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## REPORT ON THE IMPLEMENTATION OF PUBLIC POLICIES WITH RESPECT TO RETURNEES UNDER THE READMISSION AGREEMENT IN VOJVODINA

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## INTRODUCTION

The Report on the Implementation of Public Policies with Respect to Returnees under the Readmission Agreement in Vojvodina came about as part of the Equal opportunity perspectives for readmitted people project. This project is being implemented by the Ecumenical Humanitarian Organisation from Novi Sad in the period between December 2014 and December 2016, with the financial support of the European Union.

Returnees under the Readmission Agreement are citizens of the Republic of Serbia who have been refused an asylum application or have lost their rights to temporary residency, most commonly in a country of the European Union. Such people are returned on the basis of the Readmission Agreement which Serbia entered into with the European Union and individual countries.

The most common problems faced by returnees under the Readmission Agreement when they return to Serbia, especially by those who have spent a longer period of time abroad, are a lack of documents, unresolved social and economic problems, a lack of information, a lack of trust in institutions, a lack of flexibility on the part of those institutions, complicated procedures and social isolation due to their lack of contacts and poor knowledge of the local language.

The *Strategy for Returnee Reintegration under the Readmission Agreement* is a national strategic document that defines the mechanisms for the sustainable and active integration of returnees. Since integration happens at the local community level, it is essential for all local stakeholders to be involved (representatives of local government and institutions, civil society organisations and the returnees themselves), for local action plans to be adopted and funding secured for the successful implementation of the planned measures and activities. At the same time, empowering returnees to more successfully express the needs and problems they face in everyday life is of huge significance to the process as a whole. Successful integration ensures full respect for standards of human rights protection for returnees, prevents poverty from reemerging and reduces the risk of repeat migrations.

The Ecumenical Humanitarian Organisation has for many years concerned itself with the problems of returnees under the Readmission Agreement and in cooperation with them has sought to resolve their problems. This project is one aspect of those efforts.

The Ecumenical Humanitarian Organisation launched the *Equal opportunity perspectives for readmitted people* with the goal of:

conducting monitoring and evaluation of local regulations and mechanisms relating to returnees under the Readmission Agreement, identifying cases of discrimination and promoting the inclusion of equal opportunities perspectives in local policy; and

supporting the local integration of returnees under the Readmission Agreement by empowering them to understand the principles of equal treatment and to readily participate in planning and preparing anti-discriminatory initiatives. The project is being implemented through a number of initiatives:

providing support in the field to returnees in four municipalities (Novi Sad, Zrenjanin, Žitište and Kikinda) by providing ongoing information on local services and monitoring their progress in pursuing their human rights, whilst at the same time working with institutions at the local level;

 conducting monitoring of local policies and practices in all 45 municipalities in Vojvodina;

organising debates with representatives of local governments and institutions with the aim of identifying specific operational measures whereby policies which currently do not exist could be introduced, or existing policies improved; and

organising training for returnees to help them better recognise discriminatory practices and to pursue their rights, as well as creating a guidebook combating discrimination at the local level.

The Ecumenical Humanitarian Organisation seeks to secure a high media profile for the project activities throughout and to inform the public at large in Serbia on an ongoing basis regarding the objectives and results of the project.

The Report on Implementation of Public Policies with Respect to Returnees under the Readmission Agreement in Vojvodina contains data collected during the project that has been collated and processed quantitatively and qualitatively. The report will be publicly promoted and will comprise the starting point for a series of public debates on the introduction of new and the improvement of existing public policies concerning returnees under the Readmission Agreement.

The project team of the Ecumenical Humanitarian Organisation believes that the research presented in this Report, as well as the other project activities, will contribute to the reinforcement of the human rights and social inclusion of returnees under the Readmission Agreement in Serbia.

Damir Krkobabić, Project Coordinator

## **RESEARCH METHODOLOGY**

The monitoring of local policies and practices was carried out in the period February-June 2015.

At the very beginning, desk research was carried out, which involved reviewing existing strategic documents, studies and official statistics. After this, requests for access to information of public importance were sent to all 45 municipalities in Vojvodina<sup>1</sup>. The information we collected in this way included the number of officially registered returnees<sup>2</sup> under the Readmission Agreement, whether there were plans of action that envisaged measures and activities for addressing the issues of returnees, whether there were migration councils addressing returnee issues, how many migration council meetings had been held in the preceding year and whether funds had been set aside in local budgets for addressing returnee issues. The existing local plans of action and the budget funds for their implementation were analysed in detail. In those municipalities and towns in which migration councils had been set up, the official decisions on their appointment were analysed, together with the responsibilities delegated to them and the minutes of their meetings in the preceding year. After the desk research a more detailed analysis was carried out in seven municipalities (Novi Sad, Zrenjanin, Ruma, Opovo, Subotica, Apatin and Kikinda). We tried to include municipalities from different parts of Vojvodina, as well as to compare municipalities which did have a local policy towards returnees with those that did not. Semi-structured interviews were carried out with representatives of local government, agencies for refugees and migrations, Roma coordinators, teaching assistants, representatives of civil society organisations and the returnees themselves. This approach covers the broadest possible range of views on the problems faced by returnees and the ways in which these problems can be tackled.

The desk research showed that municipalities and towns in Vojvodina mostly complied with the provisions of the *Law on Free Access to Information of Public Importance*. Of the 45 requests for access to information sent, the project team of the Ecumenical Humanitarian Organisation received responses from 44 local governments. Only the municipality of Bačka Palanka refused to supply the requested information.

In order to present the problems faced by returnees under the Readmission Agreement in Serbia as clearly as possible we tried to emphasise those parts of the document relating to their specific problems. These portions of the text are highlighted as Case Studies.

<sup>&</sup>lt;sup>1</sup> In the Annex you can see an example of the letter sent to the municipalities and towns covered by this research. <sup>2</sup> All terms in the report used in the male grammatical gender include both the male and female gender of the person they refer to.

## LEGAL AND STRATEGIC FRAMEWORK

The status of returnees under readmission agreements in the Republic of Serbia is not regulated by any legally binding document. However, in view of the problems faced by returnees and the specific issues they face in exercising the same rights that are guaranteed to anyone residing in the Republic of Serbia, the Serbian government in February 2009 passed a *Strategy for Returnee Reintegration under the Readmission Agreement*<sup>3</sup>. Adoption of the Strategy was preceded by the signing of the *Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation*<sup>4</sup>; after this, a series of bilateral agreements were signed regulating issues concerning the readmission of citizens of the Republic of Serbia from individual states.

### Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation

One of the primary obligations regarding readmission is laid down in Article 2 of the *Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation*. In this article, the Republic of Serbia undertakes to "readmit, upon application by a Member State and without further formalities other than those provided for in this agreement, any person who does not, or who no longer, fulfils the conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State provided that it is proved, or may be validly assumed on the basis of *prima facie* evidence furnished, that such a person is a national of Serbia". Correspondingly, this Agreement imposes the same obligations on the European Union.

Because of its primarily technical nature, the *Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation* does not in and of itself guarantee the rights of returnees in their home country, but rather constitutes a legal basis for all further action in these cases. The Agreement contains a joint declaration regarding reintegration, whereby the parties "acknowledge the necessity of an efficient, effective and sustainable socio-economic reintegration of repatriated citizens of the Republic of Serbia".

#### Strategy for Returnee Reintegration under the Readmission Agreement

The *Strategy for Returnee Reintegration under the Readmission Agreement* is the primary document establishing a strategic framework for action on the part of relevant state bodies and local governments regarding the efficient, effective and sustainable socio-economic reintegration of returnees. Early on, in its introductory section, the strategy states that particular attention needs to be paid to the most vulnerable section of the returning population – Roma. The strategy also recognises priority areas which are of significance for returnees under the Readmission Agreement in fully pursuing their rights – access to personal documents, resolving housing issues, facilitating employment and making it possible for them to exercise other

<sup>4</sup> Law on Ratification of the Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation, Official Gazette of the Republic of Serbia no. 103/07

<sup>&</sup>lt;sup>3</sup> Available online: <u>http://www.srbija.gov.rs/vesti/dokumenti\_sekcija.php?id=45678</u>

primarily economic and social rights, such as the right to health care and the right to education. In its introductory section, in which the legal framework for action and for facilitating the rights of persons returned to Serbia under the Readmission Agreement is laid out, the strategy refers to ratified international agreements in the area of human rights, primarily to the *European Convention for the Protection of Human Rights and Fundamental Freedoms*<sup>5</sup>, the *International Covenant on Economic, Social and Cultural Rights*<sup>6</sup>, the *International Covenant on Civil and Political Rights*<sup>7</sup> and the *Convention on the Elimination of all Forms of Racial Discrimination*<sup>8</sup>. Here, the Strategy also states that the measures and activities contained in it are in line with the Constitution, with relevant laws and with other strategic documents promulgated by the government.

This document lists the following issues as priority areas for improving the status of returnees: access to personal documents, to adequate housing and to the educational system, as well as social policy measures and creation of opportunities for the inclusion of returnees in the labour market. The Strategy also states that a large proportion of returnees in the readmission process belong to ethnic minorities, of which the greatest percentage are Roma<sup>9</sup>. It is further stated that "constant poverty, a unique cultural and social model, a high unemployment rate, stereotypes and discrimination, a low level of education and the alarming condition of health protection services are visible problems in the domicile Roma population that will mirror onto the returning Roma population as well unless planned and adequate action is taken".

The *Strategy for Reintegration of Returnees under the Readmission Agreement* gives a second specific objective – the development and implementation of an admission programme and a programme of emergency support for returnees, as an integral part of a viable reintegration mechanism. This shows that besides the establishment of an institutional mechanism under the purview of the relevant ministries and the Commissariat for Refugees and Migration, the key portion of the support system for readmittees is at the level of the local governments in whose jurisdictions they pursue their guaranteed rights.

#### Other strategic documents

The *Strategy for the Improvement of the Status of Roma in the Republic of Serbia*<sup>10</sup>, sees another priority area as being the status of returnees under the Readmission Agreement. In view of their vulnerability and lack of opportunities for integration, the Strategy gives several recommendations that need to be implemented in order to improve the status of Roma returnees in the Republic of Serbia. These recommendations relate primarily to housing, education and employment. Some additional priorities are listed as being particularly pressing: "provision of conditions for a sustainable and long-term integration of returnees based on the readmission agreement."<sup>11</sup>

The *Strategy for the Reduction of Poverty in Serbia*<sup>12</sup> also lists returning to Serbia under the Readmission Agreement as one of the problems and causes of poverty. Additionally, this document talks about the connections between internal displacement from Kosovo, readmission into the Republic of Serbia, particular vulnerability to poverty and the inability to exercise basic human rights.

<sup>&</sup>lt;sup>5</sup> Law on the Ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Official Gazette of Serbia and Montenegro – International Agreements, nos. 9/2003, 5/2005 and 7/2005 – corrections, and Official Gazette of the Republic of Serbia – International Agreements, no. 12/2010 <sup>6</sup> Law on the Ratification of the International Covenant on Economic, Social and Cultural Rights, Official Gazette of the Socialist Federal Republic of Yugoslavia no. 7/71

<sup>&</sup>lt;sup>7</sup> Law on the Ratification of the International Covenant on Civil and Political Rights, Official Gazette of the Socialist Federal Republic of Yugoslavia no. 7/71

<sup>&</sup>lt;sup>8</sup> Law on the Ratification of the International Convention on the Elimination of all Forms of Racial Discrimination,

Official Gazette of the Socialist Federal Republic of Yugoslavia - International and other Agreements, no. 6/67.

<sup>&</sup>lt;sup>9</sup> Strategy for Reintegration of Returnees under the Readmission Agreement, p.9

<sup>&</sup>lt;sup>10</sup> Available online: <u>http://www.inkluzija.gov.rs/wp-content/uploads/2010/03/Strategija-SR-web-FINAL.pdf</u>

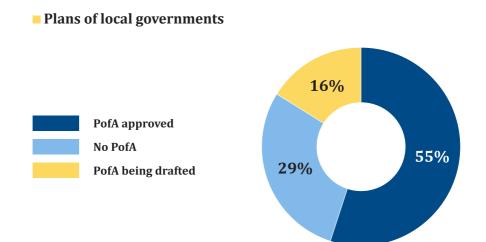
<sup>&</sup>lt;sup>11</sup> Strategy for the Improvement of the Status of Roma in the Republic of Serbia, p.32

<sup>&</sup>lt;sup>12</sup> Available online: http://www.srbija.gov.rs/extfile/sr/211704/strategija-za-smanjenje-siromastva-u-srbiji\_cyr.pdf

## ANALYSIS OF RESEARCH RESULTS

#### General data collected in the research

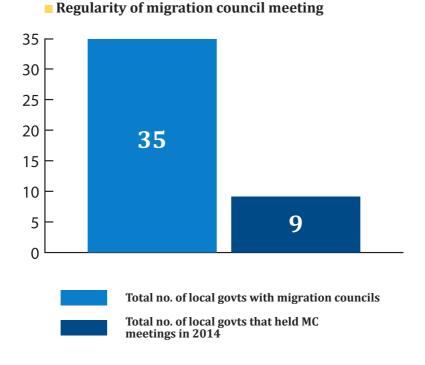
The research conducted showed that most municipalities and towns in Vojvodina had the formal prerequisites in place for coordination between the competent authorities at the local level. Only 13 of 44 local government departments had not adopted local plans of action or plans relating to other categories of the population but with special sections relating to the status of persons returned under the readmission agreement (such as, for example, local plans of action for refugees and displaced persons). In addition, seven local government departments were in the process of adopting local plans of action. This means that either a draft local plan of action had been prepared and sent to the Commissariat for Refugees and Migration for feedback and approval, or that this document had been delivered in draft form to the local government assembly which had yet to take a decision on it.



The research also showed that local governments that did have approved local plans of action had not adopted these solely in respect to persons returned under the Readmission Agreement. Rather than adopting separate plans of action, municipalities and towns had opted to pass a catch-all document concerning migration, where returnees under the Readmission Agreement are one specific group, with separate special measures and activities for improving their status. This more economical and efficient approach provides a basis for coordinated action by competent authorities and for more effective use of limited resources. The response by the municipality of Mali Idoš regarding the problems of returnees under the Readmission Agreement is especially significant. As they state in their response, this municipality has no local plan of action in place, no registered returnees, has no migration council set up and has no funding set aside for this purpose. In addition, the municipality of Mali Idoš has passed a *Declaration Regarding the Implementation of the Agreement on Readmission of Persons Illegally Residing in EU Countries.* In this document it is stated, among other things, that: "The Municipal Assembly of Mali Idoš, regarding the Readmission Agreement, asserts that the municipality of Mali Idoš is not in a position to participate in any collective settlement activities with respect to persons residing illegally in countries of the EU, nor to persons not originating from the municipality of Mali Idoš, since this would create conditions for organised change to the ethnic structure of the population in the multinational municipality of Mali Idoš, which is in contravention of the Constitution of the Republic of Serbia."

Additionally in this document, the municipality of Mali Idoš undertakes to take part in the readmission process only where it concerns persons in the readmission process who originate from this municipality. Considering anti-discrimination legislation, the fact that the majority of returnees under the Readmission Agreement are of Roma nationality, and the provision of the Constitution under Article 39 guaranteeing the freedom of movement and residence, one may ask whether the Declaration is lawful.

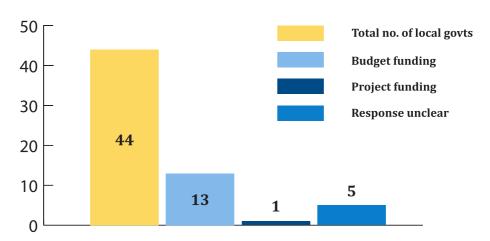
Based on the data from 44 local governments, the research showed that migration councils had not been set up in only nine municipalities and towns, while the remaining local governments had established councils. However, the majority of municipalities and towns that did have migration councils set up unfortunately did not necessarily demonstrate more active participation by local government authorities in addressing the problems faced by persons returned to the Republic of Serbia under the Readmission Agreement. Thus in 2014, out of 35 local governments, only nine municipalities and towns convened meetings of the migration council. The number of meetings mostly ranged between one and three annually, with only the municipality of Čoka holding regular, monthly meetings of the local migration council. This despite the fact that this municipality does not have a single registered returnee under the Readmission Agreement, nor any budget set aside for improving the status of readmittees.



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A total of 13 municipalities had allocated budget funding for improving the status of persons returned to Serbia under the Readmission Agreement, while one municipality had funding for this purpose from a project financed by the European Union. Five municipalities and towns did not supply precise data from which information on funding allocated for this purpose could be clearly determined.

It was determined that budgets for improving the exercise of the basic human rights of readmittees ranged between 300,000 dinars (around  $\notin$ 2,500) in the case of the municipality of Plandište, and a little over 2 million dinars (around  $\notin$ 15,000), which was the amount set side by the town of Zrenjanin. Additionally, the data collected showed that there was no correlation between the amount of funding set aside and the number of registered readmittees. Thus for example the municipality of Ruma, which had only nine registered readmittees, has set aside 2 million dinars in the budget for this purpose. The municipality of Beočin, which had 250 registered persons returned from western European countries under the Readmission Agreement, had set aside half that amount.



Budget funds set aside

In the municipalities that have set aside funding, if the number of registered persons returned under the Readmission Agreement is compared with the total amount of budget funds allocated for the improvement of their human rights, we see that 15,325.00 dinars have been allocated per person registered as a readmittee (around  $\notin$ 127). These funds are not even nearly enough for addressing the problems stated as being key for improving the exercise of the rights or reintegration of returnees in Serbia.

#### **Registration of returnees under the Readmission Agreement**

One question which is of special significance in monitoring improvements to human rights in this area, but also in the effective planning of activities to be undertaken by the competent state and local government authorities is the question of registering persons returned to Serbia under the Readmission Agreement. The research has shown that the data collected by the Ecumenical Humanitarian Organisation team do not tally with the data published by the Readmission Office of the Republic of Serbia's Commissariat for Refugees and Migration For example, in a report by the Readmission Office<sup>13</sup> it is stated that in 2014 only one person was returned to the municipality of Ruma, whereas the data from the municipality state that nine persons were returned during that year.

<sup>&</sup>lt;sup>13</sup> Available online (Serbian only): <u>http://www.kirs.gov.rs/docs/read/lzvestaj\_2014.pdf</u>

Novi Sad, according to the data of the Commissariat for Refugees, had only 34 readmittees, while local government data gave a figure of 103, almost 3 times more. As a general rule, the numbers recorded by the Commissariat for Refugees and Migration were several times lower than the data held by the local governments. This is primarily due to the fact that not all persons deported to Serbia enter via the airport, which is the only location where registrations are conducted. Local governments also do not have effective systems for the identification of readmittees have themselves sought the help of state institutions. Persons returned to Serbia are often poorly informed of their rights and have only the modest means to reintegrate offered to them by the system. As a consequence, the data on numbers of people returned to Serbia under the Readmission Agreement are in a sense only tentative, which in itself is illustrative of the problem at hand. A similar situation can be seen in the *Strategy for Reintegration of Returnees under the Readmission Agreement* itself, in which the government of the Republic of Serbia at several points gives only estimates of the needs present in this area and of the numbers of persons to be deported to Serbia under these agreements in a particular period.

Staff of the Department for Refugees, Expelled and Internally Displaced Persons in the Novi Sad city administration<sup>14</sup> noted a lack of awareness on the part of beneficiaries, the fear that in undergoing registration they will face some form of sanction and the fact that returnees have not been offered any special programmes of assistance since the local plan of action has not yet been adopted, nor budget funding set aside for activities to be carried out. The Zrenjanin town administration<sup>15</sup> cited similar reasons for the disparity between the real and the registered number of returnees under the Readmission Agreement, as did the Kikinda municipality Commission for Refugees and Migration<sup>16</sup>. They cited the primary causes of this problem as being the fear of on the part of beneficiaries that they will be investigated, and the lack of benefits to be gained by registering with the relevant authority. A similar response was given in an interview carried out in the municipality of Ruma<sup>17</sup>, where the Commissioner for Refugees and Migration, despite the official figure of nine readmittees, did not know who those people were since they had not registered them. The Commission for Refugees estimates that the number of readmittees is greater, but that due to a lack of knowledge and due to fear, they do not contact the relevant authorities.

The case of the city of Subotica is of particular interest – there the Commissioner for Refugees and Migration does not have records on returnees, rather the commissioner receives data from the Commissariat for Refugees and Migration by taking from them the list of returnees who gave Subotica as their place of return. According to these data, 41 returnees gave Subotica as their place of return. As stated by the commissioner, he attempted to contact them and visit them at the addresses given, but most were not there, from which he concluded that many had returned to the countries they had been deported from or had given false details. In addition, this commissioner believed that there was no major difference between the real number of returnees under the Readmission Agreement and those recorded, while a local civil society organisation, the Roma Education Centre, estimates that at least 150 people have been returned under the Agreement.

#### Collecting the personal data of returnees under the Readmission Agreement

The activities of state and local government departments responsible for ensuring the rights of Roma and the improvement of their status have proven particularly problematic from the

<sup>&</sup>lt;sup>14</sup> Meeting held 8th May 2015.

<sup>&</sup>lt;sup>15</sup> Meeting held 13th May 2015

 <sup>&</sup>lt;sup>16</sup> Meeting held 26th June 2015.
<sup>17</sup> Meeting held 29th May 2015.

aspect of processing personal data and compliance with the *Law on Personal Data Protection*. It is a similar situation where the rights of persons returned to Serbia under the Readmission Agreement are concerned. According to Article 47 of the Serbian Constitution, national affiliation may be expressed freely, and "no person shall be obliged to declare his national affiliation". Additionally, the *Law on Personal Data Protection* in Article 16 stipulates that data relating to national affiliation are particularly sensitive and may only be processed with the freely-given permission of the person they relate to. Although there is no question that these data must be processed according to stricter criteria than other personal data, the need arises for ethnically differentiated data to be stored so that progress in these areas can be accurately tracked and so that the causes of the problems faced by people considered readmittees in Serbia can be addressed.

Relevant bodies of the United Nations also state in their documents that recording ethnically differentiated data is essential in order to provide equal opportunities and social inclusion for groups that are marginalised in relation to the rest of the population. Thus in General Comment no. 13 adopted by the UN Committee on Economic, Social and Cultural Rights it is stated that, "Educational data should be disaggregated by the prohibited grounds of discrimination."<sup>18</sup> This United Nations body made the recommendation to the Republic of Serbia in May 2014 that it, "set up a system to collect statistical data on the major factors affecting the implementation of the economic, social and cultural rights set forth in the Covenant, duly disaggregated by year, sex, age, urban/rural population, ethnic origin, disadvantaged and marginalized groups and other relevant criteria". Similar recommendations were also given after consideration of the report by the Republic of Serbia on the implementation of the *International Convention on the Elimination of all Forms of Racial Discrimination*. At that time the UN Committee on the Elimination of Racial Discrimination expressed concern "at the lack of disaggregated indicators on the enjoyment by the various groups of the rights guaranteed in national legislation and in the Convention".

Despite the legal restrictions forbidding the collection of ethnically categorised data, in the reports of relevant state authorities, first and foremost those of the Readmission Office, there is conspicuous ethnic categorisation of persons returned to Serbia under the Readmission Agreement. For example in the 2014 report it is stated that of the total number of registered readmittees (1,716) a full 1,301 are of Roma nationality, while second, third and fourth place are occupied by persons of Serbian (202), Bosniac (102) and Albanian nationality (42).

Of particular interest is the response by the municipality of Pećinci: "Since the data you have requested are sensitive in nature, and the Serbian Commissariat for Refugees and Migration has strictly forbidden the disclosure of such data, we are unable to supply you with them and suggest that you contact the Commissariat directly for further information."

The problem with the liberal disclosure of the ethnic affiliation of so-called false asylumseekers and readmittees is that it further widens the gulf between them and the majority population, and fosters an environment for increased discriminatory attitudes and practices directed towards them. Hence there is a necessity to establish a legal framework for collection of such data under significantly stricter conditions than currently, as well as more responsible use of data, especially for the purposes of timely planning and improvement to support systems for persons returned to Serbia under the Readmission Agreement.

<sup>&</sup>lt;sup>18</sup> According to the provisions of Article 2, paragraph 2 of the *International Covenant on Economic, Social and Cultural Rights*, these indicators are race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

# Insufficiently developed capacities for monitoring implementation of the Strategy

Data collected during the research showed that apart from migration councils there was a lack of clearly developed capacities within local governments for monitoring implementation of the Strategy and of local plans of action in those municipalities in which these had been enacted. This issue is of key significance in improving the position of readmittees and the system of support for them. Experience so far has shown that these are "ailments" suffered not only by the *Strategy for Reintegration of Returnees under the Readmission Agreement* but also by similar strategic documents, particularly the *Strategy for the Improvement of the Status of Roma*. Councils, as bodies which meet periodically – at best once a month, as in the case of the municipality of Čoka – have not thus far proven to be a viable way of monitoring measures and activities undertaken to improve the position of readmittees on a regular and ongoing basis. The task of monitoring the measures undertaken is made all the more difficult by the fact that these are complex activities, frequently requiring coordination amongst different local government bodies or bodies at different levels of government.

## Composition of migration councils within local governments in Vojvodina

The data collected in the research shows diversity in regard to the composition of migration councils. Migration councils most commonly comprise representatives of centres for social work, municipal councils or administrations and police representatives. Additionally, councils often include representatives of local branches of the National Employment Service, local Red Cross branches and representatives of municipal health centres and refugee commissions.

It is especially important to note that some municipality migration councils also include representatives of the beneficiaries of the programmes and measures being planned and implemented by the council. This is the case in the municipalities of Ada and Srbobran, where the five-member council includes two representatives of the Coalition of Refugee Associations in Serbia. Likewise, in the municipalities of Ruma, Irig and Indija, representatives of civil society organisations take part in the business of the council, with a similar arrangement in Sremska Mitrovica, too. In the municipality of Apatin, although the council does not comprise representatives of beneficiaries or civil society organisations, its composition does reflect the wide-ranging nature of the measures and activities that are of importance in addressing the problems of refugees and displaced persons, as well as persons returned to Serbia under the Readmission Agreement. In its response to the researchers of the Ecumenical Humanitarian Organisation, the municipality of Apatin said that its migration council was made up of the vicechairman of the municipal assembly (as chair of the council) and the following members: head of the Department for General Administration, Community Activities and Assembly Business, Coordinator for Local Economic Development, director of the Centre for Social Work, associate for Veteran and Disabled Welfare Issues, associate for Construction and Urban Planning Issues, Youth Coordinator, Coordinator for Roma Issues and the Commissioner for Refugees. This is also the only municipality in which the migration council includes the Coordinator for Roma Issues.

The municipality of Vršac is the only one in which the migration council includes a representative from the business world. Thus in addition to the municipal chairman, the commissioner for refugees, members of the municipal council, director of the municipal administration, director of the Department for the Economy, Community Activities and Local Economic Development, director of the Department for Urban Planning and Construction Affairs and Property Ownership Issues, representatives of the Centre for Social Work, the National Employment

Service and a refugees' association, the migration council also includes the director of a bank from the municipality.

The make-up of the migration council in Sremski Karlovci is also somewhat unique. In this municipality the council was set up primarily as an internal body for coordination within the municipal administration and so comprises no representatives from other institutions or departments. It consists solely of representatives of the municipal council, the commissioner for refugees and the head of the Joint Services Department of the municipal administration.

#### Responsibilities of migration councils within local governments

Defining the responsibilities of migration councils is a prerequisite for undertaking active measures and activities for improving the position of persons returned to Serbia under the Readmission Agreement. Analysis of the data showed that municipalities and towns in Vojvodina have defined the responsibilities of these bodies in different ways, while some councils have no responsibilities defined at all in their founding orders.

Of the 35 migration councils established, six municipalities had not defined their responsibilities. The municipalities of Bela Crkva, Novi Bečej, Ruma, Sečanj, Žitište and the town of Zrenjanin have no definition of the responsibilities of the migration councils they have set up. In the remaining municipalities, the responsibilities of the migration councils have been defined in various ways. Thus, for example, the municipality of Alibunar cited the responsibilities of the council as: "concerning itself with migration and all issues of significance for trends in migration in the municipality of Alibunar". The municipality of Bački Petrovac went into a little more detail in defining the responsibilities of the council. In its founding order, the following responsibilities are given: "monitoring and reporting on migration in the territory of the municipality of Bački Petrovac to the Commissariat for Refugees and Migration, proposing programmes, measures and plans of activities to be undertaken for more effective management of migration in the territory of the municipality of Bački Petrovac, and other business in the area of managing migration in accordance with law." This is in fact the most commonly used construction used to define the responsibilities of migration councils, and is used in the same form by the municipalities of Bačka Topola, Kovin and Stara Pazova, and by the town of Subotica.

The municipality of Kula had gone into most detail in defining the responsibilities of the council, which included the drafting of a plan of action, analysis of priority needs and available resources for meeting those needs and defining objectives and activities aimed at improving the position of refugees and displaced persons, as well as of returnees under the Readmission Agreement. This municipality gives a further responsibility of the council as being cooperation with the Commissariat for Refugees and Migration in the process of drafting a plan of action and securing additional funds for implementation of the plan, monitoring and informing the Commissariat on the implementation of the plan of action and initiating partnership between local government and other institutions and organisations with the aim of improving the position of the target groups cited in the plan of action.

#### Poverty and exercise of human rights

Poverty and discrimination and the exercise of basic human rights are interrelated and interdependent issues. Bearing in mind that, according to official data, the majority of those deported to Serbia under the Readmission Agreement are Roma, a fact also confirmed by civil society organisations involved with these issues, the problem of readmittees and the exercise of their rights also needs to be considered from the aspect of poverty.

Data collected via a survey as part of research conducted by the UNDP, the World Bank and the European Commission in 2011, cross-referenced with data from a pilot survey on Roma conducted by the European Union Agency for Fundamental Rights, show that in a region encompassing the Republic of Serbia, 24% of the income of Roma households is comprised of employment income, where in the non-Roma population this percentage is 34%<sup>19</sup>. Conversely, pension income comprises 41% of the income of non-Roma households and only 18% in the Roma population, while social welfare payments comprise 9% of the income of non-Roma families but 21% of the income of Roma families.

The data concerning the presentation and analysis of levels and profiles of poverty in the Republic of Serbia in the period 2011 to 2013, produced by the Social Inclusion and Poverty Reduction Unit, also contains some significant data on the status of Roma. According to the data from this analysis, the poverty rate in the Republic of Serbia in 2011 was 6.8%<sup>20</sup>. It showed that poverty rates were greater the more family members there were, and fell as education levels increased. In absolute numbers, those poor families whose head had at most incomplete or complete primary education prevailed: they comprised 66.9% of the total poor, even though they accounted for only 36.0% of the total population.

The most significant factors for poverty in the Republic of Serbia are education and the employment status of the head of the household, the number of household members, the place of residence and the number of children. Considering the characteristics of Roma households it is not surprising that they are at particular risk from poverty, which is certainly one of the reasons for their leaving Serbia and claiming asylum in Western European countries. The problem is further compounded by the fact that upon deportation to Serbia the returnees often do not have access to support programs and do not manage to exercise the basic rights guaranteed them. As a result, with a lack of employment or access to other income-generating activities, these people most often remain in poverty, not having resolved the structural problems that lie behind it.

In interviews conducted with different stakeholders in local government we see that some of them agree that the reasons for leaving Serbia can be found in a lack of employment, the extreme poverty in which Roma live and the fact that "the state has done nothing to improve their lives, despite the Roma Decade"<sup>21</sup>.

<sup>&</sup>lt;sup>19</sup> Andrej Ivanov and Justin Kagin, Roma Poverty from a Human Development Perspective, UNDP, 2014, p. 29.

<sup>&</sup>lt;sup>20</sup> Social Inclusion and Poverty Reduction Unit, Government of the Republic of Serbia – Poverty in Serbia 2011, 2012 and 2013, May 2014, p. 16. Available online: <u>http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2014/08/Siromastvo-u-Srbiji-2011-2012.-i-2013.-godine.pdf</u>

<sup>&</sup>lt;sup>21</sup> Interviews with the coordinator for Roma issues in the municipality of Apatin, representatives of the Roma Educational Centre in Subotica and representatives of the Rroma Rota NGO in Kikinda.

#### **Case study I**

#### Family K. - unresolved cycle of poverty

R.K. (1971) from Novi Sad, lives with her husband T.K. and four children, all minors; they resided in Germany from October 2014 to February 2015. When their residence permit was cancelled they did not wait to be deported but returned voluntarily in order to avoid an entry ban.

They lived solely from welfare payments and from collecting recyclables. They were very poor and in ill health, and prior to living in Novi Sad had been internally displaced from Kosovo. They left Serbia due to the poor conditions they lived in here. On their return from Germany, none of the accumulated causes of their poverty had been resolved, and R.K. has no plans for the future. She is illiterate, two of her children attend adult education school, one attends primary school, and one attends a school for children with developmental disabilities.

The family has major problems getting administrative tasks done, and the field worker employed under an Ecumenical Humanitarian Organisation project is providing support in getting these resolved<sup>22</sup>.

## Access to personal documents for persons returned under the Readmission Agreement

Access to personal documents for persons returned under the Readmission Agreement is crucial in pursuing all other rights. With no ID card, no prior registration of residence and no transfer of records from birth registers abroad into registers kept in Serbia, those being returned under the Readmission Agreement are left without any of their guaranteed rights. As a consequence, one of the key issues, as highlighted by the Strategy for Reintegration of Returnees under the Readmission Agreement itself, is that of personal documents. The Strategy states that, "the origin of many essential but also practical problems that returnees are facing within institutions of public administration, judiciary, social or health protection institutions are to be sought in the setting determined by law and they have to do with registration of the place of residence. Without a proper residence address the person cannot have the necessary documents and therefore cannot have access to the basic health insurance, education, welfare, employment opportunities."<sup>23</sup>

Some of the systemic obstacles to returnees pursuing their rights to personal documents have been overcome through changes to the regulations, in particular to the Law on Non-Contentious Proceedings<sup>24</sup> and the Law on Permanent and Temporary Residence.<sup>25</sup> However, problems still surface in practice, and there is an additional challenge in that people deported under the Readmission Agreement often do not have information on existing procedures, lack sufficient knowledge of the language, have a fear of the institutions or do not have access to free legal assistance in the local environments to which they have been returned.<sup>26</sup>

<sup>22</sup> Interview with family K. conducted 19th May 2015

<sup>&</sup>lt;sup>23</sup> Strategy for Reintegration of Returnees under the Readmission Agreement, p.10

<sup>&</sup>lt;sup>24</sup> Official Gazette of the Socialist Republic of Serbia, no. 25/82 and 48/88 and Official Gazette of the Republic of Serbia, no. 46/95 – Other Laws, 18/2005 – Other Laws, 85/2012, 45/2013 – Other Laws, 55/2014 and 6/2015

<sup>&</sup>lt;sup>25</sup> Official Gazette of the Republic of Serbia, no. 87/2011

<sup>&</sup>lt;sup>26</sup> For more detail on the problems and challenges of exercising ones rights to personal documents, see: <u>www.praxis.org.rs</u>

#### Case study II Family R. – difficulties in registering the birth of their child

S.R. (1982) with his wife and two children, both minors, spent nine months in Germany where they filed an asylum application. Previously, in 2012, he spent 4 months in Sweden with his family.

In their own words, it was the poor living conditions in Serbia and the fact that neither he nor his family had work and they wanted to provide a normal standard of living for their children, that drove them to go abroad. While they were abroad the family managed to save around  $\notin$ 3,000 and buy the apartment in Kikinda in which they now live. The problem is that their flat has not been legalised, and had to be adapted, which cost all their savings.

While they were in Germany family R. had their third child, which has still not been recorded in the birth registry in Serbia and so the child has no health card. Currently this family is securing an international birth certificate with the help of the Ecumenical Humanitarian Organisation so that they can enter the youngest child into the birth register in Serbia after the fact.

Because family R. lives on the poverty line, doing seasonal work and receiving welfare payments, if they had not heard of the Ecumenical Humanitarian Organisation's project they would not even have been able to start the procedure to obtain documents for their youngest child<sup>27</sup>.

Despite the serious difficulties returnees experience in accessing personal documents, only two local governments have made particular efforts to address this problem. For example, the municipality of Kovin in its Local Plan of Action for the Period 2013 to 2017 names one of the priority groups covered by this document as "persons without personal documents". Bearing in mind that returnees are also named as a priority group, it seems that this document was primarily referring to domiciled persons without personal documents. However, there do not appear to be any obstacles to the priority measures also being applied to returnees who have problems with personal documents. Besides Kovin, Vršac was the other municipality that specifically mentioned "persons without personal documents" as a priority group within the local plan of action. On the other hand, in interviews conducted with representatives of the municipality of Apatin it was explicitly stated that there was no problem with access to personal documents in this municipality, while the remaining towns and municipalities did not make special comment regarding this issue.

### Access to education for persons returned under the Readmission Agreementi

Strategy for Reintegration of Returnees under the Readmission Agreement names the education of returnees under the Readmission Agreement as a key issue. To quote the Strategy, among Roma, who comprise the majority of readmittees, "[the] low level of education makes it harder for them to find a job and persons that in the meantime [have] obtained some education are facing the problem of getting these documents and nostrificating them. The major problem in their education is poor knowledge or no knowledge of [the] Serbian language and Cyrillic script."<sup>28</sup> A lack of knowledge of the Serbian language is stated in the Strategy as being a key challenge in the education system, together with a lack of foreign language teaching programmes, as a result of which children who knew a foreign language before being deported to Serbia lose this skill over time. The lack of personal documents and difficulty in having qualifications recognised is mentioned as a particular problem – this costs money and is an insurmountable obstacle to entering the education system in Serbia for poor families.

<sup>&</sup>lt;sup>27</sup> Interview with family K. conducted 26th June 2015

<sup>&</sup>lt;sup>28</sup> Strategy for Reintegration of Returnees under the Readmission Agreement, p. 9

Local governments that have adopted plans of action for persons returned under the Readmission Agreement for the most part do not devote enough attention to the issue of education; priority is given to meeting housing needs and to economic empowerment. Only the municipality of Vršac mentioned "returnees with educational potential" as a priority group within the local plan of action.

#### **Case study III**

#### Family Š. - education as a basis for further economic empowerment

M.Š. (1967), together with wife J.Š. (1967), son N.Š. (2005) and mother N.Š. (1948), spent time in Germany where, because of their poor financial state and his wife's illness, they sought asylum. After seven months he returned to Serbia voluntarily in order to avoid an entry ban. The members of family Š receive welfare payment for nine months of the year. To feed himself

and his family M.Š. sometimes plays music at parties and buys and sells at the market in Novi Sad to supplement the family income.

M.Š. wants to start a family business. He has begun attending a bakery course organised by the National Employment Service and for now is happy with the results and hopes that after the course is over he will be able to find work as a baker or open a bakery with his wife.

His wife J.Š. is interested in continuing her schooling as she completed only five grades of primary school. She would also like to attend a course to give herself more opportunities in the labour market.

N.Š, their son, is ten years old and is currently attending the third grade of primary school. While in Germany with his parents he attended school regularly. He quickly learned the German language. On returning to Serbia and the school system here he has had some problems with Serbian and Cyrillic.

Interviews with teaching assistants in the municipalities and towns in which semi-structured interviews were held confirmed these problems regarding the approach to education for returnees. One teaching assistant said that "the children often do not speak Serbian, their writing skills are very basic, and if they don't know anybody they have trouble adapting".<sup>29</sup> They note from experience that "children who have spent a longer period abroad and were involved in the school system there have less trouble adapting in Serbia as they have developed the habit of going to school. Conversely, children who have spent less time abroad have difficulty coping when they return, and do not attend school regularly"<sup>30</sup>.

The support of teaching assistants to child returnees has so far proven crucial in overcoming the problems they face in the education system. In addition to increasing the number of teaching assistants and growing their capacities to work with the specific problems faced by child returnees, it seems that there is also a need to improve Serbian language teaching programmes for children.

<sup>&</sup>lt;sup>29</sup> Interview with teaching assistant at Dušan Radović Primary School, conducted 19th May 2015

<sup>&</sup>lt;sup>30</sup> Interview with teaching assistant in several schools in Opovo, conducted 1st June 2015

# Access to adequate housing for persons returned under the Readmission Agreement

Access to adequate housing is of exceptional importance for the integration of returnees under the Readmission Agreement. The fact that somebody has a certain amount of support in the education system or is receiving social assistance means little in situations where they lack the minimum living requirements, i.e. a proper roof over their head. In this respect, housing is, in addition to education and access to personal documents, a priority area addressed by the Strategy. The *Strategy for Reintegration of Returnees under the Readmission Agreement*, notes that, "Fulfilling housing needs is considered to be one of the main conditions for returnees' viable reintegration".<sup>31</sup>

The right to adequate housing frequently comes down to nothing more than a guarantee given in regulations or strategic documents concerned with the issues of returnees under the Readmission Agreement. It is also evident that "housing programs cannot be a permanent solution by themselves, but need to be supplemented by other programs that would provide [a] permanent solution such as constant income, coming primarily from a regular job".<sup>32</sup> In spite of the clear strategic direction, practice has shown that returnees under the Readmission Agreement are not always able to exercise their rights to adequate housing. Where Roma are concerned, they are often forced to return to the informal settlements in which they lived previously, where they have inadequate access to electricity, water, sewerage and other infrastructure, and from which they can also be forcibly evicted by the local authorities. Those lacking a permanent housing solution who are not employed cannot resolve this problem by themselves since the amount they receive in social welfare payments is frequently insufficient even to meet basic living needs.

Adopted plans of action in local governments often mention, as a priority group, among others, returnees who lack a permanent housing solution, or "returnees who lack a permanent housing solution and live in their own unfinished or unfit dwellings".<sup>33</sup> In addition, specific objectives envisaged in local plans of action frequently focus on housing issues. The most common measures or activities mentioned in terms of improving access to adequate housing are buying up rural housing, donating construction materials and donating prefabricated houses on land owned by the beneficiary or land provided by the local government. An additional though less common measure proposed to be undertaken in order to improve housing conditions is social housing in a protected environment.<sup>34</sup> Since the measures and activities in the plans of action are almost always intended for refugees, displaced persons and returnees under their fulfilment towards these groups, nor to determine the percentage in which each group benefits from these measures and activities. Certainly the assumption is that the majority of beneficiaries are refugees and displaced persons, and that returnees are significantly less well represented in these programmes.

A particular obstacle in implementing measures and activities relating to housing conditions and ensuring improved exercise of rights to adequate housing concerns the lack of budget funding for this purpose. In view of the fact that some local governments do not even have budget funds set aside to implement measures and activities for improving the position of returnees under the Readmission Agreement, and that the others have extremely modest budgets set aside for this purpose, it is evident that programmes for improving housing conditions are almost

<sup>&</sup>lt;sup>31</sup> Strategy for Reintegration of Returnees under the Readmission Agreement, p. 11

<sup>&</sup>lt;sup>32</sup> Ibid, p. 12

<sup>&</sup>lt;sup>33</sup> Local plan of action, municipality of Kula.

<sup>&</sup>lt;sup>34</sup> This is the case, for example, in the municipalities of Bačka Topola, Irig, Ruma and Sremski Karlovci.

always dependent on project-based activities and donations, which municipalities and towns do not succeed in securing on a regular basis.<sup>35</sup>

From interviews conducted by the researchers of the Ecumenical Humanitarian Organisation with Roma coordinators in the municipalities of Apatin and Zrenjanin, it became apparent that returnees most often do apply for assistance in addressing their housing needs, but on the other hand few returnees apply for donations of construction materials when invited to do so. It is also a fact that these programmes largely fail to address the real circumstances in which returnees under the Readmission Agreement live. For example, the town of Zrenjanin,<sup>36</sup> in its Public invitation to apply for assistance for improvement of living conditions through the donation of construction materials intended for returnees under the Readmission Agreement on the territory of the town of Zrenjanin in 2015, as one of thirteen conditions beneficiaries had to meet, required that beneficiaries of the programme "own property with a construction permit or have submitted an application for legalisation of said property, and that individual residential construction is permitted on the land on which the property is situated". In order to meet the conditions of this public invitation, proof of ownership had to be filed, i.e. a copy of the property folio. It is universally recognised that Roma, who according to estimates by the relevant state bodies comprise the majority of returnees, live in extremely poor living housing conditions and are often not the owners of the dwellings they live in, which are very often of an extremely poor standard. Hence the conditions of such programmes must be adapted to the specific circumstances faced by Roma in terms of housing. A great many Roma in Serbia live in informal settlements and have no proof of ownership of their property. At the same time, for returnees under the Readmission Agreement who do apply for these grants, it is crucial that they are familiar with all of the procedures and rules of the selection process and can successfully obtain all the documents they need by themselves, which presents a particular problem to Roma and others who are categorised as especially vulnerable. Taking the example of the grant round in Zrenjanin, the impression gained is that a great many returnees under the Readmission Agreement do not apply for these grants as they are not aware of their rules, nor can they fully meet the requirements in terms of obtaining the large number of documents required. Grant rounds relating to improving living conditions have also been held by other local governments with rules similar to this example in Zrenjanin.

### **Case study IV** The town of Zrenjanin – poor response by returnees to grant rounds for award of construction materials

The town of Zrenjanin is implementing a project for returnees which involves the award of construction materials for the repair or completion of a dwelling. The invitation for returnees to apply was published via the media, on noticeboards and in the refugee commission and the office of the Roma Coordinator. Posters were also put up at markets and other public places, but the response was poor. The project was supposed to award 10 packages of construction materials, but only two returnees applied. In 2014 the town of Zrenjanin officially had 440 registered returnees.

<sup>&</sup>lt;sup>35</sup> See page 13 of this report, which relates to budget funding allocated for the integration of returnees under the Readmission Agreement.

<sup>&</sup>lt;sup>36</sup> See Public invitation to apply for assistance for improvement of living conditions through the donation of construction materials intended for returnees under the Readmission Agreement on the territory of the town of *Zrenjanin*, 16th March 2015.

## CONCLUSIONS AND RECOMMENDATIONS

The data collected during the research on the implementation of public policies concerning improvement of the status of returnees under the Readmission Agreement in the towns and municipalities of Vojvodina showed that a system of support needs to be further developed, and the coordination between local authorities and other levels of government improved. It seems that small and insufficiently developed municipalities and towns lack the capacities to take steps on their own initiative on such a complex issue as the status of returnees under the Readmission Agreement. In that sense the institutional framework needs to be made more comprehensive by adopting the remaining local plans of action, but also by reviewing results achieved in those municipalities and towns in which these plans have been adopted. It also seems that activities aimed at improving cooperation between donors and other stakeholders, who might be in a position to support certain activities of significance for improving the position of readmittees, are often lacking.

The issue of personal documents, which are a prerequisite for exercising other human rights, is in many cases not a question of bad legislative solutions, merely a question of providing services to returnees, who lack the necessary information and knowledge to go through the procedures themselves with the various authorities. While the problems in education are easily resolved by increasing the existing capacities of the education system, there is still no adequate response to the challenges relating to improving housing conditions for those returnees who lack proper housing, nor to the question of the economic empowerment that is a prerequisite for improving their position and the exercise of their guaranteed human rights.

**Recommendations:** 

- The institutional framework for addressing the issues of returnees under the Readmission Agreement needs to be improved through the adoption of the remaining local plans of action;
- A system of monitoring and review of existing local plans of action, as well as measures and activities undertaken so far, needs to be put in place;
- Cooperation needs to be improved between local governments and other relevant stakeholders concerning the improvement of the status of returnees under the Readmission Agreement, by involving them in local migration councils or in other ways;
- The approach to planning measures and activities relating to the position of returnees needs to be improved in terms of clearly defining the results that need to be achieved and providing for their ongoing monitoring;
- Funding needs to be increased for the implementation of measures and activities aimed at returnees under the Readmission Agreement, either by increasing budget spending or finding donors to assist in working on specific objectives;
- The system for registering those returning under the Readmission Agreement needs to be improved;
- Additional efforts need to be invested in resolving problems relating to the exercise of returnee rights, especially with regard to access to personal documents, housing, education and employment.

### ANNEX

#### **REQUEST** for access to information of public importance

Pursuant to Article 15 par. 1 of the Law on Free Access to Information of Public Importance (Official Gazette of the Republic of Serbia no. 120/04, 54/07, 104/09 and 36/10), and with respect to the provisions of the Law on Personal Data Protection (Official Gazette of the Republic of Serbia no. 97/2008, 104/2009 - Other Law, 68/2012 - decision of the Constitutional Court and 107/2012) we request the following of the above-named authority:

- Confirmation of whether or not they hold the information requested;
- Photocopies of documents containing the requested information;

This request relates to information concerning:

- The number of officially registered returnees under the Readmission Agreement;
- The existence of a specific plan of action for addressing the issues of returnees under the Readmission Agreement and the measures and activities planned for this purpose;
- The existence of a plan of action for other migrant groups whereby measures and activities are planned for addressing the issues of returnees under the Readmission Agreement;
- The existence of a migration council concerned with the issues of returnees under the Readmission Agreement;
- The number of meetings of the migration council in the preceding year;
- The minutes of meetings of the migration council from the preceding year;
- The decision on the appointment of the members of the migration council and the scope of the responsibilities of the council;
- The budget funding set aside for addressing the issues of returnees under the Readmission Agreement;

The information requested is needed in order to implement a project titled Perspectives for Equal Opportunities for Returnees under the Readmission Agreement, as part of which we are conducting research on local policies and practices relating to the status of returnees under the Readmission Agreement in all 45 municipalities in Vojvodina. If you have any further information not contained in this request, we kindly ask you to supply them.

In Novi Sad,

Application submitted by:

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