new locations, the ERRC, PRAXIS, Regional Centre for Minorities, Minority Rights Center and Group 484 conducted a short survey (8-9 May 2012) in five settlements in Belgrade (Makiš, Kijevo, Dren, Rakovica and Resnik) in which it was established that there has been no regular distribution of sufficient food supplies; in order to access the nearest public kitchen some families could not afford transportation costs; in Jabučki Rit, more than half of the relocated families were given broken stoves so they could not prepare meals; in all five settlements, residents were not provided with refrigerators and were not able to store food; at the time of the visit, the containers and sanitary containers were not accessible for persons requiring wheelchairs, which impacted two of the evictees.[90]

Five of the 11 Romani families forcibly returned to Niš, who did not have a home, were settled by Niš authorities in an old warehouse without access to minimum hygienic conditions, water, electricity[91] and other conditions to ensure dignified life. Only after pressure from the international and local NGOs[92] and three months after the eviction, city authorities secured water supply in the warehouse. At the end of 2012 Roma were still living in this accommodation without electricity.

In Leskovac, the city authorities accommodated 11homeless families from Belvil in a hostel, only to evict them again after three months because the hostel owner needed the rooms for the coming festival. Alternative accommodation was provided for two families.[93]

88 According to the Resettlement Plan for Unhygienic Settlements on the Territory of Belgrade, 2009.

89 "Izveštaj Zaštitnika građana sa preporukama o raseljavanju građana iz neformalnog naselja pored Belvila ", Ombudsman o fRepublic of Serbia, official website, July 2012, available in Serbian at: **http://www.ombudsman.rs/index.php/lang-sr/2011-12-25-10-17-15/2011-12-25-10-13-14/2427-2012-07-26-08-50-32**.

90 ERRC submission to the European Commission on Serbia, May 2012, p. 4, available at: **http://www.errc.org/cms/upload/file/ecprogress-serbia-2012.pdf**.

91 *Ibid.*

92 ERRC, "Rights Groups Slam Disastrous Housing Conditions for Roma Forcibly Evicted from Belvil", 13 July 2012, available at: **http://www.errc.org/article/rights-groups-slam-disastrous-housing-conditions-for-roma-forcibly-evicted-from-belvil/4026**.

93 ERRC field research conducted on 1 August 2012 in Leskovac.

On 29 August 2012, the Commissioner for Equality Protection issued a recommendation to Niš authorities to undertake all necessary measures to provide former Belvil residents housing which meets international standards of living in alternative accommodation, and to conduct a process of integration and with full respect of their rights and needs in accordance with international standards.[94]

On 26 October 2012, the Commissioner for Protection of Equality found that the Belgrade City Administration had discriminated against the Roma living in container settlements. At the same time, the Commissioner has made a recommendation to the City Administration to amend the discriminatory provisions of the contract on the use of mobile housing units and house rules obliging for the Roma in container settlements. The Commissioner for Protection of Equality has determined that provisions of the contract on the use of mobile housing units, house rules and warnings along with the house rules represent the acts of discrimination against Roma and therefore the City Administration needs to change discriminatory provisions within 30 days upon the reception of the recommendation.[95]

Platform for the Right to Adequate Housing

The Platform for the Right to Adequate Housing (the Platform), an informal gathering of NGOs, emerged following the forced eviction of informal settlement Block 72 in Belgrade in December 2011. The purpose of this initiative has been to advocate before relevant state and local institutions for respect of human rights standards within the right to adequate housing. The ERRC has been involved in the Platform from the start, and during 2012 ERRC participated in several events organised within the Platform throughout Serbia. The ERRC also drafted a baseline document on legal standards and the practice of evictions of Roma in Serbia, analysing the inconsistency of domestic legislation and practice with international standards. As a response to the inadequate and humiliating living conditions of Roma temporararily given accommodation in the abandoned warehouse in Nis after the Belvil eviction, in early August 2012 the Platform sent a request to the Commissioner for Equality Protecting to urgently address this situation. In December 2012 the Platform sent a letter to the Special Rapporteur on Adequate Housing inviting her to visit Serbia to look at the evictions and inadequate housing of Roma.

ERRC Legal Cases

ERRC has been providing legal representation to a Romani family who were made homeless when their homes were demolished. In November 2010, local authorities in Sabac, a city in northwestern Serbia, evicted and demolished the homes of the Nikolic family, including one pregnant woman and several minor children. Their homes had been built illegally on municipal land along with another 190 Romani houses, but only their homes were demolished. The City of Sabac did not offer any form of alternative accommodation to the family or any form of support, rendering them homeless. The Nikolic family was forced to sleep on the street in abandoned cars

94 Equality Commissioner, 29 August 2012, available at: **http://www.ravnopravnost.gov.rs/lat/preporukeOrganimaJavneVlasti.php?idKat=24**.

95 Commissioner for Protection of Equality, 26 October 2012, available at: **http://www.ravnopravnost.gov.rs/lat/preporukeOrganimaJavneVlasti.php?idKat=24**.

or at their neighbours' homes. After exhausting all other options, the family ultimately settled in an abandoned house that was missing part of the roof and which has no electricity or running water. In February 2011, on behalf of five plaintiffs the ERRC and its local partner Minority Rights Center (MRC) initiated a civil procedure for compensation for material and non-material damage before the national court. The case is still pending.[96]

In Belgrade Municipality Obrenovac, in April 2011,17 predominantly Romani families numbering 78 individuals, including 35 minors and four people over the age of 65, who reside in the municipally-owned building so-called "old municipality" in Obrenovac downtown, were threatened with eviction due to deterioration of the construction. Without any prior consultations with the affected community, local authorities offered metal containers as the only solution which most of the residents found inadequate and unacceptable. Namely, some of the Roma have been living in this location more than 40 years and most have contracts with the municipality allowing them to use the property indefinitely.

On the initiative of the local Roma, the ERRC and Minority Rights Center organised a meeting with the municipal authorities and affected families in order to ensure that no eviction takes place unless: it is in full compliance with the domestic and international law; genuine consultation with the families are conducted; and the provision of adequate alternative housing to all those affected secured. However, the municipality authorities were unwilling to discuss any other alternative solution apart from providing accommodation in metal containers. As a response, the ERRC and MRC provided legal support to five claimants who in July 2011 initiated civil procedure before the competent court to establish their right to adequate alternative accommodation prior to eviction. To date, all families still reside at the same location while the cases are pending before the domestic court.

4.2 Police Mistreatment and Violence

Hate speech and violence against Roma are ongoing problems in Serbia. Such violence is not limited to any geographic area, but prevalent throughout the country. Attacks have occurred in both public and private settings, by individual perpetrators and groups, by private entities and policemen. Victims are also diverse in character, including women, children, men, Roma (including Roma IDPs) or entire communities, targeted indiscriminately.[97]

4.2.1 LEGAL AND POLICY FRAMEWORK

Amendments of the Criminal Code in December 2012[98] introduced hate motive as a special, aggravated circumstance for sentencing when crime has been committed with a bias motive.

96 ERRC News, Volume 16, June 2012, p.1, available at: **http://www.errc.org/cms/upload/file/errc-newsletter-2-2012.pdf**.

97 SERBIA: EU Enlargement Programme ERRC report, May 2012, available at: **http://www.errc.org/cms/upload/file/ecprogress-serbia-2012.pdf**.

98 Zakon o izmenama i dopunama Krivičnog zakonika, ("Sl. glasnik RS" br. 121/12 od 24.12.2012.).

Apart from this, the Criminal Code already contains criminal offences which include in itself a biased element: instigating national, ethnic or religious hatred and intolerance (Article 317), racial and other discrimination (Article 387), violation of reputation of a nation, national or ethnic group (Article 174). Furthermore, in 2009 Serbia ratified Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.[99]

The Law on Public Information[100] forbids broadcasting ideas, information and opinions that incite to hatred, discrimination or violence against a person or a group on the basis of their racial, ethnic, religious belonging, gender or sexual orientation, regardless whether the criminal offence has been committed (Article 37). However, it will be not considered a hate speech, if such information was published without the intent to incite to discrimination, hatred or violence, in particularly if such information isa part of an objective media report (Article 40, paragraph 1).

4.2.2 BACKGROUND AND ERRC ACTIVITIES

The gravity of the occurrence of instances of hate crimes is often diminished, and thereby aggravated, by the refusal of law enforcement and/or judicial bodies to acknowledge and prosecute them as such. The situation as it stands constitutes an environment of impunity for anti-Roma hate crimes. The Commissioner for Equality Protection has noted that very frequently Roma are targeted in racially-motivated attacks which are often not investigated and punished properly.[101]

The ERRC monitors instances of violence against Roma in Serbia in media and NGO reports. Since 2008, the ERRC has monitored 24 reports of violence against Roma, including one incident involving a Molotov cocktail. Anti-Roma violence also takes place in the aftermath of forced evictions. It is not a comprehensive monitoring of attacks, but highlights some of the key incidents involving Roma:

- Three Roma (including a minor) reported that they. were beaten and insulted on ethnic basis in the police station in Backi Petrovac on 16 November 2012. The police wanted them to confess/provide information onthefts which had taken place. As a result of beating, the minor's hernia burst while he still in the police station. He was immediately transported to hospital by emergency medical service and operated on urgently. The ERRC provided the legal assistance to all three victims in a case is currently pending before the Public Prosecutor's office in Novi Sad.
- One attack targeted a number of Roma who had been forcibly evicted and relocated to new areas around Belgrade. On 1 May 2012, in the Jabucki Rit container settlement

99 Zakon o potvrđivanju Dodatnog protokola uz Konvenciju o visokotehnološkom kriminalu koji se odnosi na inkriminaciju dela rasističke i ksenofobične prirode izvršenih preko računarskih sistema ("Sl. Glasnik RS – Međunarodni ugovori", br. 19/2009 od 19.3.2009.).

100 Zakon o javnom informisanju (Law on Public Information), ("Sl. glasnik RS" br. 43/2003, 61/2005, 71/2009).

101 Commissioner for Equality Protection, 2011 Annual Report, available at: **http://www.ravnopravnost.gov.rs/files/2011%20Regular%20Annual%20Report.pdf**.

near Belgrade, a group of between 15 to 20 masked individuals attacked the settlement, shouting racist slogans including "Serbia for Serbs, Roma out of Serbia." They also drew a swastika on one of the metal containers to which the Roma had been relocated.[102]

- On 8 April 2012, there were clashes between police and residents of the Belgrade suburb of Resnik when the latter were protesting against the placement of temporary housing for a Romani community facing eviction from Belvil settlement. A dozen police officers, who were attacked with bricks and stones, were treated for minor injuries and two demonstrators were hospitalised with head injuries. Four people were taken into custody. Residents established road blocks to prevent the establishment of 80 planned residential containers near their community. Police intervened to clear the roads. As a consequence of the disruptions, only eight of the residential containers were set up to accommodate the Roma, who had been displaced from their previous homes.[103]
- A 15-year-old Romani boy from Novi Sad reported he was severely beaten by police officers on 12 July 2011. The boy and his friends were at a local fair when two police officers started to assault him. The police handcuffed the boy, took him to a dark corner and continued to beat him. Another police officer found a child witness accusing the boy of stealing 200 dinars (around 2 EUR). The boy was put in a patrol car and taken to the police station, where the beating continued with other officers. The police did not notify the parents that their son had been taken to the station. Later on he was taken to the police inspector to whom he reported everything that had happened. In August2011, on behalf of the victim, the ERRC and Minority Rights Centre (MRC) submitted a criminal complaint to the Higher Public Prosecutor Office in Novi Sad against several police officers involved, alleging in this case that they committed several criminal acts such as: Ill-treatment and Torture (Article 137 of Serbia's Criminal Code), Instigating National, Racial and Religious Hatred and Intolerance (Article 317), Abuse of Office and Dereliction of Duty (Article 359).[104] At the same time, a criminal complaint was also filed against the police inspector who failed to take any action against the police officers after the child's report. In November 2011 Public Prosecutor rejected the claim due to lack of grounds to suspect that the police officers committed any crime. In December 2011 the request to open an investigation was directly submitted to the Higher Court in Novi Sad against the police officers. The case is still pending before the national court.
- At around 7:00 PM on 17 August 2011 in the centre of Belgrade, a 20-year-old Romani man was attacked by a group of about ten non-Romani men while selling a newsletter on the street. According to media reports, the group first surrounded the man and started to insult him on racial grounds, then beat him and tore his work clothes.
- During the night of 1 July 2011, unknown perpetrators sprayed graffiti on the wall of a building in the Podvorce Romani settlement in Leskovac, saying "Welcome to GTA- cigani territory".

102 "Uhapšen zbog upada u romsko naselje",*B92*, 1 May 2012, available at: **http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=05&dd=01&nav_category=16&nav_id=605434**.

103 "Povredjeno četrnaestpolicajaca tokom nereda", *Blic*, 9 April 2012, available at: **http://english.blic.rs/News/8587/Fourteen-policemen-and-two-citizensinjured-during-protest**.

104 Criminal Code of Republic of Serbia, Official Gazzette no 121/2012 available at: **http://www.paragraf.rs/propisi/krivicni_zakonik.html**.

- At around 5:00 PM on 27 May 2011, three men attacked a 20-year-old Romani man on Bus No 31 at Belgrade's Ustanička Street station. According to NGO and media reports, the perpetrators punched the Romani youth on his head and body while making statements about hating Gypsies. During the assault, a non-Romani man that tried to stop the attack was also injured. The Romani youth was admitted in the hospital and released on the same day. The next day, on May 28th three suspects were arrested.
- Shortly after midnight on 2 April 2011 three unidentified persons attacked four Romani youths with knives on the premises of the Association of Roma in Čačak, Western Serbia. The attack took place during a birthday celebration attended by about 20 youths. One of the young Romani male victims was transferred to Belgrade for medical treatment of serious injuries: the boy's father reported suffered a fatal heart attack after hearing that his son had been injured in the attack. The Association of Roma in Čačak was quoted as having stated that a non-Romani youth also sustained serious injuries and two more Romani youths sustained minor injuries. Police in Čačak opened an investigation into the incident and on 3 April police detained a 17-year-old youth on suspicion of using a knife to injure the four youths during the attack.
- At about 11:00 PM on 1 April 2011 unknown persons threw bricks at the rented home of a Romani family in Banatsko Karađorđevo, Vojvodina, Serbia. Windows were broken during the attack, but the family, including four children, managed to escape uninjured. The father was quoted in the media as having reported that on the day of the attack someone had threatened his wife in a store, telling her "Tonight you will burn." The day after the attack the family went to stay with relatives in another village.
- During the evening of 14 March 2011 unknown persons wrote the message "Death to Gypsy Politicians" on a wall of the home of the Coordinator for Roma Issues in Zrenjanin, Vojvodina, Serbia.
- At around 1:50 PM on 10 March 2011, three unidentified youths beat a Romani pupil while shouting racist insults at the victim in front of the trade school on the corner of Cetinjska and Šafarikova Streets in Belgrade. The victim suffered a head injury and bruising near his eye.
- A monument to Romani singer Šaban Bajramović was erected in August 2010 in Niš, Southern Serbia. Racist graffiti reading "Stop Gypsy Terror" appeared on the base of the monument on 16 February 2011. This was the fourth time the statue had been vandalised.[105]

4.3 Access to Education

4.3.1 LEGAL AND POLICY FRAMEWORK

Adoption of the new umbrella Law on the Basis of the Education System (LBES)[106] in 2009 provided the necessary legal framework for the inclusion of Roma children in mainstream

105 ERRC submission to the European Commission on Serbia, May 2012, p. 2- 3, available at: **http://www.errc.org/cms/upload/file/ecprogress-serbia-2012.pdf**.

106 Zakon o osnovana sistema obrazovanja i vaspitanja (Law on the Basis of the Education System), ("Sl. glasnik RS" br. 72/2009), available at: **http://www.mp.gov.rs/propisi/propis.php?id=217**.

education: enrolment without all necessary documentation, enrolment of children older than regular school age, individual educational plans, introduction of teaching assistants, program for learning Serbian language or the language of the national minorities for the pupils who do not have knowledge of the language in which the curriculum is taught, etc.

Primary schools have different experiences with the implementation of the new LBES and it varies from school to school. Primary schools with a higher percentage of Romani children expressed interest in implementing projects promoting inclusive education and many of them took part in the World Bank supported DILS project in more than 40 municipalities in Serbia.[107] According to some officials, schools do not have the capacity to implement all the measures stipulated in the new umbrella law. A school psychologist from one of the Belgrade primary schools stated as they are still facing difficulties with creation and implementation of the individual educational plans (IEP).[108]

4.3.2 BACKGROUND AND ERRC ACTIVITIES

A 2010 OSI study found that Roma children are overrepresented in special classes in special and mainstream schools.[109] According to data collected by OSI from 85% of special schools in the 2007–2008 academic years, 30% of students were Roma while in 2008–2009 the percentage increased to 32%. A similar situation prevailed with special classes within mainstream schools where in the 2007–2008 academic year 38% of the students in special classes were Roma. Furthermore the OSI study highlighted that many of the Roma students initially went on mainstream schools, and were only later transferred to special classes or special schools and that financial benefit related to attending special education serve as an incentive for Roma students and parents to attend special education. Furthermore, Roma students and their parents see these classes as being safer, and assess that there are higher chances of completing school.

In October 2011, the ERRC requested information from the Ministry of Education and Science about the number of pupils attending school according to an IEP in school year 2010/2011. In their response, the Ministry noted that due to the fact that the individual educational plan is in process it is hard to represent the number of students following such a plan in any given moment. The Ministry confirmed that some Romani pupils do follow an individual educational plan.

ERRC research indicates flaws in the implementation of the new law and specifically IEP measures to address the particular needs of students. During interviews, school officials

107 DILS (Delivery of Improved Local Services)is a project that the Government of Republic of Serbia is implementing with financial means got as a loan (32 million euro) from the World Bank and the International Bank for Reconstruction and Development. The project started in 2009 year and lasts until 2012 year. The project is implementing the Ministry of Health, The Ministry of Education and Science and the Ministry of Labor and Social Policy. Available at: **http://www.dils.gov.rs/index.php?page=frp&cont_id=2**.

108 SR/NOV2011/6, ERRC interview with Dijana Mance, psycologist in primary school „Petar Kočić" conducted on Novmber 10th 2011 in Zemun.

109 "Roma children in special education in Serbia: overrepresentation, underachievement and impact on life", OSI, 2010, available at: **http://www.romadecade.org/files/downloads/Education%20Resources/Roma%20Children%20in%20Special%20Schools%20in%20Serbia.pdf**.

reported that schools do not have the capacity to implement all measures foreseen in the new law, in part due to the failure of the Ministry to develop the requisite guidelines and instructions more than two years after the LBES was passed. One school psychologist stated:

> "Our experience with the individual educational plan is poor since the Ministry of Education and Science still has not created the Regulation on evaluation of the achievements of pupils that attend school according to an IEP. In the school year 2010/2011, 19 pupils started school here according to an IEP, but the local commission for IEP was only founded by the City of Belgrade in April 2011, so we are waiting for its evaluation which is necessary for continuing work according to the IEP. Only three staff members have passed the training to work with pupils according to an IEP, including myself, the Director and one teacher, which is not enough. I think that these results that we achieved are the highest possible results in the current circumstances, since our teachers are not trained to work with children with disabilities and difficulties".[110]

In December 2011, the Ministry of Education adopted a new regulation[111] on evaluating achievements of pupils attending primary school, including those who are educated according to the individual education plan. However, the concern remains whether the school staff has sufficient resources and support to successfully implement individualised education for pupils in need.

Poverty continues to be a significant barrier to the education of Romani children. Numerous Romani parents have reported to ERRC that their children are not in school because they cannot afford the cost of supplies such as pencil, notebooks, clothing, etc. Some children never enter school for this reason, while others are forced to drop out after several years. Besides poverty, the housing situation of Romani families also continues to negatively impact the education of Romani children. One teacher in a primary school in Lebane reported to the ERRC that the school performance of Romani children suffers because of inadequate space or substandard conditions in their homes for homework and studying.[112]

Since the adoption of the new law 179 pedagogical assistants were hired, 130 of them in primary schools and 49 in preschool facilities. Pedagogical assistants are part of the educational system, their status is regulated by LBES and there are paid for their work from the Budget of Republic of Serbia.[113]In addition, data from the Ministry of Education reveal that the dropout rate of Roma pupils decreased from 72% in 2005 to 37% in 2010.[114]

110 European Roma Rights Centre and Minority Rights Center, *UN UPR submission on Serbia*, July 2012, p. 4 available at: **http://www.errc.org/cms/upload/file/serbian-un-upr-submission-16-july-2012.pdf**.

111 Pravilnik o ocenjivanju ucenika u osnovnom obrazovanju (Rulebook on Evaluation of Pupils in Primary Education), ("Sl. glasnik RS" br. 74/11).

112 ERRC and MRC, *UN UPR submission on Serbia*, July 2012, p.4.

113 Written response of Ministry of Education and Science from 03 November 2011.

114 Written response of the Ministry of Education and Science from 21 October 2011.

4.4 Free Movement, Migration and Asylum

Visa requirements for Schengen travel were lifted for citizens of Serbia, Macedonia and Montenegro in December 2009. According to the information from the media, over the course of the following 12 months, 17,000 people from Serbia requested asylum in the EU, mostly in Sweden, Belgium and Germany. In 2011, 11,520 Serbian citizens applied for asylum in EU Member States, mainly in Germany (4,580) and Sweden (2,645).[115] In Germany in 2012, 8.477 citizens of Serbia filed asylum claims.[116]

According to the latest UNDP/WB/WC Roma survey, the share of adults who are considering moving to another country (migration intention) is higher among Roma (43%) comparing to non-Roma (29%), most of them intending to migrate within a six-month period.[117]

4.4.1 LEGAL AND POLICY FRAMEWORK

The European Union and many Member States put pressure on Serbia to stop the migrations, which led to the introduction of several measures aiming at preventing people from leaving their home-country.[118, 119]

The 2008 Law on Border Protection (LBP)[120] regulates border crossing with an aim, amongst others, to prevent illegal migrations. The LBP authorises border police to inspect whether the person crossing the border fulfills criteria for entering or exiting Serbia, the purpose of travel and to perform identity checks (Article 6). Based on these provisions and the signals from the EU officials to properly manage migration outflows, in June 2011 the Government issued a Decree[121] elaborating in detail the powers of border police and obligations of persons crossing the border. the Decree authorises border police to ask **citizens of the Republic of Serbia** for the following: (1) other appropriate documents proving the purpose of the travel (hotel reservation, return ticket,

115 See Chachipe, Selective Freedom, Luxemburg 2012.

116 For data on asylum applications in Germany see website of *Bundesamtes für Migration and Flüchtlinge* available at: **http://www.bamf.de/SharedDocs/Meldungen/DE/2013/20130115-asylgeschaeftsstatistik-dezember.html**.

117 UNDP, Data on Roma, available at: **http://europeandcis.undp.org/data/show/D69F01FE-F203-1EE9-B45121B12A557E1B**.

118 See *inter alia* "asylum system abuse" in The Economist available at: **http://www.economist.com/news/europe/21569064-will-eu-reimpose-visas-travellers-balkan-countries-asylum-system-abuse**; the Enlargement Strategy states inter alia: "The Commission invites the authorities of the countries concerned to take all the necessary further measures to allow for the visa free regime to function smoothly".

119 Euractiv, "Europe hit by scores of Western Balkan Asylum Seekers", 21 October 2010, available at: **http://www.euractiv.com/enlargement/europe-hit-scores-western-balkan-asylum-seekers-news-498992**.

120 Zakon o zaštiti državne granice (Law on Protection of State Border), („Sl. glasnik RS" br. 97/2008 od 27.10.2008.).

121 Уредбу о ближем уређивању начина вршења полицијских овлашћења полицијских службеника граничне полиције и дужностима лица које прелази државну границу (Regulation governing in detail the manner of exercising police powers by the border police officers and duties of the persons crossing the border), („Сл. гласник РС" бр. 39/2011 од 3.6.2011.).

invitation letter, etc.); (2) proof of possession of sufficient means of subsistence for their stay; (3) other justifications, invitations or proofs concerning the purpose of the journey. This is in addition to the travel and other documents prescribed for the crossing of the border These measures also applies for travel to EU member states or other countries as well.

A particular problem is the exercise of these powers in practice, since the Decree opened the door to the arbitrary rejection of persons at border crossings. Border guards were instructed to ask people deemed to be suspicious for additional documents and not only the passport and for the financial resources available. The regulation does not include guidance on who exactly has to show their documents at the border. Many cases are documented where authorities in Serbia and Macedonia rejected Roma at border crossings (based on "face-screening"), and passports were invalidated to prevent legal migration.[122]

The Serbian Constitution guarantees the right to leave the Republic of Serbia, while such a right may be restricted by the law for four reasons - conducting criminal proceedings, protection of public order, prevention of spreading contagious diseases and defense, only if deemed necessary (Article 39).[123] Therefore, it is questionable whether the special measures introduced by the Decree against its own citizens are in compliance with the Constitution, since the reasons set forth do not imply protection of the visa-free regime. In addition, the compatibility of such measures with the international human rights conventions, such as the Universal Declaration of Human Rights (UDHR) and European Convention on Human Rights is debatable.

Regarding refusal to allow foreigners to enter Serbia, the Law on Foreigners[124] stipulates that a foreigner will be denied entry to Serbia for several reasons, including: insufficient funds for the stay in Serbia (50 Euros per day), return to the country of origin or transit to the third country; if in transit and does not meet the requirements to enter third country; or if there is a doubt that the stay will not be used for intended purpose (Article 11).

The border police are obliged to keep records for all persons, domestic and foreigners, who were denied border crossing, including the specific reason for denial of entry or exit.[125, 126]

As of December 2012, a new criminal offence "Enabling/facilitating abuses to exercise rights in foreign country" was introduced through amendments to the Criminal Code:

122 See *inter alia* the press release of the European Roma Rights Centre of "Roma face barriers to Freedom of Movement in Macedonia, 20 April 2012, available at: **www.errc.org**.

123 Constitution of the Republic of Serbia, ("Official Gazette" No. 83/2006 from 1.10.2006. and 98/2006 from 10.11.2006.), available at: **http://www.parlament.rs/national-assembly/important-documents.531.html**.

124 Zakon o strancima (Law on Foreigners), ("Sl. glasnik RS" br.97/2008 od 27.10.2008.).

125 Правилник о начину вођења и садржају евиденција које се воде у Министарству унутрашњих послова на основу Закона о странцима (Rulebook on the manners of keeping registry in the Ministry of Interior based on the Law on Foreigners), („Сл. гласник РС" бр. 59/2009 од 28.7.2009.).

126 Правилник о садржају, начину вођења и року чувања података у евиденцијама које води гранична полиција (Rulebook on the content, manners of keeping the registry and time limits for storing data in the registries of the border police), („Сл. гласник РС" бр. 120/2012 од 21.12.2012.).

> *"whoever, with the intent to obtain for himself or another any benefit, performs or arranges transportation, transfer, reception, accommodation, hides or otherwise provides that a citizen of Serbia may misrepresent that there is a threat to his human rights and freedoms in a foreign country and request the acquisition of political, social, economic or other rights, shall be punished with imprisonment from three months to three years."*[127]

The amendments to the Criminal Code criminalised the act of providing assistance to so-called "fake" asylum seekers, i.e. whoever, with the intention of gaining benefits, provides assistance to Serbian citizen who seeks asylum in the foreign country by falsely claiming that his/her human rights and freedoms are jeopardised, will be punished by prison sentence.

4.4.2 BACKGROUND AND ERRC ACTIVITIES

According to media reports and ERRC documentation, these measures have resulted in the discriminatory treatment of Roma at Serbian borders. Roma from other countries in the region have also faced problems at Serbia's borders in entering and crossing Serbia. On 17 October 2010, a Romani man from Macedonia was not allowed to enter Serbia on his way to Germany to visit family. He travelled by van together with 12 or 13 other Macedonian nationals from Stip, all of Romani ethnicity and all of whom were denied entry to Serbia. The Preševo border police did not review each case individually; they collectively prohibited the whole group of Roma from entering the country although they had first stamped their passports and later invalidated the entry stamps. Witnesses said that the border police explained that they "were ordered not to let groups of Roma travel together across the border." In 2011, the ERRC and MRC provided assistance in filing a case against the Republic of Serbia - Ministry of Interior, claiming discrimination. The case is pending before a domestic court.[128]

127 Zakon o izmenama i dopunama Krivičnog zakonika, ("Sl. glasnik RS" br. 121/12 od 24.12.2012.); Unofficial translation by the ERRC.

128 ERRC submission to UN UPR on Serbia, 16 July 2012, page 7, available at: **http://www.errc.org/cms/upload/file/serbian-un-upr-submission-16-july-2012.pdf**.

Annex 1

Overview of Relevant Human Rights Treaty Ratification and Reservation

Treaty[129]	Ratification/ Accession (a)/ Sucession (d) date	Commentary (including relevant reservations, derogations and declarations)
UN Conventions		
International Covenant on Civil and Political Rights	12.03.2001 (d)	
Optional Protocol to the International Covenant on Civil and Political Rights	22.06.2001	
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty	06.09.2001 (a)	
International Covenant on Economic, Social and Cultural Rights	12.03.2001 (d)	
International Convention on the Elimination of All Forms of Racial Discrimination	12.03.2001 (d)	Confirmed upon succession: "By affirming its commitment to establish the principles of the rule of law and promote and protect human rights, the Government of the Federal Republic of Yugoslavia recognizes the competence of the Committee on the elimination of Racial Discrimination to receive and consider complaints submitted by individuals and groups alleging violations of rights guaranteed under the International Convention on the Elimination of All Forms of Racial Discrimination. The Government of the Federal Republic of Yugoslavia determines the competence of the Federal Constitutional Court to accept and consider, within its domestic legal system, the complaints submitted by individuals and groups under the State jurisdiction, alleging to have been victims of rights violations under the Convention, and who have exhausted all available legal means provided for by the national legislation."
Convention on the Elimination of All Forms of Discrimination against Women	12.03.2001 (d)	

129 See: **http://www.mpravde.gov.rs/cr/articles/medjunarodne-aktivnosti-eu-integracije-i-projekti/medjunarodna-pravna-pomoc/multilateralni-ugovori.html**.

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	31.07.2003 (a)	
International Convention on the Suppression and Punishment of the Crime of Apartheid	12.03.2001 (d)	
Convention on the Rights of the Child	12.03.2001 (d)	
Amendment to Article 43 Paragraph 2 Convention on the Rights of the Child	04.10.2001 (acceptance)	
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	10.10.2002	
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict	31.01.2003	
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	12.03.2001 (d)	*Confirmed upon succession:* "Yugoslavia recognizes, in compliance with article 21, paragraph 1 of the Convention, the competence of the Committee against Torture to receive and consider communications in which one State Party to the Convention claims that another State Party does not fulfil the obligations pursuant to the Convention; "Yugoslavia recognizes, in conformity with article 22, paragraph 1 of the Convention, the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention."
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	26.09.2006	
Convention on the Rights of Persons with Disabilities	31.07.2009	
Optional Protocol to the Convention on the Rights of Persons with Disabilities	31.07.2009	
Convention relating to the Status of Refugees	12.03.2001 (d)	

Convention relating to the Status of Stateless Persons	12.03.2001 (d)	
Convention against Discrimination in Education[130]	11.09.2001 (d)	
COE Conventions		
Convention for the Protection of Human Rights and Fundamental Freedoms	3.3.2004	Withdrawal of reservations and a declaration contained in a Note verbale from the Permanent Representation of Serbia, dated 10 May 2011, registered at the Secretariat General on 11 May 2011– Or. Engl.[131]
Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (No.009)[132]	03.03.2004	
Protocol No. 2 to the Convention for the Protection of Human Rights and Fundamental Freedoms, conferring upon the European Court of Human Rights competence to give advisory opinions	03.03.2004	
Protocol No. 3 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 29, 30 and 34 of the Convention	3.3.2004	
Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto	03.03.2004	
Protocol No. 5 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 22 and 40 of the Convention	3.3.2004	

130 See: **http://www.ffzg.unizg.hr/hre-edc/Kon-DiskrObraz.htm**.

131 See: **http://www.conventions.coe.int/Treaty/Commun/ListeDeclarations.asp?NT=005&CM=7&DF=17/01/2013&CL=ENG&VL=1**.

132 See: **http://www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=009&CM=7&DF=10/02/2013&CL=ENG**.

Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty	03.03.2004	
Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms	03.03.2004	
Protocol No. 8 to the Convention for the Protection of Human Rights and Fundamental Freedoms	03.03.2004	Dates of signature and ratification of the Convention as amended by this Protocol.[133]
Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, restructuring the control machinery established thereby	03.03.2004	
Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms	03.03.2004	
Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances	03.03.2004	
Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention	06.09.2005	
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	03.03.2004	
Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	3.3.2004	

133 See: **http://www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=118&CM=7&DF=10/02/2013&CL=ENG**.

Protocol No. 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	03.03.2004	
Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	29.07.2010	
European Social Charter (revised)[134]	14.09.2009	Declaration contained in a Note Verbale from the Ministry of Foreign Affairs of Serbia, dated 11 June 2009, deposited with the instrument of ratification on 14 September 2009 - Or. Engl. In accordance with Part III, Article A of the Charter, the Republic of Serbia declares that it considers itself bound by the following articles of Part II of the Charter: Article 1; Article 2, paragraphs 1, 2, 3, 5, 6, 7; Article 3; Article 4; Article 5; Article 6, with exception in regard to professional military personnel of the Serbian Army concerning paragraph 4; Article 7; Article 8; Article 9; Article 10, paragraphs 1, 2, 3, 4; Article 11; Article 12; Article 13; Article 14; Article 15; Article 16; Article 17, paragraphs 1b, 1c and 2; Article 18; Article 19, paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10; Article 20; Article 21; Article 22; Article 23; Article 24; Article 25; Article 26; Article 28; Article 29; Article 30. Period covered: 1/11/2009 -[135]

134 See: **http://www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=163&CM=7&DF=10/02/2013&CL=ENG**.

135 See: **http://www.conventions.coe.int/Treaty/Commun/ListeDeclarations.asp?NT=163&CM=7&DF=10/02/2013&CL=ENG&VL=1**.

European Charter for Regional or Minority Languages	15.02.2006	
Framework Convention for the Protection of National Minorities	11.05.2001	
Convention on Cybercrime	14.04.2009	
Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems	14.04.2009	
Council of Europe Convention on Action against Trafficking in Human Beings	14.04.2009	Date of signature by the state union of Serbia and Montenegro.[136]

136 See: **http://www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=197&CM=7&DF=10/02/2013&CL=ENG**.

Annex 2

Data on the Socio-Economic Situation

Data on the socio-economic situation of the Roma in Serbia as compiled in a survey among Roma (and non-Roma living in areas with higher density of Roma) by UNDP, World Bank and the European Commission from May through July 2011.[137]

EMPLOYMENT	Male		Female		Total	
	Roma	Non-Roma	Roma	Non-Roma	Roma	Non-Roma
Unemployment rate (15-64)	39%	21%	67%	37%	49%	27%
Unemployment rate (15-24)	54%	36%	82%	67%	65%	50%
No employment experience rate (15-64)	66%	39%	85%	54%	75%	47%
No employment experience rate (15-24)	88%	83%	96%	89%	92%	87%

EDUCATION	Male		Female		Total	
	Roma	Non-Roma	Roma	Non-Roma	Roma	Non-Roma
Literacy rate (16+)	92%	98%	79%	97%	85%	98%
Literacy rate (16-24)	92%	99%	87%	100%	90%	99%
Pre-school enrolment rate (3-6)	20%	45%	15%	50%	18%	48%
Gross enrolment rate in compulsory education (7-15)	80%	95%	80%	95%	80%	95%
Gross enrolment rate (Upper-Secondary Education 16-19)	27%	78%	23%	64%	25%	71%
Average years of education (25-64)	6,7	11,0	4,9	10,6	5,8	10,8
Av. Years of Education (16-24)	7,1	11,2	5,9	11,6	6,5	11,4

HEALTH	Male		Female		Total	
	Roma	Non-Roma	Roma	Non-Roma	Roma	Non-Roma
Access to medical insurance	90%	90%	95%	96%	93%	93%
No access to essential drugs	66%	33%	67%	30%	66%	32%
Access to health services	86%	92%	86%	90%	86%	91%

137 See website of UNDP at: **http://europeandcis.undp.org/ourwork/roma/show/D69F01FE-F203-1EE9-B45121B12A557E1B**.

HOUSING[138]	Roma	Non-Roma
Rooms per HH member	0,63	1,13
Square meters per household member	14,09	27,41
Share of the population not having access to secure housing	38%	10%
Share of the population not having access to improved water source	22%	12%
Share of the population not having access to improved sanitation	39%	16%
Access to electricity	84%	98%
Preference of living in mixed areas	79%	

POVERTY	Roma	Non-Roma
Absolute poverty rate PPP$ 4.30 income based	30%	8%
Absolute poverty rate PPP$ 4.30 expenditures based	26%	4%
Absolute poverty rate PPP$ 2.15 income based	10%	1%
Absolute poverty rate PPP$ 2.15 expenditures based	5%	0%
Relative poverty rate (60% equalized median income)	78%	35%

MIGRATION	Roma	Non-Roma
Migration intention	43%	29%
Migration targets		
Top 3 target countries Roma		
1. Germany	44%	
2. Austria	14%	
3. Sweden	11%	
Top 3 target countries non-Roma		
1. Switzerland		21%
2. Germany		20%
3. USA		12%

138 Data of the Statistical Office are different: 98% of the population in Roma settlements is using an improved source of drinking water and 92% are living in households using improved sanitation facilities. See Statistical Office of the Rep. of Serbia, *Serbia MICS 2010*, p. 96-104.

CHALLENGING DISCRIMINATION PROMOTING EQUALITY