



Regional Centre of Civil Action LINGVA

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R E P O R T

On respect of human rights of IDPs in Central Serbia for period between August 2008 and June 2009

Kraljevo, Serbia, June 2009

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Status of internally displaced persons (IDPs)

Even though there are similarities in issues and status of refugees and displaced persons, there is as well a significant difference in legal treatment of these issues, for these endangered groups. Refugees enjoy protection of UN Convention and Protocol on Refugees, and they are being under care by United Nations High Council for Refugees and other international organisations.

Governments which have IDPs on their territories are obliged to, first of all, to take care and protect those individuals. IDPs are entitled for the same rights and freedoms as persons who are not displaced, meaning that they are being protected both with International Law on Human Rights and its national legislation.

Principle 1:

“IDPs shall enjoy in full equality, the same rights and freedoms under international and domestic law as do other persons in their country...”¹

For solving issues of IDPs in Republic of Serbia, Republic Commissariat For Refugees is entitled as well as the Ministry for Kosovo and Metohija, Sector for Affairs of Republic of Serbia on Kosovo and Metohija (KiM). Jurisdiction of Commissariat mostly refers mostly to lodging of IDPs in collective centres, acceptance of IDPs' status and issuing IDs for them. Ministry for KiM presents a state body whose task is to solve issues with Kim and coordination of activities connected with humanitarian aid for IDPs as well as providing conditions for their return to Kosovo.

– For establishing IDP status:

1. Personal documents (ID card – a page with personal data, photography and page with registration and departure of residence – for adults, excerpt from Public Birth Records, not older that six months and ID card of one parent for juvenile),
2. Residence report,
3. Accommodation statement (if the party own real estate and resides in it, present an evidence of ownership),
4. Two photographs for older that 16.

UN “Guiding Principles on Internal Displacement”

This document has been presented by UN Secretary-General special representative Francis Deng in 1998 (the principles have been adopted as Annex for Resolution No 1997/39, brought by UN Commission on Human Rights for IDPs. Principles determine those rights and guarantees which are of importance for protection of IDPs in all phases of displacement. These principles do not present an obligatory instrument, they mirror (reflect) and are in coordination with International Human Rights and Humanitarian Law on Refugees. IDPs are almost regularly exposed to great antagonism by local population leading. Leading principles offer useful practical guidelines for the governments, other countries, international organisations and NGOs in their work with IDPs.

1 “UN Guiding principles on Internal Displacement” Principles have been adopted as Annex 1997/39 brought by Human Rights Commission on its 53rd meeting.

1. Protection of rights for IDPs during displacement

1.1 Obtaining personal documents

Principle 20

- “1. Every human being has the right to recognition everywhere as a person before the law.*
- 2. To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights,”*²

Excerpt from Registry Book

For determining JMBG (Unique Registration Citizen's Number), every citizen is obliged firstly to acquire birth data and citizenship data (citizenship) before Public Record Service, competent on the place of birth.

By displacement of state bodies from territory of Kosovo, even Record Services, to other towns in Serbia which gravitate towards Kosovo and Metohija and keeping their local jurisdiction, made more difficult to exercise basic civil rights for the IDPs. That way, Record Services displaced from Kosovo are in municipalities of Vranje, Leskovac, Jagodina, Kruševac, Kraljevo, Kragujevac and Niš. For displaced persons from municipality of Klina area and some other, whose Public Records have not been taken away, renewal of Public Records have been issued by the request of these individuals. That way, for renewal of Public Records and citizens records, applications are being submitted for all the individuals without data in Public Records. Due to great scope of work and procedure proscribed by law, applications have not been processed in due time. That way IDPs must travel several times to displaced Public Record offices and wait for renewal of personal documents sometimes for a year. In cases where there are no data by which renewal of Public Records could be made, a person is sent to the Court to establish the facts from Records in the Court proceedings, which renders the procedure longer and more complex.

A number of old, ill and socially endangered persons still have not produced their personal documents. Having in mind the significance and importance of IDPs' personal documents issue, and that the latter cannot be solved without our professional assistance, we have searched for possible simple and acceptable solution in frame of current legal provisions.

Clash of jurisdiction between municipal Courts is still present in accepting submissions for initiation proceedings for establishing facts from Birth Records. In some cases, Supreme Court of Serbia had to decide on jurisdiction issues. Primary Courts have accepted to decide on requests for determining the facts from Birth Records in out the non-contentious procedure, while other primary Courts instructed to initiate the contentious procedure against local self-government or family members and establish the appropriate facts in the contentious procedure. During the Proceedings, responses to the claims have been submitted quite often by the defendant, therefore making the procedure further “complicated and prolonged”, by not acknowledging the claim request and pointed out incompetence of the court, as well as the lack of passive identity card on defendant's side.

Example:

D.V. (77) is a displaced person from Klinavac – Klina, residing at collective centre in Mataruška Banja. During his displacement to Kraljevo, he had no personal documents at his possession, except an old, expired ID card, and Public Record Service has no Public Records for citizens. In order to obtain the new ID card, he must renew Birth Record data in a separate Court proceedings and then to apply for citizenship before The Ministry of Internal Affairs (MUP) of

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Republic of Serbia. To conduct these proceedings, a number of other personal documents are needed and the very procedure is quite a lengthy one. So he filed a claim before The Municipal Court in Kraljevo, for establishing the fact of birth in August 2008, case file No 1849/08. The same court announced by the Decision with the same number on 06.10.2008, as incompetent for proceeding and the file has been sent before Municipal Court in Kragujevac as the competent court. The Municipal Court in Kragujevac had not accepted jurisdiction and forwarded case before The Supreme Court of Serbia for solving the issue of clash of jurisdiction. After that, the Supreme Court brought the Decision No R.942/08 dtd 03.12.2008, which determines that the Municipal Court in Kraljevo is competent on acting by applied claim. After that, the Municipal Court in Kraljevo brought the Decision No P.br. 2324/08 dtd 02.03.2009, on establishing the facts of birth for D.V. After the Decision went into effect on 20.03.2009, he received an excerpt from the Birth Records after 7 months. Now, there is a long procedure before him on determining citizenship before MUP of R. Serbia, and after that applying for ID card.

Experience had showed that there is justified need for uniformly organize renewal of facts from the Birth Records and Citizenship Records and to fully define competence of administrative bodies and Courts for acting on similar cases in order to avoid any legal doubt and clash of jurisdiction between administrative and court bodies. By that, in interest of citizens/displaced persons, issue of acting of administrative bodies would be solved, by official duty in these legal matters, as for "Switching" jurisdiction between administrative bodies and courts, to disadvantage of the citizens, about who is obliged to determine the facts from the birth records.

M.Z. (61) and her son B.Z. (26) refuge from Croatia, they have legal status as refugees by The Republic Commissariat for Refugees of Republic Serbia and they are accommodated in collective centre in Mataruška Banja. After the last census of refugees conducted in 2004/2005, they do not possess refugee IDs, since they have submitted the old ones for replacement (renewal). While processing their request for refugee ID before MUP of R. Serbia – PU Kraljevo, applications for issuing IDs have been found incomplete. Since 20.09.2005, M.Z and B.Z. do not possess IDs and therefore no Health Care cards and they cannot exercise their right for Health Care. In proceeding on issuing IDs, MUP of R. Serbia had legal opportunity to collect other evidences by the official duty if necessary, or to inform the proceeding party what kind of evidences should be presented and in what time period/limit, in order to solve the requests in due time. By our initiative, procedure for removal of formal lack of evidence have been commenced and to solve issuing of IDs as soon as possible. M.Z. and B.Z. are expected to obtain their documents soon.

Citizenship

After the facts of birth have been established in Public Birth Records, displaced person applies for establishing citizenship before the Police Administration by the place of residence. Separate (administrative) procedure for determining citizenship which is now processed before MUP and takes from 6 months up to a year, which is very long procedure from applying for renewal of birth records to determining citizenship and fulfilling conditions for obtaining ID card. If there is missing evidence determined in the procedure, MUP does not take measures by official duty to establish eventually disputed fact, but orders it to the applicant, which additionally prolongs the procedure. That way the elderly persons whose parents have long been deceased or do not remember certain facts, are facing great problem how to provide requested evidences and establish the right to determine citizenship, since GU (City Administration) Kragujevac does not possess Birth Records and citizenship Records for area of Klina municipality. By applications for "determining" the citizenship, Ministry of Internal Affairs of Republic of Serbia, conducts the procedure as request has been filed to "reception in citizenship" category. That way applicant is provided with the decision "accepted into citizenship" in the end of procedure, even it has not been requested by the application. The Decision should cite: "citizenship is determined" of R. Serbia, as it has been prescribed in The Law on Citizenship. This difference is essential, and decision statement directly hits human rights of IDPs.

Documents for determining citizenship:

For determining citizenship, it is necessary to provide the following evidences: a) proof that the Birth Record has not been taken away from Kosovo (not registered); b) excerpt from the Birth Record; c) citizenship certificate for parents; d) excerpt from Marriage Records for parents; e) document which proves assumption of citizenship, and f) proof on paid administrative tax. Procedure for acquiring the cited evidences is complex and individually lasts for several months.

Example:

Lj. M. (71) a displaced person from Klina, has applied for determining citizenship before MUP of R. Serbia through competent Police Administration, under No 204-1-135/08 dtd 25.02.2008, with all necessary evidences. The person in question is ill and illiterate, who lives as an IDP since 1999 in collective centre for IDPs in Mataruška Banja. I have no ID card or JMBG in order to exercise the right for Health Care, right for MOP at the Centre for Social Work and other rights. The Decision on determining citizenship she had received after sending urgency to MUP of Republic Serbia dtd 14.08.2008, after the legal time limit for decision has been expired, in other words 6 months from applying.

E.R. (73) displaced Person from Klina, not enough literate, no family, socially uncared for, does not posses and ID card since 1999, has been looking for a long time to determine citizenship od RS, I order to acquire ID card and JMBG and start to exercise the right for MOP and all citizenship rights. She first applied (incomplete) in 2005, for citizenship to be determined by official duty but request has not been processed. The other request for establishing citizenship with all necessary evidences and paid administrative fee, she had submitted before MUP of R. Serbia through competent Police Administration on 05.11. 2007. The request has been solved after 13 months, with the Decision 03/10 No 204-2-14067/2007, dtd 22.12.2008, which cites: **“She is accepted in citizenship** of Republic of Serbia”, even though the application requested for “establishing” citizenship.

Prolonging the procedure for establishing citizenship has no excuse, because of: a) it has not been taken into consideration that the applicants are elderly persons, displaced persons, potential MOP users; b) that Birth Records and Citizenship Records are not being taken away from Kosovo after the end of war in 1999, with conscienceless work of local administration officers, by which the citizens have been damaged; c) that in a special Court proceedings facts from Public Records have already been determined, and that the family members were born and had lived in R. Serbia; d) that there are reasons for freeing of fees by official duty, according to Article 44 p. 1 Law On Citizenship of R. Serbia, analogically to section 96/2 Guidelines on managing Record Services and forms.

Law on Citizenship R. Serbia, Article 44:

“For individuals who gained the citizenship of Republic of Serbia and has not been registered in Birth Records or Citizens Records led by existing procedures, competent Ministry for Internal Affairs shall determine the citizenship of that individual by his/her request, or by request of competent body leading the procedure in connection with exercising rights of individuals by official duty.

On establishing citizenship of R. Serbia, competent Ministry for internal affairs brings solution. Person for which the citizenship has been established is registered in citizen's records of Republic of Serbia managed by the provisions of this Law.”

Administrative procedure: Renewal of Birth Records and establishing citizenship is necessary to be considered an urgent procedure. Additionally, there are legally valid reasons as well for the first instance body takes urgent measures and actions in proceedings and obtaining other evidences by official duty.

Obtaining excerpt from the Birth Records and certificate on citizenship (Citizenship) is prerequisite for issuing ID card, determining JMBG and issuing the other personal documents, and also establishing social welfare rights, health care, right for work and other rights. Hence, applications for renewal Birth Records and establishing the citizenship can present significant grounds for further evidence derivation in administrative procedure be conducted on official duty, by applying principle of legal aid. Additionally, there is a legal possibility to free IDPs of payment fees for administrative procedure (Article 104, p. 1, section 6 ZUP – Law on Administrative Procedure) socially endangered, elderly, and ill and all displaced individuals situated in collective centres.

1.2 Right on Property and Adequate Accommodation

Principle 18

1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to: a) Essential food and potable water; b) Basic shelter and housing; c) appropriate clothing, and d) Essential medical services and sanitation.³

In fall 1999, Government of SRJ (Federal Republic of Yugoslavia) appealed to UNHCR to extend its mandate in Serbia and Montenegro for 223.353 internally displaced persons from Kosovo (206.044 in Serbia, up to 15th March 2008.). In 2002, Commissariat for Refugees of Republic of Serbia, supported by UNHCR, initiated a programme of closing collective centres. From the initial 446 collective centres, in March 2009, there are 73 collective centres left in Serbia with 5.841 individuals. According to data from March 2008, there are 97.203 refugees in Serbia.

According to UNHCR data, on territories of Kraljevo, Trstenik, Vrnjačka Banja there are 25.227 refugees and IDPs total; 24.073 IDPs and 1.154 refugees. From the total number of IDPs and refugees there are 19.458 in Kraljevo, 971 in Trstenik, 3.644 in Vrnjačka Banja, and 1.154 refugees total. A number of displaced persons is situated in 14 collective centres on area of Kraljevo (with around 700 refugees and IDPs), which is the greatest number of collective centres in Serbia. In the beginning of September 2008, collective centre in Kraljevo CC "Baraka-Kablar" has been closed. Users of this collective accommodation have been moved to newly built residential buildings in Beranovac – Kraljevo. Life in certain collective centres is extremely difficult and unbearable, especially in "unregistered" ones.

There are 5 "unregistered" collective centres in Kraljevo ("Dom kulture" in Vitanovac, "Dom kulture" in Vrba, "Voćar" in Adrani, "Uzor" in Kraljevo and "Old School" in Roćevići). These centres do not fulfil the minimum conditions for accommodation and are not being registered at the Republic Commissariat for Refugees as the collective centres. In certain collective centres from "unregistered" category, there is no appropriate accommodation, and fulfilment of basic needs necessary for life, such as fresh water (collective centre Vitanovac has no water, because the local population are not willing to provide water, regular control of drinking water is not being conducted, so there is danger of contagious diseases).

Collective centres

Problem of registered and "unregistered" collective centres has been dramatically intensified after emigration from Kosovo in 1999. Existing collective centres have already been populated with refugees from Bosnia and Croatia, and local government in cooperation with the Republic Commissariat for refugees, has placed them against their will to abandoned village cultural houses which became in 2001/2001 so called "unregistered" collective centres.

Unregistered collective centres have no basic accommodation and hygiene conditions for health care, especially for children and elderly persons. Heating system is not safe and adequate.

In Vitanovac centre with 21 boxes, 700m² total size, there are only 3 solid fuel stoves heating entire building. Power grid does not support additional individual heating. Authorities have not taken any measures to provide supply of fresh water and basic means for hygiene and cleaning in Vitanovac. On contrary, water supply, provided by NGO "Doctors without Borders" in April 2001, has been

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halted by the local self-government and local population, aiming to make IDPs leave Vitanovac. In centres where refugees from Croatia are placed, heating system was not working properly and in any case, residents have no means to pay the heating fees. Sanitary objects are quite rudimentary as well. In Centre “Stari Aerodrom” where Roma IDPs are placed, there is no mutual bathroom with showers for more than a year, camp space and surrounding area is hygienically neglected with piled debris and trash. Since the garbage is not being taken away to town’s dump (only 50 m from the centre), there is justified worry that outbreak of infective diseases might happen among residents of this centre, as well as in Elementary School attended by children from this centre.

Government of Republic of Serbia and Commissariat for Refugees do not apply the strategy of closing collective centres for “unregistered” centres, but only for the official ones, which is a discrimination, regarding that the conditions in unregistered centres are more difficult than in official one, and that the refugees and IDPs, situated in them, are facing additional legal issues making them more endangered in the sense of greater poverty.

We have taken concrete measures and activities aimed to influence Commissariat of Republic Serbia to renounce injustice toward IDPs in “unregistered” collective centres, and to include the latter in sense of using all the programs intended for gradual closure of collective centres. According the Law on free access to information on public significance, information on activities taken on producing local action plan (LAP) for improvement of status for IDPs on City of Kraljevo area, have been requested from the local Commissary for Refugees.

Lingva’s Memo

City of Kraljevo – City Administration

- City Administration Commissioner –
- Commissary for Refugees –

36000 Kraljevo
Jovan Sarić Square, No 1

**REQUEST
FOR ACCESS OF INFORMATION
OF PUBLIC SIGNIFICANCE**

According to the Article 15, p. 1 Law on Information of Public Significance (“Official Gazette RS” No 120/04), we are asking above cited body for:

- A copy of document containing the requested information.

Document containing the requested information should be provided:

Request refers to the following information:

Republic Commissariat for Refugees provided memo with the guidelines to the Municipal and City Administrations to form local councils/work groups for managing migrations and producing the Action Plan for gradual closure of collective centres for refugees and IDPs on territory of Kraljevo.

We are asking you to provide us with the information about the current phase of Action Plan as well as a copy of such document, if there is one already produced.

Reason:

- You are familiar that “R.C.G.A. “Lingva” deals with the issues of forcefully migrated individuals since 1999. Up to now, we have provided significant aid in solving issues for IDPs and refugees. Receiving requested information on content of Action Plan for permanent settlement for IDPs and refugees from collective centres in due time, would be of great significance for finding the appropriate solution together.

Hoping for successful cooperation,

Best regards,

Applicant:
R.C.G.A. "Lingva", Kraljevo

In Kraljevo
Date: 18th December 2008.

Radovan Milićević, director

After receiving the requested information, the process itself of public dispute on bringing this document has been sped up. It has been proposed that in all the injustice towards IDPs in "unregistered" collective centres, and approach to all future processes of closing collective centres at Local Action Plan (LAP), on local level IDPs shall be equalled to those in registered collective centres. Also, in connection to this issue and appeal has been sent to the Commissariat for Refugees to finally correct the injustice in new National Strategy for closing the collective centres and solve the issue of approach residents of "unregistered" collective centres to their rights the same way as for those in registered ones.

Example:

J.B and Ž.M. Are users of "informal" collective centres from 1999. They are situated in premise "Voćar" in Adrani and "Uzor" in Kraljevo together with five member family since 1999, by former Crisis Headquarters and Republic Commissariat for Refugees. The Commissariat was not able to sign the contract on lease of premise with the owner and that way they remained status of "informal" collective centres. An agricultural household in surrounding area of Kraljevo has been found and they were aiming to apply for help in purchase the agricultural household through "ITERSOS" programme and "Vlade Divac" Foundation. They have been diverted from applying only due to reason they reside in "informal" collective centre. Their future in "informal" collective centre is uncertain.

Premise of collective centre "Dom Kulture" in Vitanovac iz owned by Agricultural guild "Gruža". Through Agency for Privatization, the premise has sold and the new owner requests their eviction, so the destiny of residents of this centre is still uncertain.

After numerous unsuccessful appeals and proposals addressed to the competent Republic's bodies and local self-government to solve the well known problem of fresh water supply in collective centre and provide IDPs with the drinking water and and better accommodation have been fruitless. Director of "Lingva" sent a memo on 25.11. 2008. to the President of Government of Serbia to take the most urgent measures and solve in appropriate manner issue of this collective centre. After that, from the Republic Secretariat for Refugees an official notification has been received on 24th December of 2008. about necessity of adequate accommodation for IDPs and upcoming closure of this collective centre.

"Lingva" memo

GOVERNMENT OF REPUBLIC OF SERBIA

– Prime Minister Mr. Mirko Cvetković

11000 Belgrade
Nemanjina No1

SUBJECT

**Information on residential conditions of displaced individuals
in Vitanovac near Kragujevac, with proposed solution to the problem**

Dear Mr. Prime Minister,

Our NGO, among other activities, performs psycho-social programs aimed at displaced individuals from Kosovo and

Metohija. This project is funded by Norwegian People's Aid. While performing our activities, we have spotted certain issues for which we are asking resolution.

This way we wish to inform you with the issue of accommodation and life of our neighbours in village Vitanovac near Kraljevo. More precisely, 39 displaced individuals from Kosovo and Metohija is situated in "Dom kulture" collective centre for more than 9 years with no fresh water, and object cannot support minimum live conditions. We have pointed out this issue on several occasions and addressed Republic Commissariat for refugees and local government in Kraljevo Municipality to solve this issue. We have proposed all the possible solutions, but found no necessary understanding:

EVIDENCE: Our memos No. 183/05 dtd 10.05.2005, No. 36/07 dtd 23.01.2007, No. 80/80 dtd 15.05.2008, and No. 108 dtd 01.09.2008.

This problem lasts for years and became "unsolvable" for local community and Commissariat for Refugees. Weak interest, negligence and understanding for weak old persons, and families with school children have become worrying. Hard life conditions in this collective centre, without fresh water, with worsened health issues of the residents, cannot be compared to any other collective centre in Serbia.

In this case before us it is necessary to find an urgent solution and to accommodate our neighbours from this collective centre to a better and more decent residential condition. All our previous appeals and requests to solve these issues were not met with understanding from Republic Commissariat for Refugees and local Authorities in Kraljevo. Republic Commissariat always responded negatively to our suggestions with "mute" explanation that this is not the issue of Commissariat but some other institution. Representatives of local Authorities in Kraljevo have not given any response to our proposals, because obviously they do not want to solve this issue.

EVIDENCE: Responds from Commissariat No. 09-829/1 dtd 31.05.2005, No 019-98/1 dtd 21.02.2007, No 019-98/3 dtd 05.06.2008, and No. 019-98/6 – 2007 dtd 27.10.2008.

Esteemed Mr. Prime Minister, for solving the issue of residence for displacement individuals from collective centre "Dom kulture" in Vitanovac, the most endangered in Serbia, we:

Propose

- 1) to list users if this collective centre URGENTLY to the program of lodging of displaced individuals, to construct the new residential premise with financial aid from International Organisations, Commissariat for Refugees of R. Serbia, and City of Kraljevo, or
- 2) to conduct displacement of these persons in other collective centres in Kraljevo with better accommodation and that way solve suffering in and agony for fresh water faced by IDPs in collective Centre "Dom kulture" in Vitanovac, Kraljevo which lasts for years.

If this issue is not solved, health conditions will clearly worsen and complicate and cause neuropsychiatric problems with these persons, especially with children and elderly people.

Hoping that this information with proposal will find your understanding and necessary aid and that this issue will be solved in satisfying manner, we are grateful in advance.

Attachment: as cited above

Kraljevo, November 2008.

Radovan Milićević, director
Regional Centre for Civil Actions, "Lingva", Kraljevo

After a month, there was a reply from Prime-Minister of R. Serbia's Cabinet by which we were informed that the memo has been delivered to the Republic Commissariat for Refugees and to Ministry for KiM, demanding them to solve this issue.

By the end of May 2009, the cited institutions have not dealt with the problem cited in a memo from "Lingva", but in June 2009 IDPs from CC Vitanovac will be moved to the Collective Centre "Žiča" in Mataruška Banja.

In cooperation with the Commissariat for Refugees of Republic of Serbia and UNHCR during April, by 15th May 2009, benchmarking of IDPs placed in collective centres has been conducted, aimed to determine number of persons who wish to return to Kosovo. According to UNHCR data, out of 400 IDPs from Kosovo situated in five collective centres in Kraljevo, nobody applied for return to Kosovo.

Separate from census taken within collective centres, by invitation from Ministry for Kosovo and Metohija, on 15. May 60 families reported to UNHCR Office in Kraljevo, those families live in private residence and are willing to return to Kosovo.

Collected data from Serbia are gathered in special database formed in Kosovo, and by which every family registered for return will find out within 60 days what kind of aid can be offered to them during their return to Kosovo.

1. Right for Work

Number of unemployed persons in Serbia is over 750.00 individuals, according to National Employment Service's data. Unemployment structure in Serbia is extremely bad, knowing that unemployment among youth population is 48%, that 300.000 unemployed has no qualification and that there is a significant number of so-called "transition losses" which are between 45-50 or older and unemployed. General unemployment rate has increased job competition and lowered the wages. Existential conditions for poorest population have worsened, both for refugees and IDPs and local population. This is affected by high unemployment rate and non-transparent privatization process of state owned enterprises. Problem of current unemployment is not compensated by any economic benefit that privatization should have produced. In upcoming period of time it is expected, due to global economic crisis which will engulf Serbia as well, together with restructuring and privatization of big enterprises, most of the employed will lose their jobs. At National Employment Service in Kraljevo in October 2008, there were 14.356 persons listed as unemployed, but their number is much higher, 19.000 according to some estimates, without IDPs and refugees.

IDPs often earn only by day wages working as "unregistered workers" on construction sites or farms. Any other employment is hard to get. But, wages for IDPs and local population are not equal on expanse for IDPs. Unqualified unemployed persons and those older than 50 are the most difficult ones to find employment. In collective centres, in work ability structure those categories are often the dominant ones or at least significantly present.

Employed refugees and IDPs are often facing disrespect of their economic-social rights from their employers such as labour without contract, salaries are not being paid, overtime work, abuse on work and other rights. In practice, process of protection for employed IDPs and refugees is not efficient. Employed do not decide to seek for protection of their rights through employer or work inspection fearing that due to confrontation with employers they will lose their jobs. If they do decide for protection of their rights, in most cases, they must ask for those before the Court, but with no success, since the procedure itself is linked to paying attorney's services, and they are not able to bear with that.

Example:

S.P. (46) is a displaced person, living with his family of 6 (spouse and 4 school children) in a collective centre for IDPs in extremely difficult conditions (no fresh water), without sufficient means for life. On 07.06.2005, he requested from company's administration to admit him the right for increased salary according to his past labour and to accept the fact that he started his work on 27.06.1991. in a company based in Belgrade. He could not provide work booklet, since it went missing during war in Kosovo in 1999. Company's Personnel Office accepted the obligation to acquire data from Republic PIO (Pension Disability Insurance) Fund on his pension stage, and then to determine the right for past labour,

which have not been done up to date.

With Decision on employment in Kraljevo in 2001, it has not been taken into account that he has been constantly employed in company since 1991, and that he is legally entitled for increased salary on the grounds of past work from the day of employment. That way every month (8 years total) his salary has been reduced by 5%. He received 3, 5% additional salary instead of 8, 5%, by that his salary has been illegally diminished, for October 2008. only, 1.276,15 RSD. He pointed out his request for the second time to acknowledge his right for additional salary on grounds of past work, counting from the day of his employment in Kraljevo, and he had not fulfilled his right yet.

The same IDP (S.P.) applied in legal time limit for “linkage of past work” before RF PIOZ, local office in Čačak. He had provided evidence of employment and that he has been reported PIO's insurer from the date he started his employment. He had worked constantly up to June 1999, when he was forced to leave his work and his house and move with his family to Kraljevo. He was not able to bring any evidence of his employment except a Decision and health care card. Request for “linkage” of past work is rejected with the Decision from PIO Čačak No 181. 12-4. 1414/07 dtd 12.01.2007. S.P.'s request for determining the right for payment of insurance contributions to PIO between 01.01.1991 and 31.12. 2003, was rejected because legal conditions have not been met. By complain to the Direction of Republic PIO Employees Fund, as the second instance body, Decision has been produced by which the complain is accepted and since there is administrative dispute on the same matter on “administrative silence”. The proceeding is still at the first instance body. That way, S.P. is, without his fault, brought to situation to unsuccessfully wait for solution of his status and fulfilling his rights.

V.S. (23) IDP residing in Kraljevo was employed at a private employer in Vrnjačka Banja between 16.02.2006. up to 16.09.2008. She was regularly insured. After she gave birth to a child, she was about to start maternity leave and report for work, but she got term of notice of her contract with explanation that she is not longer needed as a worker and not to return to work. After cancelling her employment contract, the employer was obliged to calculate and pay all the earnings but did not do so. At the same time, he did not calculate and pay all the monthly earning paid on her account by SO (Municipal Assembly) Vrnjačka Banja – Department for Finance and Budget for temporary work disability due to child care for period of 20 work days. Due to illegal job cancellation and unpaid earnings, the case was reported to the Job inspection but got no appropriate protection. So, with our assistance, she had initiated a work dispute at the competent court and the process is pending.

On his own initiative, when an employee doubts that his insurance contributions are not being paid, he/she can establish the data on stoppage in insurance through the Republic Fund PIO for Employees. Obligation of applying the employee for insurance is provided with the Law on Labour (Article 35), so the employer is obliged to provide the employee a copy of social insurance application once he got employed. In connection with this, Law on PIO for Employees is proscribed obligation for inspection (Article 211 and Article 216) by PIO Fund, whether employer is paying the employee contributions and insurance or not. In practice, it was shown that this obligation is not sufficiently regulated, since no prescribed obligation of PIO Fund to the insurer – employee to notify in due time whether the employer is paying contributions or not.

Principle 2

“1. These Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups or persons involved...”⁴

In the City of Kraljevo there is an open case of putting obstacles for IDPs when they wish to register in National Employment Service (NSZ). Namely, IDPs are then facing with the issue of obtaining work booklet, because the competent Municipal Service – which issues work booklets is asking from the future employer to bring (non-obligatory) acknowledgement that he/she will employ them, and that the booklet is needed for those purposes. Actual situation is that most of the IDPs need their work booklet to apply as unemployed individuals before NZZS or to request for MOP at the Centre for Social Work, and therefore they are being forced to request for fictive acknowledgements in order to exercise those rights. The mentioned Municipal Service is well

4 UN “Guiding Principles of Internal Displacement”

familiar with this as well as The Ministry for Labour of R. Serbia which makes the entire procedure pointless and legally questionable.

Applying provisions from Rulebook on issuing work booklets, IDPs are being discriminated in comparison with local population, by lack of right to enlist as unemployed person before NZS and on the grounds of unemployment to fulfil their social rights they are entitled to (right for MOP, child support, and other welfare), and for right to work and employment under equal conditions through NZS. Aiming to change this practice, R.C.G.A. "Lingva" submitted several times to Ministry of Labour and Social Policy an explained proposal to alter the disputable Article 5 of Rulebook for issuing work booklets. For now, we have no information that this proposal is taken into account, nor that the Ministry for Work announced on the proposal. Since resolution of this issue has not met understanding of the Ministry, director of "Lingva" sent a memo to the Prime-Minister of R. Serbia to solve this issue accordingly as soon as possible.

"Lingva" memo

GOVERNMENT OF REPUBLIC OF SERBIA
– Prime Minister Mr. Mirko Cvetković

11000 Belgrade
Nemanjina No1

SUBJECT: Proposal for amendment of Rulebook on Issuing Work Booklets

Dear Mr. Prime Minister,

I wish to inform you that we have addressed Ministry for Work and Social Policy on several occasions, with intention to contribute in solving the issue faced by IDPs from Kosovo and Metohija in exorcizing their rights for acquiring work booklets. The last memo was sent to the Ministry on 10th September 2008, but we received no reply up to date, and the issue remains unsolved.

With the Rulebook on issuing work booklets, and opinions provide by Ministry for Work, Employment and Social Policy, No 11-00-225/01-02 dtd 02.07 2001, and No113-03-012/2003-02 dtd 12.05.2003, on manner of issuing work booklets for IDPs, the issue has not been solved in practice. IDPs are still in unequal position, with no possibility for unemployed to obtain work booklet without additional conditions and exercise the other rights on the grounds of unemployment.

Starting with the existing solutions from the Rulebook on issuing work booklets and issues which IDPs meet in practice, we

PROPOSE

to amend the Article 5 of The Rulebook on issuing work booklets, and the latter should state:

"Work booklet is issued by request of unemployed person with the Municipal Administration Body according to the place of his/her residence, or – for employed persons, according to the place of his/her employment"

Reasons:

By the direct information we have, in procedure of issuing work booklets to the unemployed IDPs, Department for General Management of City Administration of Kraljevo City, does not recognize the fact that IDPs are residing in the place of residence since 1999.

Since they have no reported residence, the fact that they are residing in Kraljevo for 10 years is not recognized and they cannot exercise their right for work booklet like other residents of R. Serbia, but they are being asked to meet the additional conditions and present certificate on employment.

This is impossible to meet since company owners are fearing to issue work certificates for IDPS in order for them to obtain work booklets, who are not employed.

This interpretation of Rulebook on work booklets and asking for IDPs to meet additional requirements opposes Constitution of Republic of Serbia and The Law, and deprivation of the right for work booklet to IDPs is discriminatory process.

necessary insurance rate at RF PIOZ. That way, elderly persons/IDPs were left in the state of waiting for more than a year for determining their right for pension. In meantime, these persons were left with no income and some of them with no chance or possibility to exercise the right for old age pension.

Rights of IDPs in the privatization process

Lingva's Legal Office was contacted by several persons for legal assistance after the decision of the Agency for Privatization of R. Serbia and public Conclusion No. 10-4352/08 dtd 24.12.2008, by which a number of applications for free shares was rejected after it has been determined in the procedure that they are not registered in voting records at the competent municipal body. In connection with this issue, by Lingva's memo an information on how many application have been rejected has been requested from the Agency for Privatization, with cited number of Conclusion for which the process has determined that they had no status of temporary displaced persons from Kosovo and Metohija, on the date 30. June 2007, and by that ground they have not been registered into voters list at the competent municipal body.

With its memo, the Agency had confirmed that the applications for enlisting in records of law bearers have been rejected because they do not meet all the requirements, meaning on the date of obtaining status of law bearer they were not registered in voters lists at the competent municipal body, regardless if those persons had residence on territory of Serbia on 30. June 2007, or those persons had status of temporary displaced persons from territory of Kosovo and Metohija. The fact of registering in voters list is checked through competent municipal administration, and voters lists are updated on the basis of report of registering and departure of IDPs residence. On that basis the conclusion arises the fact that voters lists not being updated is responsibility of MUP of R. Serbia.

Example:

Married couple V.R and V.M. and others have constantly resided in collective centre for IDPs in Mataruška Banja since 1999 and have never reported departure. Their residence was neatly registered and they were listed in voters list. V.R.'s application was rejected due to alleged report of departure on 23.04.2008, and erasing from the voters list on basis of MUP's report, and his spouse V.M. Has her right for free shares recognized. Due to tardy residence record and voters list, IDPs are brought into position that they cannot exercise their right for free shares, like other citizens of Serbia.

L.M and L.R. And other IDPs (96 persons) were asked by the Agency for Privatization of R. Serbia to provide certificate on citizenship within 15 days and by that update their applications for registering for free shares, and they have been warned that otherwise their applications will be rejected. All persons who have received this notification have been put into position to prove their citizenship again and under unnecessary expenses apart from having valid ID cards. All the persons whose applications for free shares have been rejected have not been registered in voters lists due to reason that MUP of Serbia provided a Report that they reported their departure in 22-23. 04.2008. It remains unclear how they have been reported as departed and "erased" from the voters list, but it is not difficult that this is about tardiness of electronic registers of MUP Serbia.

Privatization of enterprises in Kosovo

After declaration of independence of Kosovo, Kosovo Assembly on 21.05.2008 brought the Law on Kosovo Agency for Privatization. By bringing this Law any other provision not pursuant with it is being replaced. On basis of this Law, a special Kosovo Agency for Privatization (KAP) have been established to deal with issues of privatization of social an public enterprises in Kosovo. UNMIK's Regulation 2002/12 with its amendments was removed. At the same time, Kosovo Trust Agency (KTA) ceased to exist and KAP is established as the only independent public body obliged to perform its functions and responsibilities completely independently.

IDPs/workers of the privatized companies are not able to react in due time and protect their economic-social rights from work relationships with the state companies in Kosovo and Metohija

where they have been employed. Their status and difficult economic situation is not allowing them to use KAP's web page or to pay for attorney's services, without which they cannot exercise their rights in appropriate manner. In connection with protection of IDPs rights on part of income from privatization of enterprises in Kosovo and Metohija, The Ministry for Kosovo and Metohija of Government of R. Serbia takes no steps in that direction, and International organisations and NGOs both in Kosovo and R. Serbia are still not showing interest for this issue. The result is that the IDPs are left on their own or that they are seeking help of attorneys, whose services they cannot afford.

R.C.G.A. "Lingva" recognized the issue of impossibility of exercising the right of IDPs for 20% of income realized through privatization of public enterprises in Kosovo. Privatization process is being developed with no possibility for IDPs to participate in it in appropriate manner. Objectively, IDPs are not able to formulate and deliver claim for assets during privatization of companies or to initiate claim procedure before competent body for fulfilling their right from privatization.

"Lingva" had followed announcements of lists of workers of privatized companies and informed workers/IDPs on possibilities to file and official complain in due time. Necessary information has been provided, forms, legal advices, and legal assistance. Claims have been addressed directly to KAP address and to the Special Chamber of Kosovo Supreme Court. It was shown in practice that filed complains have mostly been approved and workers were recognized their right for 20% of income gained through privatization of company.

For this kind of legal assistance and protection of human rights from work relationships, IDPs have shown great interest.

1.4.Social rights

IDPs in Serbia have access to social welfare and services under equal conditions as all citizens. Despite certain improvements, IDPs are facing serious issues in obtaining numerous documents in order to exercise these rights. A great number of IDPs is with no means for life, they live in poverty and depend on social giving and state aid.

Of all IDPs, Romas are in the most difficult situation. By adopting National Strategy for Roma Integration in 2004, as well as National Action Plans for Romas, there is positive progress. Now, those programmes should be supported with concrete actions in benefit of displaced Romas, first of all their registration and better accommodation. Since open policy of IDPs' integration is politically too sensitive issue, insisting on access to their rights and respect of dignity of living presents for international and NGO organisations means to initiate measures for improvement of realisation of rights for IDPs in their contact with the authorities of R. Serbia. "Integration and return are not opposed but complementary, and there is also an urgent need to find lasting solutions for the most endangered among IDPs.

The other experiences showed the following: as soon as IDPs are integrated into productive live, the more possibility they have for free choice, including possibility of return, even if its accomplishment could mean facing new challenges.

Right for pension and disability insurance

IDPs from Kosovo are receiving pensions according to work booklets which contain data on their years of service and paid contributions to PIO. Unless they have no work booklets, they receive provisionally set pension from Fund for Pension and Disability Insurance, which is significantly lower than the one they should be actually receiving. Many work booklets remained in Kosovo and Serbian Authorities and UNMIK are not acknowledging one another M-4 forms (forms used for pension decisions). All pension beneficiaries among IDPs were supposed to apply for pension payment right after signing of Kumanovo Agreement on 9th June 1999, for their pension to be forwarded to the temporary address in Serbia outside Kosovo. The request was supposed to be

applied to Republic Pension and Disability Fund – local service office in Priština. For all pension beneficiaries who have not applied this request, Republic PIO Fund, in procedure initiated by official duty, brings decision by which pension payment is temporarily cancelled. In connection with cited issue, this category of beneficiaries is subjected to the obligation of documentation renewal so the pension payment can be continued. Namely, Direction of Fund in Priština with headquarters in Belgrade asks for beneficiaries to present certain documents such as: photocopy of an ID card, registration of residence on territory of R. Serbia, decision on pension, last pension check, IDP legitimation. There are cases where beneficiaries have not obtained IDP legitimation due to different reasons: some not being informed, some did not want to accept the fact that they are IDPs and some moved outside borders of R.S. Or due to illness they have missed all the terms, etc. It should be pointed out that pension stoppage occurs in cases that beneficiaries from Kosovo do not present all the cited documents.

Exercising rights from PIO of the Employees, PIO for Independent Enterprises and PIO for Farmers is not being fulfilled under same conditions as for all citizens of Republic of Serbia. Reasons are in tardiness of registers on paid contributions for earned salaries for workers from Kosovo, or unpaid contributions for PIO for and extended period of time. All of these are reasons due to IDPs, without their fault, cannot exercise right for pension or unjustifiably receive diminished pensions. Concerning exercising right from Republic PIO Fund for farmers and independent enterprisers, beneficiaries received no right by their insurance. Open question remains when and how old age pension will be determined for the mentioned category of beneficiaries.

Procedure of rendering applications for determining rights for pension lasts for more than a year, even two years, which brings beneficiaries in difficult social position. During that period of time, additional data are being requested on payment of contributions for PIO on M-4 form from Kosovo Service Fund for PIO and oral explanation are being given that the data are not settled and reading of micro film data have not yet been performed. There are numerous examples of diminishing rights for determining final amount of pension according to beneficiary's years of service and paid contributions for PIO of the employees. Temporary decisions are being produced by Decision on competence and interim means of exercising from Republic PIO Fund of beneficiaries and for persons from Kosovo, 04/4 No 022.2-10/3 dtd 04.03.2004, and with these decisions no time limit is being set on contribution payment for PIO for disputed period of missing data.

Example:

O.Č. (62) an IDP from Štrpce, from Kraljevo, applied for disability pension on 13.02.2001 through PIO local office in Vranje. Even if loss of work ability has been determined with provisional decision No. 182.1.1/D-27746 dtd 21.09.2001, starting from 13.02.2001, she had not fulfilled her right for disability pension. Meanwhile, since her right on this request have not been determined, she discontinued her employment on 31.12.2006 and accepted the social programme. After that it was necessary to obtain her insurance cancellation from Ministry for social policy, but O.Č. Could not afford to travel between Kraljevo-Vranje-Belgrade and back, so the competent services of Ministry for Social Policy promised to provide her with the necessary cancellation on official duty. Now it becomes obvious that after 2 years and 3 months she will exercise her right for old-age pension.

Z.M. (69) an IDP from Peć, was signed out from NZS records – local office Kraljevo once she met conditions for old-age pension. She applied on 02.03.2006, for exercising her right for old-age pension with the Decision from PIO Fund and the latter was rejected with the Decision D No44337 dtd 10.01.2008, because the necessary years of service could not be determined, even though according to her statement she had had 20 years of years of service. For two years in processing, the first instance body could not determine the facts, but kept asking for new evidences, which Z.M. Did not possess or was not able to obtain.

At the same time, by Z.M.'s application for “linking” of years of service for period between 1991.2003, local office in Čačak rejected the application with the conclusion D No. 44337 dtd 10.01.2007, as untimely. This Conclusion is argued by complain from Fund Direction but the claim was rejected with the Decision S No. 60180 dtd 30.01.2007. After that, an administrative procedure was initiated against the Decision from second instance body and District Court in Kraljevo brought the Decision U No. 90/07 dtd 12.02.2008, by which Fund Direction's claim was rejected as untimely. Since

Decision from Supreme Court to now, Republic PIO Fund of Employees took no action on this subject, and it was obliged to bring Decision on the 4 grounds of Court Decision that Z.M.'s appeal is accepted and to initiate process on claim. When is that about to occur, it is completely unclear. Last Z.M.'s work place was in a state owned company in Municipality Istok. During the war, company was completely destroyed and family house is burnt together with all the personal belongings and personal files. She was not able to gather any personal documents. Work booklet remained in company back then and she has no evidences on her employment to present them to the first instance body (work booklet, old ID card or registered company's number), and RF PIOZ has no organized data on paid contributions for PIO in central register for workers from Kosovo, so it remains completely unclear how she is going to exercise her right for pension. Meanwhile, Z.M. was left without any material income.

Linking years of service

By applying Law on Contribution Payment to PIO and separate categories of beneficiaries – employed (“Official Gazette” No. 85/05), all the IDPs are not being covered, since they have not been informed about application of this Law in timely manner. Right for contribution payment for PIO all employed person who do not have linked pension stage for extended period of time, are unable to exercise, since they are unable to provide evidences on employment and work booklet due to well known reasons.

Applications for “linking” years of service are partially accepted or fully rejected “because full insurance period was not determined” because present Kosovo administration of companies have illegally closed work booklets in 1999, and caused further discrimination in fulfilling the rights from work relationship. With work booklets closed like that, IDPs are disqualified in the process of exercising rights for “Linking” years of service and other rights from work relationship. Additionally, applications are being rejected as incomplete due to lack of evidence, which IDPs cannot produce.

In decision making process, first instance body did not provide applicants possibility to declare on facts and circumstances prior decision, which are important for decision making and if possible present new evidences and protect his/her legal interests. Applications have not been processed in legal period of time, and decision was waited for more than a year. Procedure this long brings into difficult position IDPs who met all the legal conditions for retirement.

Due to omissions and breach of Law on general administrative procedure, on IDPs' harm, many administrative appeals have been submitted against Decision from Direction RF PIOZ according to the Law on Administrative Dispute. Initiated administrative procedures are resolved in favour of employed beneficiaries and accused Body was instructed to conduct a special investigation of this issue at the IDPs from Kosovo.

In connection with the application of Law on contribution payment for PIO for certain categories of beneficiaries – employees (“Official Gazette RS” issue 85/05) certain disputable issues have been spotted connected to “linking” of years of service when it comes to IDPs from Kosovo. 1) most of the beneficiaries are not sufficiently informed in the procedure to exercise this right; 2) IDPs from Kosovo have no linked pension stage for extended period of time (prior to 1991.); 3) IDPs are often not being able to provide evidences on employment and work booklet and to check if their employer had fulfilled his/her obligation on contribution payment for PIO for certain categories of beneficiaries – employees.

Example:

Z.M. (54) an IDP from Uroševac, living with his family in a collective centre for IDPs in Adrani near Kraljevo. He applied in due time for linking of years of service before RF PIOZ, local office in Vranje. He started work relationship at DP “Autokoča Boško Čakić” in Uroševac since 13.03.1991 and was registered as beneficiary at PIO for employees since the day he started his work. He worked constantly up to June 1999, when he was forced to abandon his work place and his house and displace with his family to Kraljevo. Concerning that he was not able to bring any evidences of his work relationship except a Decision and health care card. His application for linking years of service is partially

resolved, with the Decision PIO for Employees local office Vranje, No. 181.12-4 10907/06 dtd 04.01.2007 by determining the right for contribution payment for period between 13.03. 1991 to 06.10.1998. Chance to decide on applicant's request fully for period between 07.10.1998. to 31.12.2003. He had received Decision 3 years later, meaning 30.03.2009. Unhappy with such a decision, he appealed to the second instance body and decision procedure is pending.

T.B. (64) an IDP from Orahovac, applied for "linking" years of service before RF PIOZ. He started his labour relation in 1979, in one DP (state enterprise) in Orahovac and was registered for PIO of employees. He worked constantly up to 05.06.1998.? when he was forced to leave his work and house and displace with his family to Kraljevo. He was not able to bring any evidence of labour relationship except the health care card. Pursuant conclusion of Government of R. Serbia from 2003, he fulfilled the right for material compensation as an IDP from Kosovo, through National Service for Employment, since then contributions for POP are being paid on regular basis. His application was rejected by RF PIOZ with the explanation that it is incomplete and has not enough evidence that he used to work, and then it was confirmed by Fund's Direction as the second instance body. He was left to submit and administrative appeal to the competent Court against the second instance body, and he did so. With its Decision U No. 91/07 the Court accepted citations from the appeal and instructed RF PIOZ to repeat the procedure by T.B.'s request. In repeated procedure, after urgency sent to director of local office on 19.09.2008, to speed up the decision making procedure before first instance body, decision is made and right for contribution payment has been determined as requested in application.

R.S. Is an IDP from Uroševac and he applied for "linking" of years of labour. With the decision from PIO local office in Vranje D No. 46524 dtd 05.01.2007, partial right for contribution payment for PIO has been determined and with the same decision, request for determining right on contribution payment for PIO between 01.05.1991. to 18.07.1994 was rejected because he allegedly was not registered for insurance, which is untrue. This Decision was confirmed by Fund's Direction as the second instance body with the decision 02/1 No. S.60120 dtd 18.10.2007. Against this Decision he submitted an administrative claim to the District Court in Kraljevo. With the Court's Decision U No. 1/08, brought in his favour, it was instructed to repeat the procedure. In repeated procedure, RF PIOZ again brought a negative Decision and confirmed it in appeal procedure for the second time, and by doing that disregarded Courts instruction. That way, R.S. Was forced to submit another administrative claim on the same legal matter. This dispute has been resolved before second instance Court on his favour. Since he was able to acquire work booklet in the meantime, soon he received the final decision PIO's local office in Vranje on determining the right for contribution payment, as he had initially requested in his application.

Right for Social Welfare

Without adequate employment, numerous families of IDPs are barely surviving. Especially vulnerable groups are self-supporting parents, families of the missing persons, people living inside collective centres, Roma, persons with disabilities and children. They are especially being impacted with abolishment aid in food and basic life commodities. Every resident of Serbia is entitled to the right for social welfare according the Law on Social Welfare. Difficult economic situation in Serbia still limits aid which Government can provide to all endangered persons. IDPs are entitled to social welfare and humanitarian aid, but in order to exercise that right, they must possess necessary personal documents. One of the necessary documents is, of course, work booklet – the only document by which they can register as unemployed and potential beneficiaries of family material support (MOP). In connection with the issue and difficulties they encounter in acquiring work booklet has already been said above in part on exercising the right for work.

Impossibility of obtaining work booklet is in direct connection with establishing the right for MOP, because of what socially endangered persons and their families are affected the most and especially Romas. In the end, when they manage somehow to overcome the additional requirement for obtaining work booklet and register as unemployed in order to exercise their right for MOP, they must spend at least 3 months in that status in order to meet one of requirements to apply for MOP. According to the Law on Social Welfare, right for material support is entitled to any family without income or lesser income than minimal level of social safety, determined by the Ministry for Work and Social Policy. Request for MOP is applied by the proscribed form obtained in the competent Centre for Social Work.

Necessary documents for MOP:

1. ID card and its photocopy
2. Excerpt from the Public Birth Record for juvenile family members
3. Certificate on material status
4. Certificate from the Institution for labour Market for unemployed family members
5. Certificate on amount of income for all the family members, except child support, child care, welfare and care of other person, and income according to the student's standard.
6. In cases of divorced marriage – a copy of Decision
7. In cases of illegitimate children – a copy of Decision on child support if there is one
8. In cases of job cancellation – a copy of Decision

Necessary documents are needed for a person to apply for aid in MOP programme, publicly illustrate obstacles IDPs meet in the procedure. Additionally, Centres for Social Work show no sufficient readiness to provide legal assistance by their official duty to the socially endangered individuals, during the process of obtaining personal documents, and it is quite obvious that those are potential beneficiaries. These especially applies to the ill persons, uneducated ones, with no income and due to their situation and social endangerment, are having difficulties in coping with the procedures before other bodies.

Readmission:

Agreement between Republic of Serbia and European Community on readmission of persons with illegal residence is signed on 18. September 2007. With this agreement, The Republic of Serbia is obliged to accept all its citizens who do not have legal grounds to extend their residence to EU countries, as well as persons who entered EU through Serbian territory. By fulfilling obligations from the Agreement is one of prerequisite conditions for putting R. Serbia on so called white Schengen list. With this Agreement, EU countries are obliged to put additional efforts for efficient and sustainable socio-economic reintegration of the returnees through higher financial aid and other means of support. By the same Agreement, Serbia took an obligation to bring Reintegration Strategy for Returnees as soon as possible by readmission Agreement.

It is estimated that there is possibility of return for around 100.000 persons by readmission Agreement. 70% of returnees are Roma ethnicity, and mostly belong to the group of forced returnees. According to data of Readmission Office on “Nikola Tesla” airport, in last 3 years 721 persons have returned in 2007, and 568 in 2008, even though the Government of R. Serbia adopted the Strategy for Reintegration of Returnees on basis of Agreement on Readmission, in February 2009.

Special notice should be taken for issues met by IDPs and Romas, returnees from readmission, and whose return to the country is expected in much greater number. According to some estimates, most of these persons are Roma ethnicity and IDPs. Up to now, returnees have been directed to manage on their own accord, and Centres for Social Work had no budgeted means for readmission, so their needs were settled in regular procedure which is not sufficient and met great disappointment and new suffering for these persons.

Example:

Married couple, Z.A (41) and V.B. (35) are displaced from Kosovo in 1999, arrived in Kraljevo, and got IDP documents and IDP status. They were unemployed, with private lodging and had a difficult life. Since they lived in a illegitimate marriage, in the end of 2005, they have decided to, together with two under-age children A.S. (8) and A.M. (5) go to the Kingdom of Norway and ask for asylum. They have been situated at the reception centre for foreigners. They waited for acknowledgement of refugee status and to approve residence in Norway. During that period of time, the third child was born L (2008). Instead of positive decision and approval of residence in Norway, they have been sent back and waited for “voluntarily” return to Serbia.

On the basis of Agreement on Readmission, on 22.08.2008, through GP (border crossing) Airport Nikola Tesla in Belgrade, they have been returned to Serbia. On the border crossing, on their question: "Where should we go, and who should we ask for help?" officers from the Readmission Office on Airport Nikola Tesla replied: "As far as we are concerned, you are free to go wherever you want.", without any additional information and clarification. They have reported to the Centre for Social Work in Kraljevo. They have only received a short financial aid in amount of 2.000 RSD and taught of their right to ask for family support in a regular procedure, once they obtain all the necessary documents. They had no necessary documents for the third child, borne in Norway, in order to register it at Birth Records in Kraljevo. Additionally, the spouse V.B. was not able to obtain right for maternal support, but with legal assistance from "Lingva" she obtained MOP through the Centre for Social Work in Kraljevo, a month before given time limit of three months. Older child was enlisted into 1 grade of Primary school, but the support they received was insufficient to support family of 5 people and child's education. Faced with the severe problems in life and stress of forced return from Kingdom of Norway to Serbia, as with the unsolved issue of accommodation and her family's existence, V.B. committed suicide on 18.02.2009.

The fact that the Government of Republic of Serbia had adopted the Strategy for Reintegration of Returnees on basis of Agreement on Readmission and that the Council for integration of returnees have been formed, and team for implementation, but the budget for 2009, has not been provided. 6 transition centres have been planned, for emergency sheltering of the returnees, but this is far from realisation since for the last several years strategy of closing collective centres is under way with the goal to close them all one day.

Return from abroad of more and more persons originating from Kosovo present great issue. Those who cannot return to Kosovo, or do not wish to go to Kosovo, are simply no one's care. And those who reach border crossing of "Nikola Tesla" airport, with number of family members, have no money even to pay for the transport to Belgrade, or anything else. We have informed in timely fashion all the competent state authorities about all these issues faced by returnees by the Agreement on Readmission.

Memo from "Lingva"

Government of the Republic of Serbia
Ministry for Human and Minority Rights

Mr. Svetozar Ciplic
Readmission Office Coordinator, Mr. Zoran Panjkovic

11000 Belgrade
Bulevar Mihajla Pupina 2
Phone: 3112-410
kabinet@ljudskaprava.gov.rs

Information on the suicide of the returnee

A married couple, wife V.B. (35) and a husband Zoran Asanin (41), are IDPs form Kosovo, who arrived in Kraljevo, village Ratina no. 677 in June 1999. They received an IDP card and the status of internally displaced persons from the Commissariat for refugees of the Republic of Serbia. They were both unemployed, accommodated in rented apartment and lived with great difficult.

At the end of 2005, they decided to go to Norway with two minor children A.S. (8) and A.M. (5) to seek asylum. They were accommodated in the camp for foreigners. They were waiting for the recognition of the IDP status and Information on suicide of returnee. Their third child A.L. (2008.) was born during that time. Instead of a positive decision and permission to stay in Norway, they were waiting for "voluntarily" return to Serbia.

They were returned on the basis of the Agreement on Readmission to the Republic of Serbia on August 22, 2008, via cross border Airport Nikola Tesla in Belgrade. Upon their arrival in Serbia they asked the officers of the Readmission

Office: "Where can we go and who to turn for help", they answered: "As far as we are concerned, you are free and you can go wherever you like", without any additional explanation and information.

They came to Kraljevo and contacted the Centre for Social Work. They received one-time financial support in amount of 2.000 RSD and they were advised that the right on family financial support can realize in the regular procedure, but only after they provide all necessary documents. They didn't poses necessary documents for their third child, who was born in Norway in order to register the child in the Registry Book. Apart form that, wife V.B. couldn't realize the right on parental allowance, since the child was older then 3 months. With the legal help of "Lingua" she realised the right on material support for families through the Centre for Social Work Kraljevo, one month before given deadline of three months. The older child has been enrolled in the first grade of elementary school, but the aid they received was insufficient to support five member family and the children's education.

Faced with serious life problems and stress that occurred after forcible return from the Norway to Serbia, as well as faced with unsolved problem of accommodation and the existence of her family, on February 18th 2009, V.B. committed suicide.

After the suicide of his wife V.B., a single parent, Zoran Asanin, with three minor children asked for information at the Legal advisory of Lingua Centre, how can he return to the Norway again, from where he was returned with his family before six months upon the Readmission Agreement, aware that the state of Serbia didn't provide (right to work, right to financial assistance...) and that was indirectly responsible for the suicide of his wife.

Kraljevo
March 3rd, 2009

Radovan Milićević, Director
R.C.C.A. LINGVA

By request of Šmigić Bojan to verify weather or not there is a possibility to provide residence/apartment to his family after return from Norway, we are issuing a

CERTIFICATE

By which R.C.G.A. „Lingva“ verifies, that this nongovernmental organisation which deals with the issues of refugees/IDPs/repatriants since 1997, is not able to provide living residence in Kraljevo for family of three: Šmigić Bojan, born on 16.03.1985, his spouse Ivana born on 21.11.1983, and son Mateja born on 23.01.2008, in case of their return from the Kingdom of Norway, as well as other international organisations nor institutions of R. Serbia. This claim is based on year long experience of R.C.G.A. Lingva in supporting refugees and IDPs in central Serbia. Certificate is issued by personal request and its purpose is to give evidence to Šmigić Bojan's family in proceedings before Authorities of Kingdom of Norway or other purposes.

To:

- Šmičić Bojan, and
- archive

R.C.G.A. "Lingva", Kraljevo

Radovan Milićević, director

R.C.C.A. Lingva: after mass emigration from Kosovo in June 1999 in cooperation with the Belgrade Centre for Human Rights (networked into NGO Forum Kraljevo), we have accepted the responsibility to help vast number of displaced persons who migrated towards north. Since November 1999, thanks to the great volume of activities, "Lingva" is an executive partner of Norwegian People's Aid (NPA SEE) in realizing all humanitarian, development and psycho-social projects aimed for IDPs and refugees situated on territory of central Serbia. Most of the activities are performed on field as well as in Lingva Centre, which became recognizable place for both IDPs and refugees and local population – a place where they can find solidarity and social support. There are several ongoing projects aimed towards IDPs and refugees from area of Kraljevo municipality, as well as from other municipalities, funded by the Government of Kingdom of Norway. All completed projects: infrastructural, humanitarian, social-development, psycho-social, economic strengthening, are funded by international donors bit mostly by Norwegian People's Aid (SEE) whose activities are

financially backed up by the Ministry for Foreign Affairs of Kingdom of Norway.
Information on activities of R.C.C.A. "Lingva" can be found on web page: www.forumnvo.org.rs

Principle 4

1. *Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.*⁵

Exercising rights from areas of social, health and child care, presents very significant activity in ensuring social safety and protection of IDPs after all the donations were cancelled in 2003.

More and more IDPs live in poverty, in need for social welfare, as potential MOP beneficiaries, child support beneficiaries, support for care of another person, and other social welfare rights. Lack of material means for "bare" existence, education, health care (impossibility of paying for school books for children, medications, surgery etc.), renders life more difficult.

Most of these persons are from village areas, which were never employed and have no income. They are living in very difficult situation and or receiving minimum social welfare. Those who were employed in companies are receiving symbolic material support on the grounds of unemployment through National Service for Employment (8.400 RSD per month) which is insufficient for families with school children, elderly and ill persons. Lodging rents for those who live in private accommodations are high, and local population sees it as a mean of income.

In several cases acted by IDPs' requests in administrative procedures, state bodies have shown tardiness and slowness. Decision making on beneficiaries' applications at RF PIOZ for evaluation before Commission for work disability, damage of body and right for allowance for aid and care of other person is slow and sometimes lasts for a year. For obtaining data from the Birth Records for Klina municipality, due to renewal of birth records, takes several months, and the procedure is complicated and slow. Tardiness is especially shown towards requests sent by mail.

In any case, state bodies should show more understanding in law application for specific needs of IDPs and refugees and to act on official duty whenever there is legal possibility.

Beside shown readiness from local self-government representatives for solving the issues of IDPs, there are still issues of lack of understanding of difficult position of refugees and IDPs, especially those in collective centres. So, the City Decision by City of Kraljevo for payment of administrative fees does not provide relief for IDPs placed in collective centres or other persons who are in process of obtaining personal documents, excerpts from Birth Records and certificates of citizenship, for exercising right for social welfare for the families.

Right to education:

Access to school institutions in Republic of Serbia is provided and equally guaranteed by law for all persons and for IDPs as well. Basic and decisive factor in exercising right for education is material status of IDPs. Material expanses for education of children, food, clothing, etc, and the difficult positions of IDPs as well, directly conditions exercising right to education and that especially refer to IDPs of Roma ethnicity placed in collective centre for IDPs "Old Airport" in Kraljevo.

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Right for health care:

Principle 19

1. *All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.*⁶

Issue of exercising health care is more stressed out at IDPs since this group suffers more frequent issues due to their generally bad material status, and mostly there are no material possibilities to look for alternative health care in private sector.

In the beginning of 2009, certificates on right for health care are not valid, and IDPs are obliged to produce health care card so they can exercise their right for free health care. That way, IDPs are rendered equal when it comes to exercising right for health care and possession of health care cards like the rest of the citizens. With the modern organisation of Health Service, health care is electronically registered through beneficiary's JMBG.. That way, IDPs who are having problem obtaining personal documents, JMBG and IDP ID, they are not able to obtain health care card and exercise right for free medical care. In the process of exercising right for health insurance, IDPs are in need of expert legal assistance, in order to exercise their right for health insurance.

Example:

R.T. (52), an IDP from Priština, has severe kidney disease and not being able to work for an extended period of time, due to the nature of the disease and need for further treatment. In the meantime she attended RF PIZ's Commission for Disability, for evaluation of work ability and in the claim procedure before second instance body she had received Decision No. 1671 dtd 09.01.2008 that "there is total loss of working ability...", and on that ground she was entitled to prolong her sick leave. Regardless to that, Medical Commission from Republic Fund for Health Insurance – Local Office in Kraljevo is producing an illegal Decision, renders her able for work and orders her to return to work on 18.08.2008. This illegal Decision has been confirmed at the second instance medical commission of the same Local Office. Only after, addressing likely application to the director of the Local Office of Health Insurance Fund to provide the Decision on rejection of objection with the explanation and proposal to review the Decision from the second instance medical commission, since the latter is contrary with the Article 34, p. 2 Law on health insurance, extension of temporary disability for work has ensued up to final decision of right for disability pension. That way, R.T. finally exercised her right from health insurance.

Hygiene-sanitary conditions should be specially pointed out in accommodation of Roma in collective centre "Old Airport". Displaced Roma are placed into containers provided by UNHCR 9 years ago. Almost all the containers are ruined and damaged. Dimensions of containers are 5x2, 5 m (12m²) and approximately 6-9 persons are placed in one. With the increase of family members, cardboard rooms have been built by the containers. There is only one water fountain and joint sanitation in not in function for extended period of time. "Lingva" had installed showers for this settlement in June 2007, but they are not in function any more because they are broken. Necessary condition for personal and collective hygiene does not exist.

The existing conditions of accommodation and life for Roma in this campus are extremely complex and present great hazard for health of Roma and outbreak of infection and contiguous diseases and epidemics, since the centre is situated only few hundred of meters from the city dump. By not taking any measures are by the competent institutions, Roma are simply left completely neglected.

Team of experts from R.C.G.A. Lingva, hired in health-psychological consultancy, during its regular visits to the collective centre for IDPs "Old Airport" in Kraljevo on 11. April 2009, had determined the need for urgent organized medical-epidemic intervention, because several persons

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situated in collective centre have *scabies* (itch). Due to necessity for urgent measures, director of Lingva sent an appeal to the competent institutions in Kraljevo in order to rehabilitate the existing state. Since the competent city institutions did not react, a memo has been sent to Ministry of Health of R. Serbia.

Lingva's memo

MINISTRY OF HEALTH OF REPUBLIC OF SERBIA

To Minister, Mr. Tomica Milosavljević

11 000 Belgrade
Nemanjina No 22-26

COMMISSARIAT FOR REFUGEES OF REPUBLIC OF SERBIA

To Commissar, Mr. Vladimir Cucić

11 000 Belgrade
Carice Milice No 2

Subject: Need for organized medical-epidemic intervention in collective centre “Old Airport” in Kraljevo

Dear Mr. Minister,

We are informing you that the team of experts from R.C.G.A. Lingva, hired in health-psychological consultancy, during regular visit to collective centre for IDPs “Old Airport” in Kraljevo on 11. April 2009, have determined the need for **urgent organized medical-epidemic intervention**, because several persons situated in collective centre have *scabies*.

In mentioned collective centre, located in near vicinity of city dump, there are 200 IDP Roma, situated in metal containers and improvised objects.

Life conditions of IDP Roma in this collective centre, from social-economical and hygienic aspect are very complex and difficult. There are no elementary conditions of life, because sanitation built two years ago is not operational.

Also, metal container for disposal of garbage, so there are feces and garbage which present ideal habitat for micro organisms, parasites and rodents.

Due to inappropriate life conditions, poverty, low level of personal hygiene is implied and lack of residential culture led to the situation that apart from registered **scabies** human parasites have also appeared in collective centre, such as **Cimex Lectularius**, a parasite fed on mammal's blood – human, mice, rats. So, there is a hazard of outbreak which could endanger all the residents of collective centre, among which there is a certain number of school children attending Primary school “Jovo Kursula”, “Dimitrije Tucović” and “Ivo Lola Ribar”, meaning that the wider environment is also endangered.

From all the cited reasons, it is necessary to take urgent steps from your jurisdiction in order to rehabilitate the existing situation, as following:

1. Disinfection, in order to destroy existing pathogenic micro organisms, bacteria, fungus and viruses, targeting to reduce chance for further development of illness,
2. Extermination, destroying the insects, carriers of infective diseases,
3. Deratisation, destruction of all sorts of rodents,
4. Providing and regular emptying of garbage disposal container.

We are pointing out that we have addressed with memo of identical content to: Health Centre “Studenica” Kraljevo, Institute for public health Kraljevo, City of Kraljevo and Commissary for refugees in Kraljevo, 15 days ago and no action has been taken on this issue.

Best regards,
R.C.G.A. Lingva

Radovan Milićević, director

In Kraljevo, 28th April 2009

We received response to this memo from the Ministry of Health in which they are expressing gratitude for pointing out the issue, and stated that the instruction has been sent to the Institute for public Health – Kraljevo and to the Institute for Infective Diseases Batut – Belgrade to perform the necessary hygiene-epidemiological measures of protection. After the intervention of the Ministry of health the Health Centre „Studenica“ Kraljevo team visited collective centre “Old airport” but in the meantime Gasi family temporarily left the centre and went to Subotica. Dermatology specialist’s findings from April 14, that verified diagnosis of scabies in two year old child is enclosed in the attachment. Otherwise, according to Lingua doctor findings, the whole five member family was suffering from scabies.

Right on property

One of prerequisite for IDPs (returnees, etc) freely enjoy and use their real property in Kosovo (houses, flats, land) is organising land registers and determining real ownership over the property. Inheritance disputes over property sharing after death of the owner, mostly have not been initiated by the competent courts, nor requested by the heirs. There are some cases that the real estate in Cadastre is registered to persons who died over 30 years ago and some of the heirs from the first inheritance line have deceased in the meanwhile. Inheritance dispute in that case is taken by request of the heir before competent Court in Kosovo and it is very difficult to accomplish appearance of all the heirs before the Court. When expenses of the procedure are taken into consideration, travel costs, fear for safety as well as the material capacity of IDPs, conclusion is imposing that this is still not possible to achieve. There is also great tardiness present in transfer of real estate when it comes to sale and exchange of property among owners, conducted in previous period in Kosovo, since no transfer of ownership was conducted and therefore there are no data on Cadastre on real owners. Legal protection is inefficient in the sense of ownership rights, disposition and usage for real estate in Kosovo. In great number, the property of displaced persons is self-willingly used by Albanians, and in lack of legal communication and unrecognising of each other’s jurisdiction, IDPs became victims of frauds and forgeries, unauthorized sales of property etc.

Example:

D.I. is owner of three rooms flat in Đakovica. Through Kosovo Property Agency (KPA), office in Belgrade, he applied and agreed as the legal owner to include his property in the programme seed of rent through KPA. It has been 1 year and 5 months since 01.12.2006, when he has signed accord in subject No. DS I/S # DS303621 and opened a bank account without receiving any answer on this matter. In connection with this case, he sent urgency on 16.08.2007 and requested report on conduct of KPA, but still received no reply on that issue. Instead of regular rent payment on rented flat, D.I. was unconditionally invited to receive keys from her flat, with no explanation what to do since it is not safe to return to Đakovica.

1.5.Right for equality before law and non-discrimination

Right for freedom of movement

Principle 14

1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.

Principle 28

1. Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.

Principle 29

1. Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.⁷

Now, IDPs in Serbia are guaranteed right on freedom of movement and settlement, which was not the case previously. Persons with registered residence, according to Law on Settlement and Residence of Citizens are not exercising the same rights as other citizens in the same procedure. This is especially stressed out in right for obtaining work booklet as a personal document, which was mentioned in this report.

2. Other activities

2.1. Cooperation with the other organisations

Cooperation with the state institutions: in the beginning of April 2009, in process of Public dispute on Governmental Draft on Refugees, we took necessary part and gave our contribution. Certain provisions of Draft have been analysed in comparison with the previous issues shown in practice, and concrete suggestions and proposals have been given.

30 and 31st January 2009, in Lingva centre, Regional Conference was held, organized by Forum of NGOs Kraljevo with topic "How well home countries take care of its invisible citizens?". There were 24 representatives of 12 NGOs from Serbia, Bosnia and Herzegovina and Kosovo (Forum NGOs-Kraljevo, Group 484, The Association of Women of Srebrenica, Association "ESPO", Orhideja, Humanitarian Law Center-Kosovo, R.C.C.A. LINGUA, UNIJA - The Union of IDP Associations, Association of returnees Reintegration, Imagine Serbia, Belgrade Centre for Human Rights - Kraljevo Office, Power of Solidarity), as well as Julie Biro, Project Officer for the South East Europe-French international organization CCFD, actively participated in the conference. During the Conference participants presented activities that they carry out in order to solve problems of displaced persons, refugees and returnees (repatriants) from EU, in the Region. The representatives of the relevant NGOs in the Region exchanged experiences and through open discussion concluded what are the key problems of so called invisible citizens in the Region, as well as solutions to key problems. After the two-day discussion, the Conference participants defined conclusions as well as the obligatory recommendations that were sent to the prime ministers of the states in the Region aiming to recommend measures and the activities that the home countries have to undertake in order to protect and realize basic human rights of IDPs/refugees/returnees. Not even after four months none of the governments didn't utter regarding the initiative and the defined conclusion, which clearly confirms their attitude towards problem of IDPs and refugees in the region.

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The Government of the Republic of Serbia
The Presidency of Bosnia and Herzegovina
The Government of Kosovo

February 7th 2009

Dear Sir/Madam,

In the Regional Conference "How well home countries take care of its invisible citizens", held from 30-31 January in Kraljevo, Serbia, that brought together 24 representatives of 12 relevant non governmental organisations from Serbia, Bosnia and Herzegovina and Kosovo, the participants discussed issues and problems that refugees/IDPs/returnees (repatriates) from EU face in the Region, as well as the solutions for these problems.

After the two-day discussion, the Conference participants came to conclusions, and recommendation, recommending measures and activities that the governments of the home countries have to undertake in order to protect and realise basic human rights of IDPs/refugees and returnees in the countries in the region.

The activities that the governments of the states should undertake urgently are as following:

It is necessary that the Government of the Republic of Serbia:

3. Provide reopening of the office of the Kosovo Property Agency in Serbia, in order to provide easier access for IDPs in the realisation of their property rights and the rights in the privatization of enterprises in Kosovo.
4. To start an initiative which supports both organized return and individual, supported by the Government of the Republic of Serbia and the Government of Kosovo.
5. To provide freedom and right to integration within the Republic of Serbia for IDPs, by creating transparent programs of integration.
6. To make its attitude towards non-participation of Serbian community in work of Kosovo's institutions more flexible, and to insist on participation of Serbs and non-Albanians in local services' work in environments of particular importance for development and sustainability of return.
7. To recommend and create more joint documents on sustainability of return to Kosovo, in order to offer solutions for concrete problems in a better and more efficient way.
8. To insist on a mutual dialogue with Kosovo institutions and services on all issues and in at all levels of authorities.

It is necessary that the Government of Kosovo:

1. Provide security and freedom of movement for all members of minority communities and to support their return to Kosovo, by creating an atmosphere of trust in the Kosovo institutions and bodies of local authorities.
2. To provide the right to use their mother tongue (full implementation of the Law on Official Languages) in all Kosovo institutions and to encourage the work of the Commission for Languages that was established on 21st March, 2007.
3. Provide implementation of the decision 5-154, from 28 June 2005 on employment of members of the minority communities, which defines the percentage of the members of the minority communities that should be employed in the institutions and services of Kosovo.
4. Provide equable development of infrastructure in the whole territory of Kosovo, especially in the environments where the interest for the return has been increased.
5. To provide and facilitate unobstructed reconstruction of religious and cultural objects, as well as to insist on building of understanding, tolerance and respect of religious affiliations of all Kosovo citizens.

It is necessary that the Presidency of Bosnia and Herzegovina:

1. Initiate the work of existing institutions that are suppose to support the return, removing inefficiency in work of those services by consequent and full application of laws and bylaws that refer to sustainability of return.
2. To provide an adequate financial support to all levels of authorities and local services in the environments where there is a greater interest for return and where there is a significant percentage of realised return, and all that in order of sustainability of return.
3. To undertake the concrete measures concerning influence on the local bodies of authorities to provide security of returnees and regarding identification of the perpetrators of criminal offences committed toward returnees.

4. To create programs of economic assistance for returnees in the environments where there is a particular lack of employment opportunities.
5. To influence all levels of the authorities to respect equality during the procedure of employment at the state institutions and to provide unobstructed access for all members of the returnee's community to the relevant state bodies.
6. To demand equal implementation of the law in all cantons, especially in the environments where there is a higher percentage of returned, as well as to pressure local institutions of authorities to build trust of the returnee's community in their work by making their work more efficient and transparent.
7. To adopt initiatives of the relevant NGOs for changing the Law on Social Welfare, the part that referees to deprived categories, which would encompass returnees to Bosnia and Herzegovina.
8. Prevent the segregation of pupils in schools on the basis of their national origin.
9. To provide access for the representatives of the relevant NGOs to participate in the work of the Commission that makes decisions of importance for the returnees, in order of more efficient identifying and solving of the existing problems in the process of return.
10. To ratify the European Declaration on Human Rights.

Yours sincerely,

Forum of Non-Governmental Organisations-Kraljevo, Serbia
 Radovan Milićević, Executive Manager
 Regional Centre of Civic Action "LINGUA", Serbia
 Humanitarian Law Centre-Kosovo
 Women of Srebrenica, Bosnia and Herzegovina
 ESPO, Bosnia and Herzegovina
 Kraljevo Centre for Human Rights, Serbia
 Citizens' Association "Orhideja", Bosnia and Herzegovina
 Citizens' Association "Imagine Serbia", Serbia
 Association of Returnees "Reintegration", Serbia

Forwarded to the:

International institutions and organisations

Note: Representatives of the UNHCR-Field office Kraljevo were invited to participate in the conference, however none of the representatives didn't attend the Regional Conference, and dint inform the organizer why they were not able to attend the Conference

Public transport privilege

City Assembly of Kraljevo in August 2008 brought Decision on free transportation in local traffic for persons older than 65, with residence on territory of Kraljevo. With implementation of this Decision there were different opinions, by the transportation companies, even from City Administration, weather this right is entitled to IDPs and refugees residing on territory of Kraljevo. To be more precise -to the elderly people - IDPs to whom this Decision is related to. Bus conductors disputed their usage of transportation privilege with the ID card and certificate from the police on registered residence in Kraljevo and they have been thrown out of buses. This dispute was based on the fact that, according to their ID card, their residence is in Kosovo, that they are IDPs and that they are not residents og Kraljevo.

With public representation of interest and rights for IDPS, Lingva managed to support requests from IDPS and refugees older than 65, from territory of Kraljevo, that the Decision by City Assembly on transportation privileges apples to them as well.

With the one-sided interpretation of this Decision, the fact that they are residing in Kraljevo since 1999, with registered status and IDP ID is discriminatory neglected, and that they are entitled by

law and Constitution to enjoy the rights like any other citizens.

Lingva memo:

City of Kraljevo

- The Mayor, Mr. Miloš Babić
- Deputy Mayor, Mrs. Vesna Vukajlović-Nikolić
- City Administration Administrator

36000 Kraljevo

Jovan Sarić square No. 1

Subject: Information with the proposal for solving the issue of free transportation for IDPs older than 65

Dear all,

We are reminding you that RCGA Lingva successfully performs projects intended towards IDPs and refugees since 1999, in dealing with problems they encounter, and keeps local authorities informed on those.

The cause for our notice is the need to correctly interpret the decision by Assembly of City of Kraljevo on free transportation for persons older than 65. This Decision is enforced and fully is clear to all except the employees and representatives of city transportation company "Autotransport", Kraljevo.

More precisely, elderly persons – IDPs from Kosovo, to whom this Decision applies, conductors of GP "Autotransport", Kraljevo are disputing their right for privilege with ID card and police certificate on registered residence in Kraljevo on daily basis. This dispute of theirs is based on the fact that they have no registered residence in Kraljevo according to their ID cards, that they are displaced and therefore not residents of Kraljevo. By interpreting the Decision from City Assembly, the fact that they are residing in Kraljevo since 1999, with registered residence and IDP status issued by the Commissariat for Refugees of R. Serbia, and the fact that they are entitled to equal right as all other citizens by the Law and Constitution is neglected in discriminatory manner. These interpretations are not supporting the fact that the IDPs are marginalized and endangered group in their own state, and that the obligation of State is to protect them of all the means of discrimination.

Our organisation is regularly addressed by IDPs and refugees who have neatly registered residence on territory of Kraljevo with the objection to the employees from public transportation company, and they are asking to help them in finding solution to this issue.

We are pointing out that we completely support appeals and requests of IDPs and refugees older than 65, from territory of Kraljevo that this Decision by Assembly of City of Kraljevo applies to them and that "Autotransport", Kraljevo should be informed about that.

We are sincerely hoping that the issue of unclear interpretation of Decision by the City Assembly on transportation privileges will be solved in positive manner for IDPs and refugees modelled to other local communities (Jagodina, etc.).

Best regards,

Radovan Milićević, Director

R.C.G.A. Lingva
In Kraljevo 22.08.2008

Our proposal met understanding, and with the additionally provided copy of Decision to local transportation company, all the doubts that elderly people over 65 are entitled to free transportation in city traffic.

2. Endangerment of elderly persons

Elderly IDPs and refugees are especially endangered and they require urgent assistance. A great number is missing appropriate food and medical treatment, privacy in collective centres, lasting solutions in lodging, and in great number they are dependant on programmes and projects of the international organisations which often do not satisfy their needs. Taking care of the needs of elderly persons who live alone in private residence, with no close relatives, is often linked with severe difficulties.

For legal assistance by Lingva, elderly persons had priority in solving their legal issues.

Social welfare for elderly people: by our proposal and with agreement of interested elderly people from collective centres, two persons are placed into Gerontology Centre in Mataruška Banja, one of them is an IDP and another is refugee. Also, an initiative has been initiated for placement of another three elderly refugees from the collective centre “Kablar” in Kraljevo, are also in Gerontology Centre in Mataruška Banja.

During the examination of the medical conditions for all persons in collective centres, our team of experts established the need to place one mentally ill person to the appropriate health institution as soon as possible. In that sense, a proposal has been sent to the Centre for Social Work. Procedure of obtaining all the documents and processing of proposal is still pending.

2.3. Overview of provided services

Lingva's Legal Office had provided services of legal aid and legal consultancy for IDPs and refugees, placed in collective centres and in private residence. Those are persons from the territory of Kraljevo, Trstenik and Vrnjačka Banja, and there were those who came with certain issues from other places from Central Serbia.

Activities, results and indicators:

Legal field	Indicator 1 No of beneficiaries who realized their rights	Indicator 2 No of legal cases solved
1. Providing legal assistance in collective centers	650	/
2. Providing legal assistance at the Lingua centre	698	/
3. Realization of rights to personal documents	227	459
4. Realization of right to work and right of unemployed	178	341
5. Acquiring rights on claims from PAK in the privatization of the socially and public owned enterprises in Kosovo	157	244
6. Realization of social rights, MOP, child benefit, help and assistance...	88	190
7. Realization of rights from the fund for pension and disability insurance of employed and other rights	155	253
8. Realization of rights regarding various legal issues	394	833
9. Legal aid and legal advices given to elderly and ill people	149	240
10. Total (from 3 do 9)	1.348	2.560

Direct beneficiaries		2.470
11. Suggestions, information and initiatives for problem solving, submitted to the competent authorities		8
12. Annual report on human rights of IDPs and refugees		1

*2.480 legal advices related to various legal issues were given.

3. Conclusions and recommendations

3.1. It is necessary for competent bodies to ease the procedure necessary at obtaining the personal documents, including excerpts from Birth Records, ID cards and work booklets, so IDPs would be able to exercise their economic, social and cultural rights and that these request should be received through regular and e-mail, and that in future validity of issued documents from the Public Records should not be conditioned as “not older” than 6 months.

In the procedure of additional enrolment and renewal of Public Records and citizens records as well as determining the facts from the Records and determining citizenship, it is necessary to act on these requests by official duty and transfer the burden of obtaining and presenting evidences is fully transferred to the Administration body. In dealing with the issue of clash of jurisdiction between Administrative body and Courts, interests of the party should be honoured and principle of process economy should be applied. In that sense, competent Ministries should propose correction of the existing legislations in the administrative procedure or in appropriate court procedure during procession on determining the facts from the Public records.

3.2. It is necessary for the state bodies to take all the measures in order to provide minimum conditions for adequate lodging for IDPs and refugees, as well as person – returnees from the readmission, respecting the special needs of disabled and ill persons, elderly, and children as well as to meet basic safety and hygiene-medical conditions. For all persons – forced migrants placed in collective centres by Commissariat for Refugees, regardless if they are “registered” or “unregistered”, to provide equal treatment in approach to the programmes directed to the improvement of their social-economical situation and equal right for lodging and usage of social lodging programmes.

3.3. To provide, thorough national employment services, priority in employment and approach to employment programmes and self-employment of IDPs, refugees and returnees, especially when it comes to families where no one is employed. During the implementation of Strategy for reducing poverty and upholding national plans of implementation actions of decade for Roma implementation, to ask special measures to be taken in order to tamper the poverty level among Roma.

3.4. To the IDPs, refugees, placed in collective centres, it is necessary to free of administrative fee/tax or lower the expanses in procedure of obtaining personal documents as for beneficiaries and potential beneficiaries of social welfare; Apart from that, to provide free legal assistance for IDPs, refugees and readmission returnees and socially endangered local population and marginalized and vulnerable groups.

3.5. To provide universal approach to the affordable basic health care, for example, by increasing number of family doctors and health care centres locally.

3.6. It is necessary to take effective measures and improve school attendance among Roma children and children of other ethnic minorities, as well as children of refugees and IDPs with increase of amount of MOP for families with school children and providing free school books and school items.

3.7. It is necessary that the Government of the Republic of Serbia provides reopening of the office of the Kosovo Property Agency in Serbia, in order to provide easier access for IDPs in the realization of their property rights and the rights in the privatization of enterprises in Kosovo.

3.8. To start an initiative which supports both organized return and individual, supported by the Government of the Republic of Serbia and the Government of Kosovo.

3.9. To provide freedom and right to integration within the Republic of Serbia for IDPs, by creating transparent programs of integration.

3.10. To make its attitude towards non-participation of Serbian community in work of Kosovo's institutions more flexible, and to insist on participation of Serbs and non-Albanians in local services' work in environments of particular importance for development and sustainability of return.

3.11. To recommend and create more joint documents on sustainability of return to Kosovo, in order to offer solutions for concrete problems in a better and more efficient way.

3.12. To insist on a mutual dialog with Kosovo institutions and services on all issues and in at all levels of authorities.

List of Abbreviations

1. UN- The United Nations
2. UNMIK- The United Nations Interim Administration Mission in Kosovo
3. UNHCR- The Office of the UN High Commissioner for Refugees
4. UN HABITAT- The United Nations Human Settlements Programme
5. IDPs- Internally displaced persons
6. CC- Collective Centre
7. Registry book
8. Register of Births

9. JMBG- Unique Master Citizen Number
10. MUP RS- Serbian Ministry of the Interior
11. GU- The City Administration
12. MOP- Family Material Support
13. Law on general administrative procedure
14. PIO- Pension Insurance Fund
15. RF PIOZ- Republic Fund for Pension and Invalidity Insurance of Employed
16. NES-National Employment Service
17. PAK- Privatization Agency of Kosovo
18. KPA- The Kosovo Property Agency

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