

Support for IDPs in Serbia

Summary Report and Proposals

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The views expressed herein are those of the author and do not necessarily reflect the views of the UN High Commissioner for Refugees



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Foreword

Seventeen years after the first wave of displacement, it is estimated that 88,000 vulnerable internally displaced persons in Serbia remain with displacement related needs and lack durable solutions. In my capacity as United Nations Special Rapporteur on the human rights of internally displaced persons (IDPs), I had the opportunity to undertake an official visit to Serbia in October 2013. At the time, I was struck by the living conditions of IDPs fifteen years after fleeing from Kosovo¹, and urged the Government of Serbia to pay greater attention to IDPs, including in terms of their access to documentation, housing, employment opportunities and health care. I returned to Serbia to undertake a follow-up visit in September 2016, three years after my first visit there, to assess progress made on my recommendations. Despite some positive steps taken by the authorities, including in terms of housing and documentation, the overall picture remains one of a protracted situation where long-standing IDPs' needs must be addressed as a matter of priority.

As established by the Guiding Principles on Internal Displacement (1998), the primary duty to protect and provide assistance to IDPs rests with national authorities. Consequently, the Government of Serbia should invest more in its efforts to support IDPs in their search for durable solutions.

This important research brings to light the challenges facing the poorest IDPs, who remain the ones missing out on durable solutions. They often fall between the cracks due to their lack of access to information, knowledge and capacities to go through the maze of rules and procedures for diverse projects. This report also takes a critical look at the extremely precarious situation of Roma IDPs, who are often the poorest of the poor and the most marginalized. These IDPs should be the priority of the Government and all other stakeholders in future planning, and efforts to promote solutions for Roma IDPs should be intensified and tailored to their specific needs. It is my sincere hope that this report leads to an open discussion on these issues among key actors.

¹ All references to Kosovo in the present document should be understood to be in compliance with Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

Ultimately, by identifying these protection gaps, the report shows the need for UNHCR and other United Nations agencies to jointly focus in the next several years on solutions for Roma IDPs through stronger advocacy and operational projects to support durable solutions, and to provide guidance to the State on the directions it should take in this regard. It would also be crucial for the European Union to play a stronger role by incorporating new benchmarks related to Roma IDPs in the accession chapters and through enhanced and targeted funding for Roma IDPs.

I am pleased to provide the foreword to this document and trust it will be seen as a useful tool available to the Government and a wide range of partners that can guide and inform their response. In this context, it is essential for all State actors to work together with United Nations agencies that have been supporting IDPs and that have the experience and good will to support the State in providing solutions. I am appreciative to

UNHCR for their support, and, especially, to Richard Allen for undertaking this important research.

Chaloka Beyani
United Nations Special Rapporteur on the human rights of IDPs



Abbreviations and Acronyms

Commissariat	Commissariat for Refugees and Migration, Republic of Serbia
CSO	Civil Society Organisation
EU	European Union
IDP	Internally Displaced Person
IPA	Instrument for Pre-accession Assistance
NGO	Non-Governmental Organisation
RAE	Roma, Ashkaeli and Egyptian communities
SILC	Survey on Income and Living Conditions
SORS	Statistical Office of the Republic of Serbia
UNHCR	United Nations High Commissioner for Refugees

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1. Introduction

This report is a short version of a paper commissioned by the UNHCR Representation in Serbia to provide a framework for further actions to support internally displaced persons (IDPs) from Kosovo¹ and currently living in other parts of Serbia. The full report contains detailed research findings and analysis.

There has been substantial financial assistance and support from the international community over the last 15 years to IDPs from Kosovo and to refugees displaced from other parts of the former Yugoslavia. However, as this paper will show, the targeting and effectiveness of this assistance to IDPs has been limited and less than optimal.

The UN Guiding Principles on Internal Displacement envisage voluntary return of IDPs to their homes or places of habitual residence, or voluntary resettlement and reintegration in another part of the country. While reflecting on these solutions, this paper primarily aims to offer practical ways in which the living standards of IDPs can be improved while in displacement. The paper examines how available resources could be used to make the best impact on their lives, **while keeping open both return and local integration in displacement as options.**

It is timely to take stock of the current situation for a number of reasons. International assistance for IDPs and refugees from the 1990s conflicts is declining, and it is widely expected that the situation should have been resolved by now. At the same time, the position of the Roma communities in Serbia and the Western Balkans is under renewed attention after the end of the Roma Decade, and the start of new action to support further Roma inclusion measures (more than 20,000 of the displaced from Kosovo belong to the Roma, Ashkaeli and Egyptian communities). Finally, there are many lessons to be learned from the assistance to the displaced population in the former Yugoslavia that can and should be applied to new waves of refugees and displaced persons, particularly those fleeing the middle-eastern wars through the Balkan Route, and those in Ukraine.

This paper aims to provide both evidence and guidance in policy-making, programming of international assistance, and design of national and local strategies and plans that are likely to have some impact on both the displaced population and the Roma/RAE populations.

This research for this paper was divided into three phases, and this paper follows the same structure.

- **PART I – Situation Analysis of Internally Displaced Persons**
- **PART II – Performance Assessment of Assistance for IDPs**
- **PART III – Strategic Context and Proposals**

Research included extensive analysis of available documentation and research, field visits, interviews with IDPs and key informants, and focus group discussions with IDPs, and with experts linked to the key topics.

¹ This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

2. Situation Analysis

This section draws from existing data to provide, as far as possible, an updated overview of the situation of IDPs.

There are three key sources of data regarding IDPs in Serbia. The first is the registration data held by the Commissariat for Refugees and Migration, Republic of Serbia ('the Commissariat'). This is the only source of whole-population data, and contains basic demographic and location information.

The second is a joint UNHCR/Commissariat survey of a sampled of IDPs carried out in 2010 and published in 2011². The third is a survey of a sample of Roma IDPs and Roma domicile populations carried out in 2014 and published in 2015³. Given the age of the 2010 survey, data was checked against current trends in the majority population to identify whether there are likely to be any significant changes.

2.1 IDP Profile

Officially, there are 203,140 persons displaced from Kosovo and still living in Serbia. This data comes from the registration of IDPs in 2000 and following subsequent movements of people out of Kosovo. There has been no re-registration exercise, but the total number of registered people is adjusted annually to reflect population movements and demographic changes. While the reliability of registration data can be questioned, it remains the sole source of official data.

Description	Value	Unit	Year
Total number of registered IDPs	203,140	Individuals	2015
Total number of RAE IDPs	23,277	Individuals	2014
Roma	22,431	Individuals	2014
Egyptian	755	Individuals	2014
Ashkaeli	91	Individuals	2014

² UNHCR, JIPS, Commissariat for Refugees Republic of Serbia, "Assessment of the Needs of Internally Displaced Persons in Serbia", February 2011

³ Cvejic, Slobodan "Assessment of the Needs of Internally Displaced Roma in Serbia", May 2015 (UNHCR, JIPS, Commissariat for Refugees and Migration, Republic of Serbia)

Description	Value	Unit	Year
RAE IDP households	4,890*	Households	2014
IDP households	48,832**	Households	2014
IDP households in need	22,071***	Households	2014
IDPs in need	97,557****	Individuals	2014

* UNHCR 2014 survey: average household size of Roma IDPs is 4.76

** UNHCR 2011 survey: average IDP household size is 4.16

*** UNHCR 2011 survey: 45.2% of IDP households in need

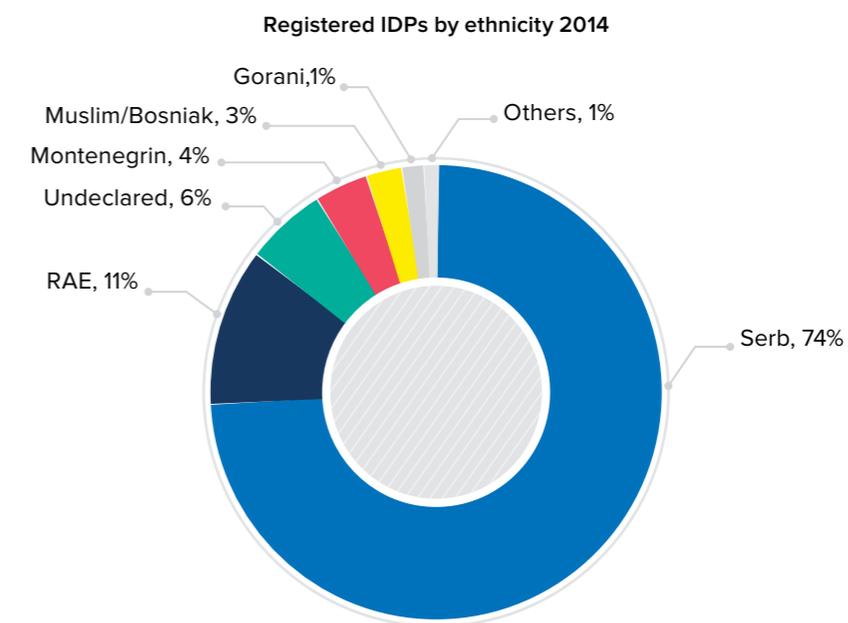
**** UNHCR 2011 survey: average size IDP household in need is 4.42

There is no big difference in terms of gender between the IDP population and the majority population. The key difference is in the age structure. There are rather more young people (0-19) in IDP households, and fewer IDPs over 60 than the equivalent proportions in the majority population.

Gender Concerns

IDP women are much more likely to be single parents with dependent children. 14.6% of female IDPs are in this situation compared to 1.7% of male IDPs. Likewise, elderly women are much more likely to be single person households – 15.1% of women compared to 3.2% of men¹.

Ethnicities



Source: Commissariat of Refugees database, extracted by UNHCR Jan 2016

Some three quarters of IDPs are ethnic Serbs, while the Roma, Ashkaeli and Egyptian (RAE) IDPs constitute the next biggest ethnic group among IDPs. Less than 0.5% of the RAE IDP population is Ashkaeli, and only 3.5% is Egyptian – the remaining 95% describe themselves as Romani.

Locations and Geographical Variations

IDPs are not evenly distributed through the country. In terms of absolute numbers, there is a concentration of IDPs in the bigger cities, particularly Belgrade².

In terms of the *density* of the IDP population, the highest proportions are to be found in the poorer southern municipalities. In Kuršumljija, for example, the municipality's 6,000 IDPs make up one third of the total inhabitants. The concentration of IDPs has an impact on jobs, land, schools, and many other aspects of local life.

² IDP figures based on the table of Refugee and IDP numbers produced by the Commissariat for Refugees and Migration, Republic of Serbia, and available at <http://www.kirs.gov.rs/docs/statistika/izbirl2014.pdf> (Serbian only)

¹ 2010 IDP survey table 20

By contrast, nearly half of all Roma IDPs are to be found in the north of the country, mainly in the cities of Novi Sad and Subotica.

Roma Migration and readmission

Migration abroad among Roma IDP households is a less significant feature than commonly supposed. Only 18% of Roma IDP households reported that one or more members had gone abroad for more than 30 days at least once. This form of migration is more common among households living in the poorer south of the country than the wealthier north.

Return of irregular migrants to Serbia under readmission agreements is increasing. In 2015, some 2,866 individuals were returned and registered at the airport in Belgrade, an increase of more than 1,000 over the previous year. Many of these irregular migrants are thought to be Roma, and many of the Roma will be IDPs from Kosovo.

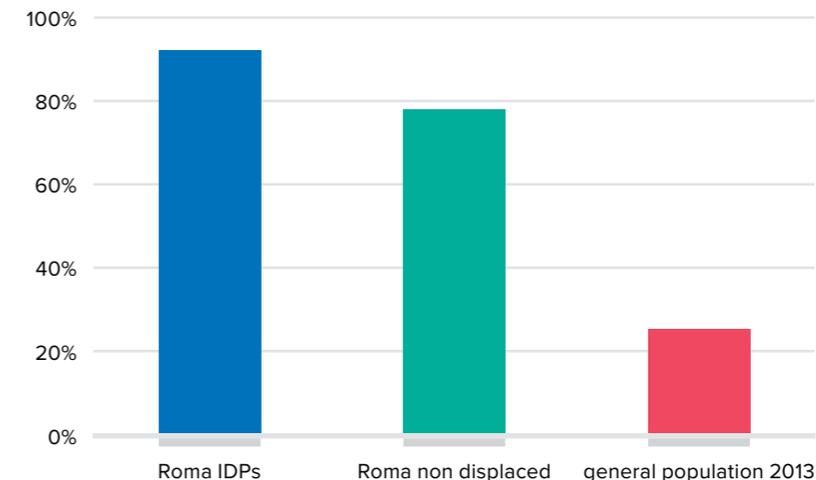
2.2 Poverty and Living Standards

IDPs in general are poorer than the majority population, and one of the key causes of this poverty is the loss of property in Kosovo.

In 2010, the proportion of IDPs in need ('poor' IDPs) was 45.2%, while in the same year, the proportion of poor in the whole population was 9.2%.

A large proportion of IDPs rent their homes – around 30% compared to around 5% for the general population. Rent is a large household expense, and for those IDPs on relatively low incomes, it is a factor that puts them at much greater risk of poverty. The two main surveys on the situation of IDPs, as for other poverty surveys, have not taken account of the cost of rent and the effect it has of pushing households further into poverty. This additional burden on IDPs is therefore not generally recognised in official data nor in needs assessments.

At risk of poverty - % of population 2014



The poverty level of **Roma IDPs** is of genuine concern. Comparing the Roma population with the majority population on the 'at risk of poverty' definition, the following chart shows the differences¹.

Serbia's general population 'at risk of poverty' rate is higher than any country in the EU. The risk of poverty, therefore, for the Roma population in Serbia is extreme: **nearly ALL displaced Roma households are at risk of poverty.**

2.3 Discrimination

Roma people, including Roma IDPs, face discrimination at all levels and in all aspects of society. While in some areas such as education there is a perception that things are improving, there is a pervasive and often unconscious bias against Roma men, women and children. In a recent UNDP-commissioned survey, 39% of adults agreed with the statement "I have got nothing against the Roma, but they still like to steal"²

¹ Sources: UNHCR 2015, and Survey on Income and Living Conditions (SILC), Republic of Serbia 2013

² Public Perceptions of Discrimination in Serbia, CeSIDBelgrade, commissioned by UNDP and the Government of Serbia Office of the Commissioner for the Protection of Equality, Belgrade, December 2013, p15

2.4 Employment & Unemployment

All IDPs

Unemployment is pervasive, but hidden in IDP households. In nearly half of all IDP households in 2010 (46.8%) there was no single member employed. IDPs are twice as likely to be unemployed as the general population. Extrapolating from the 2010 survey data, it would mean that 48,000 IDPs were unemployed in that year. Of these, half had never worked.

IDP Employment Status 2010			
Indicators* **	IDPs		Serbia general population 2010
	Total	In need	
Activity Rate	67.7%	70.2%	59.0%
Employment Rate	35.4%	28.5%	47.2%
Unemployment Rate	47.7%	55.5%	20.0%

Source: UNHCR 2011 IDP Survey (2010 data)

* The data in the February 2011 Report Assessment of the Needs of Internally Displaced Persons in Serbia were incorrectly published. The figures here are the corrected figures.

** The activity rate is the percentage of active population (the sum of the employed and unemployed persons) in the population of working age (15-64 years). The employment rate is the percentage of the population of working age who are employed. The unemployment rate is calculated as the percentage of the unemployed in the active population.

In contrast to the survey data, official registration data shows a very small number of unemployed IDPs. As of November 2015, there were 5,785 registered unemployed IDPs in Serbia (outside Kosovo). The reasons for this variation are not proven, but there are some possible hypotheses. One relates to the compensation benefits received by former employees of state-owned enterprises in Kosovo which prevents recipients from registering as unemployed, and the other to the bureaucratic impediments faced by displaced people to register as unemployed in the location of their temporary residence.

These two factors could account for around 25,000 people who are de facto unemployed, but unable to register. More research is needed to verify the extent of unemployment among IDPs.

Employment levels are very low in the poorer southern municipalities, so there are also significantly fewer employment opportunities for IDPs in these locations.

Among the whole IDP population, where there is employment, work is more likely to be occasional, seasonal or on fixed term contracts than the general population¹.

Employment & Unemployment – Roma IDPs

If the employment situation of IDPs in general is poor, the situation of Roma IDPs is many times worse. In 2014, only 13% of Roma IDP households received any form of income from employment, whether permanent or casual. In that year, the unemployment rate among Roma IDPs stood at 74%, compared with 17% for the general population, itself a very high figure.

There are many reasons for the low employment levels of Roma IDPs. One is that their education levels are much lower than for the general population. Another is the discrimination that they face, not only in daily life, but especially in employment. Bureaucratic impediments related to address registration also mean that they find it harder to access active labour market measures through the National Employment Service. Finally, livelihood and employment assistance for IDPs has generally favoured the better educated, and those with access to agricultural land, to the exclusion of most Roma IDPs.

Employment Status of Roma IDPs 2014			
Indicators	Roma IDPs	Domicile Roma	Serbia general population
Activity Rate	52%	56%	49%
Employment Rate	14%	17%	40%
Unemployment Rate	74%	70%	17%

Source: 2014 UNHCR Roma IDP Survey and Labour Force Survey QIV 2014, SORS

2.5 Social security

IDPs are significantly more likely to depend on social security assistance than the general population. In 2010, IDPs were 10 times more likely to be receiving family income support than the general population, which was an indication of the extent of poverty among IDPs. In the same year, Roma IDPs were 25 times more likely to be receiving the same benefit, clearly illustrating how widespread poverty is among the Roma IDP population.

¹ For example, in 2010, 88.5% of the employed general population worked on indefinite contracts, compared to 48.2% of employed IDPs, and 10.0% of employed Roma IDPs (2010 IDP Survey, 2010 Labour Force Survey)

% of households in respective populations receiving benefit, 2010				
	Serbia population	All IDPs	IDPs in need	Roma IDPs
Family income support	2.6%*	34.0%	41.2%	67.9%
Child allowance	9.0%	69.7%	68.4%	67.2%

% of households in respective populations receiving benefit, 2014			
	Serbia population (2013)	Domicile Roma	Roma IDPs
Financial Social Assistance**	4.1%	47.0%	47.0%
Child allowance	8.4%	43.0%	40.0%

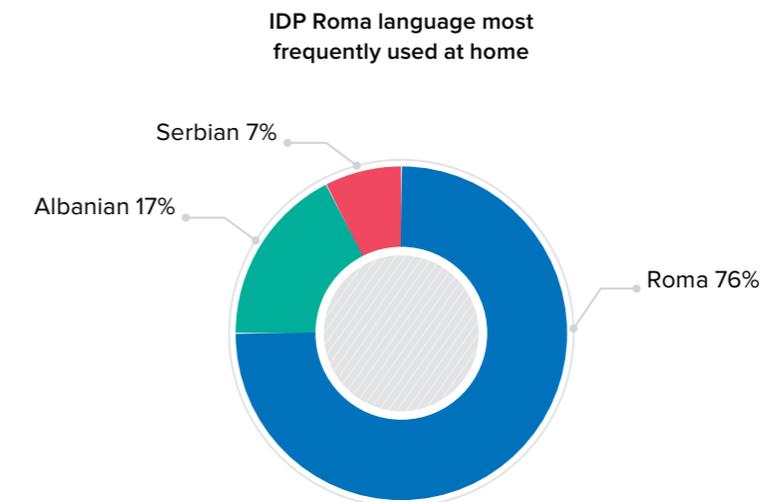
* Data from Household Budget Survey, First National Report on Social Inclusion and Poverty Reduction, author's calculations
 ** Data from Household Budget Survey 2013, Second National report on Social Inclusion and Poverty Reduction, author's calculations

Of concern are the more recent data, following changes to the social security benefits in 2011. The data show that Financial Social Assistance (which replaced Family Income Support in 2011) has increased coverage from 2.6% to 4.1% of the general population between 2010 and 2013. However, over the period 2010 – 2014, Roma IDPs receiving the benefit fell from 67.9% to 47%. There are few ready explanations; the most convincing is that the rule changes have made it more difficult for Roma families to access this social security benefit, but more research is needed.

2.6 Education

Adult IDPs on the whole have roughly the same education profile as the majority population in Serbia. For Roma IDPs, however, the situation is very much poorer. Some 60% of Roma IDPs over 15 have not finished primary school, and Roma women are rather less likely than Roma men to have completed either a primary or a secondary school education.

IDPs of primary school age, according to the 2010 survey, are less likely to be attending school than their peers in the majority population: 7% of IDP children and 27.9% of Roma IDP children were not attending primary school. Primary school attendance and drop-out is one policy area that has received a great deal of attention since 2010, and so one would hope to see rather better numbers for 2015 and 2016.



Source: 2014 Roma IDP survey

A key reason for the lower education levels of Roma IDPs (and domicile Roma) is that more than 90% do not speak Serbian (or the majority language in their place of residence e.g. Hungarian) at home. Not having a good command of the majority language by the time a child enters primary school is a clear predictor of poor educational performance and drop-out. Remedial measures, such as the engagement of Teaching Assistants, have had some effect, but more widespread provision and access to pre-school education would be also required.

2.7 Housing

All IDPs

Overall, IDPs are half as likely to own property as the majority population. Around 90% of the general population live in accommodation owned by themselves or a household member, while less than 50% of IDPs do so¹. Of the IDP population defined as 'in need', only 12% own their homes. This means that four times as many IDPs (in percentage terms) as the general population have to rent homes. For those on low incomes who also have to pay rent, the addition burden is crippling.

¹ In Serbia, the majority of household property is owned without any mortgage.

The quality of IDPs' housing is also substantially below the standards for the majority population. As an indicator, only 67% of IDP households in 2010 had an inside toilet, while they exist in 94% of all occupied dwellings in Serbia¹.

Housing – Roma IDPs

Roma IDPs have a much worse housing situation than all others in Serbia, including other IDPs and domicile Roma. Forty-five percent of Roma IDPs are living in property which they do not own and for which they do not pay rent. This mostly means either informal settlements where they have built houses or shacks without appropriate permissions, or in properties which are not intended for residential accommodation, such as abandoned factories and warehouses. Some 34% of Roma IDPs live in places not intended for housing.

Quality of housing is also drastically different. More than 70% of Roma IDPs live in dwellings with less than 10 square metres per person, compared to less than 4% of the general population living in similar conditions. Only two thirds of Roma IDPs have electricity in their homes and only 68% have running water.

The majority (exact figures are hard to find) of Roma IDPs also live in informal settlements, often close to informal settlements of domicile Roma communities. This tends to exacerbate segregation, and puts pressure on local services.

2.8 Collective Centres

In recent years, most of the official collective centres have been closed. The residents that remain include people who are particularly vulnerable and have nowhere else to go.

By January 2016 there were 913 people living in formal collective centres, including 682 IDPs and 231 refugees². This figure is down dramatically from the 26,863 people in collective centres in 2002 (of which 9,448 were IDPs). The Commissariat for Refugees and Migration is committed to closing all collective centres by the end of 2016.

2.9 Civil Documentation

The 2010 survey suggested that 3.4% of all IDPs did not possess identity cards, implying around 7,000 IDPs in total. The 2014 survey of Roma IDPs suggested that 9% of households were affected by lack of personal documentation.

1 2011 Census

2 Source: Commissariat for refugees and Migration, <http://www.kirs.gov.rs/articles/centers.php?lang=ENG> .

3. Performance Assessment of Assistance for IDPs

This section assesses the impact, effectiveness and sustainability of the main programmes that aimed to assist IDPs. The purpose is to assess the extent to which assistance programmes have been able to improve the lives of the IDPs living in displacement, and to identify areas for future action. While there was a substantial amount of assistance provided prior to 2008, much of it was humanitarian in nature, addressing the urgent needs of the displaced for housing, livelihoods and legal aid. This section focuses on assistance provided since 2008.

3.1 Housing

The impact of housing assistance provided for IDPs has been far below what is needed – only 16.5% of needs were met between 2008-2014. In particular, the provision of social housing (at 2.7%) is well below the demand. Building materials provision, on the other hand, has exceeded demand more than twofold.

HOUSING NEEDS MET 2008-2014				
	Housing needs identified*/Total for households in need (2010)	Housing needs for IDPs in CCs (estimated**)	Total Provided Housing Solutions for IDPs 2008 - 2014***	% of needs met
Social Housing Apartments	11,819	319	330	2.7%
Village houses	2,041	171	583	26.4%
Prefabricated houses	2,985	209	174	5.4%
Building materials for construction	57	82	2,172	238.6%
Building materials for rehabilitation of housing	711	61		
Accommodation in elderly homes or other institutions	189	124	n/k	n/k
Subsidised loans	444		n/k	n/k

HOUSING NEEDS MET 2008-2014				
	Housing needs identified*/Total for households in need (2010)	Housing needs for IDPs in CCs (estimated**)	Total Provided Housing Solutions for IDPs 2008 - 2014***	% of needs met
Other	516		n/k	n/k
Total	18,762	966	3,259	16.5%

* In 2011 UNHCR Needs Assessment survey

** Data was only available for both refugees and IDPs. Estimate was made pro rata on the basis of the proportion of IDPs in CCs.

*** Data from Commissariat for Refugees and Migration

One of the key issues is that assistance is rarely provided to those in rented or informal housing. Home owners benefit disproportionately, on the logic that they, rather than a landlord, benefits from upgrading housing with building materials. Those not living in their own homes can only benefit from social housing or village housing. Many of those benefitting from pre-fabricated houses have to prove ownership of suitable land, with appropriate permissions.

Therefore, not only has the provision of housing solutions been well below what is needed, the targeting of the assistance has been biased towards the better off, land- or home-owners rather than the poorest in rented and informal accommodation.

Village Housing

Village housing offers a chance for IDPs living in sub-standard accommodation to move to rural areas and own a house, usually with some land. This solution benefits both the displaced person and rural communities: many households are leaving the countryside in a rapid process of urban migration. IDP households often have their origins in the rural areas of Kosovo. Providing an empty village house for IDPs helps to slow the rural decline and at the same time provides secure housing for displaced families.

This solution also has another key advantage: it is appropriate for those who do *not* own land or property, unlike the prefab and building material solutions, and can therefore assist IDPs in need who live in rented or informal accommodation.

It is not suitable for very vulnerable households such as chronically sick people or pensioners, because sustainability depends on households having at least one member able to work the land.

Social Housing

Social housing, and 'Social Housing in a Supportive Environment' (SHSE) is usually provided in urban or peri-urban settings, for vulnerable households who are not interested or eligible for other housing solutions. Most frequently, social housing is provided in newly, purpose-built buildings intended to house up to 30 households. The intention is that this form of housing is provided for the most vulnerable among displaced persons, and often social housing projects also accommodate one or two poor non-displaced households from the local area.

A major concern is that social housing is not affordable for households dependent on social security or the minimum pension. The organisations implementing social housing projects select beneficiaries not only on the basis of need, but also on their ability to pay the costs of the housing. In this way, they have made the social housing model appear sustainable. However, at the same time it means that the social housing models are not appropriate for the poorest households, because they cannot afford even the subsidised rent and bills. The poorest households are therefore not selected as beneficiaries for social housing projects. This means **there are no appropriate housing solutions for the poorest, and therefore, they continue to live in poor quality rental, informal settlements or buildings not designed for habitation.**

Housing for Roma IDPs

The situation regarding provision of housing solutions for Roma IDPs is very poor. Bearing in mind that Roma IDP households live in the worst conditions, it might be expected that they benefit in proportion to their needs. Some 18% of all housing solution beneficiaries identified themselves as Roma, compared to the estimated 14% of Roma in the total IDP population. This means that there were, proportionately, slightly more Roma beneficiaries of housing solutions than the whole IDP population. However, when one considers that 34% of Roma IDPs live in *places not intended for housing*, one might expect the 18% figure to be higher.

Roma IDP housing needs are pressing, and significantly beyond what can be met at current rates of provision. It points to the need both for more resources, and a different approach.

ROMA IDP HOUSING NEEDS MET AND OUTSTANDING (2014)				
Type of assistance	Roma IDP Households identifying this as priority*	Assistance provided: No. Roma IDP households 2008-2013**	% of needs met	At current rate - years needed to complete
Social housing	603	60	9%	60
Village housing	937	80	8%	70

ROMA IDP HOUSING NEEDS MET AND OUTSTANDING (2014)				
Type of assistance	Roma IDP Households identifying this as priority*	Assistance provided: No. Roma IDP households 2008-2013**	% of needs met	At current rate - years needed to complete
Prefabs	583	50	8%	70
Construction materials	936	280	23%	9
Totals/Average %	3059	470	13%	

* Source: UNHCR 2015

** Source: Commissariat for Refugees and Migration

Closing collective centres

Housing and other accommodation is being provided for all remaining collective centre residents by the end of 2016, according to the Commissariat for Refugees and Migration.

The last CC residents tend to be people who are particularly vulnerable. Collective centres have become part of the provision of residential social care for some municipalities. Homeless non-displaced persons, sometimes with severe psychological needs, are sometimes also housed in these centres.

The Commissariat is planning to close all collective centres by the end of 2016. Given the findings above about the difficulties of sustainable housing for the most vulnerable and the transfer of responsibility of care from central government to local government, there will be some concern about the quality of life of those re-housed following collective centre closure.

3.2 Employment and Livelihoods

Between 2008 and 2014 direct assistance was provided to improve incomes for 3,231 households, or approximately 15% of the unemployed IDP households.

Only 200 Roma IDP beneficiaries received direct assistance for income generation between 2008-2013, or some 7% of all beneficiary households. This is well below their representation in the IDP population and – considering that unemployment rates are significantly higher – also very far below what is needed.

Assistance is being targeted to those who are not necessarily the most vulnerable. Implementing agencies target those more likely to be successful. This means that beneficiaries tend to be those who are better educated, who have relevant skills, and those who have access to resources such as agricultural land.

Livelihoods projects have, on the whole, seen self-employment as a solution, rather than employment, because of the relative lack of employment opportunities. This reinforces the selection of those with greater capacities, because in general, self-employment requires higher levels of confidence, education and personal networks.

No IDP support projects have sought to tackle structural barriers to either employment or self-employment such as the discrimination faced by Roma.

3.3 Rights & Entitlements – Legal Aid

There are three broad areas for which IDPs have difficulty in accessing their rights and entitlements as a result of their displacement.

IDPs’ access to rights in Kosovo: Substantial assistance has been provided for the first of these three, through a succession of EU- and USAID–financed projects providing direct legal aid. These have provided legal aid for more than 16,300 cases, of which around 40% have been related to property in Kosovo, and one third in relation to employment rights. **Legal aid assistance reached some 33% of all IDP households.**

Given the continuing issues with property ownership and forthcoming rounds of privatisation of the largest state owned firms in Kosovo, it can be confidently assumed that there will continue to be a need for legal aid for people living in displacement in Serbia, and needing to access the legal system in Kosovo.

Access to Civil Documentation in Serbia: UNHCR in cooperation with local partner Praxis, provided assistance to some 23,581 IDPs (15,037 Roma and 8,544 non-Roma) between the beginning of 2010 and the end of 2015. CRS and BCM have provided assistance to access a further 13,699 individuals between 2008 and 2015.

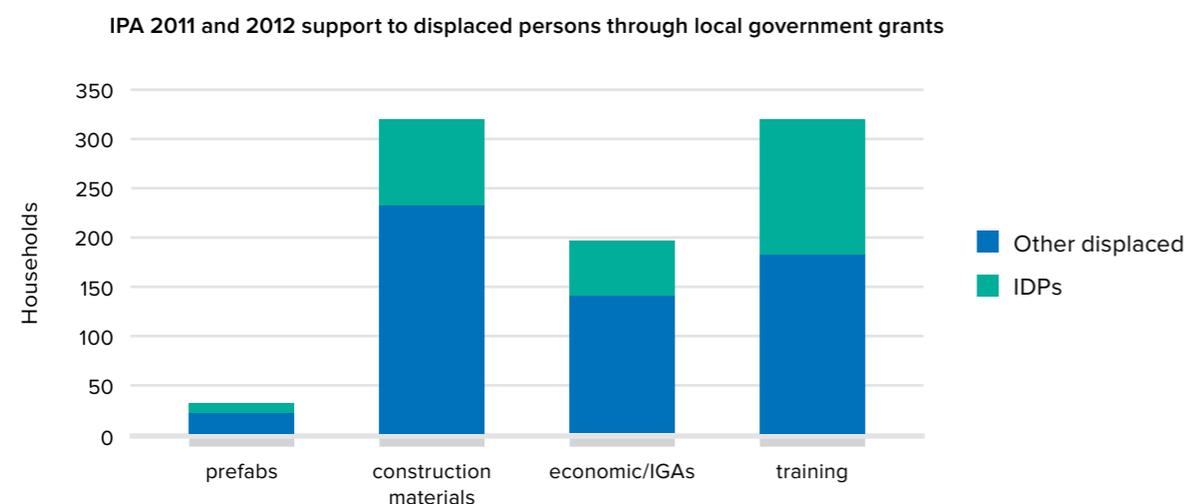
There has been a substantial decline in cases over the period which can be attributed to the successful resolution of personal documentation cases. Following the introduction of the “Law on Amendments to the Law on Non-Contentious Procedure” in 2012, courts and administrations have been increasingly making positive decisions to determine date and place of birth of those without birth registration, and therefore reduce ‘legal invisibility’ among the Roma, especially Roma IDPs.

Access to Entitlements in Displacement: Over the same six-year period, Praxis provided IDPs with legal aid and counselling in 1,903 cases related to access to socio-economic rights (social protection, health care, etc.). IDP Roma are considerably more likely not to be able to access financial social assistance than domicile Roma. The 2014 UNHCR survey found that 19% of Roma IDP households did not receive financial social assistance because of a lack of documents, or more than 900 Roma IDP families.

3.4 Municipal grants

In recent years, local government has been taking more responsibility for providing assistance to IDPs. Local governments have developed Local Action Plans for Resolving the Situation of Refugees and IDPs, and on the basis of these action plans, some have been awarded grants for implementation of the plans. Effectiveness is entirely dependent on the quality of the action plans, and the abilities of the local level institutions to execute the plans.

EU IPA funds have supported 24 municipal grants for supporting integration of refugees and IDPs, with mixed results. On the whole, the action plans are not strategic, and deal mainly with relatively easy ways of distributing assistance. Some 860 interventions were provided by 23 local governments.



The following graph shows the proportions of assistance that were provided for IDP households from both IPA 2011 and IPA 2012 municipal grants.

IDP households received 32% of all interventions, and 27% of housing interventions. In terms of the housing assistance (prefabs and construction materials) there is a bias towards those who already own property, and Roma IDPs seem not to benefit at all. **Of the total 350 households assisted under IPA 2012, only one was a Roma family.**

Therefore, while there is still some logic to funding municipalities to assist them to implement solutions, more support is needed to improve design and targeting of assistance. Indeed, the local governments selected under these programmes are also, in general, not the ones with the highest proportions of IDPs, and so targeting of municipalities also needs to improve.

4. Strategic Context

Perhaps the most important strategic factor affecting IDPs is the EU Accession process. This process is driving both the on-going dialogue between Serbia and Kosovo and the efforts to improve respect for the human rights of minorities, including Roma.

The **Brussels process** of facilitated negotiations between Belgrade and Pristina could be of vital importance to IDPs. At present, however, the agenda does not deal substantively with issues faced by IDPs. This process needs to be followed carefully, and at some stage in the future, it may lead to improvements in conditions for returnees and prospective returnees. However, given the current political situation in Kosovo, this is unlikely in the short to medium term.

Chapters 23¹ and 24² of the EU accession negotiations include as a major consideration the situation of Roma people, including Roma IDPs. In response to this, Serbia has adopted a new ‘Strategy for improving the situation of Roma in Serbia 2015-2025’, and the EU is monitoring the situation closely through biennial ‘Roma Seminars’. Significant levels of IPA funding are being programmed in support of Roma inclusion measures. The Roma Strategy, however, refers the issues faced by Roma IDPs to the refugee/IDP strategies.

A new “National Strategy for Resolving the Issues of Refugees and IDPs 2020” is disappointing, and is largely the same as the previous strategy. It is unlikely to convince donors to fund any further measures. In turn, this strategy refers to the needs of Roma IDPs, but suggests these will be met as part of the Roma inclusion strategy. **The specific needs of Roma IDPs are therefore neglected by both Roma and Refugee/IDP strategies.**

A draft **Law on Housing** promises an improved regulatory environment and greater clarity for social housing, but does not impose any obligation on local or national authorities to improve housing conditions. Any improvements are entirely voluntary and dependent on funding.

A draft Law on Free Legal Aid will introduce free legal aid services to be provided by municipalities. This will include services for IDPs in the Serbian legal system, **but will not provide for free legal aid for cases in the Kosovo legal system.**

As of November 2014, the institutions from Belgrade, Pristina, Podgorica and Skopje have initiated a process of regional cooperation with the aim of creating conditions to support displaced persons from Kosovo to secure durable solutions, including the options of voluntary return and integration in place of displacement (*Skopje Initiative*), with the active participation of UNHCR and the OSCE. Through a series of Technical Working Group and High Level meetings discussions on priority areas and measures have been going on and action points have been agreed by all sides in the area of property rights, personal documentation,

1 Judiciary and Fundamental Rights
2 Justice, Freedom and Security

security, dialogue and reintegration, data management and solutions planning. While discussions within the *Skopje Initiative* continue, adoption and implementation of the agreed action points remains pending.

5. Implications for Programming

This review of the evidence provides strong grounds to suggest both that IDPs in general are significantly poorer than the general population, and that programmes of assistance have been limited and inadequate to address the priority needs. Future assistance has to improve targeting and efficiency to benefit the poorest segments of IDPs.

Given that most **Roma IDPs live in extreme poverty**, it might be expected that more resources and assistance would have been focused on this group. This has not been the case, and **future programming must prioritise lifting Roma IDPs out of extreme poverty**.

Housing solutions must be reviewed to find a means for providing sustainable solutions for the most vulnerable. One issue is to find ways of **making social housing sustainable for the poorest**. Another is that for Roma IDPs living in informal settlements **solutions need to be joined up**. Improving housing conditions should be linked to support for livelihoods, child and adult education and access to other services. This can be done by focusing assistance on the specific geographical areas in which they are concentrated.

Strategies to support IDPs have focused on programme solutions, rather than policy solutions. Given the likely low level of resources available for programme solutions in the coming years, **more attention needs to be given to policy solutions**. This ought to include consideration of reforms to private home rental policy, social security, removing disincentives to finding formal work, and reflecting on the obligations of local authorities to provide housing.

The means of delivery of programme assistance must also come under review. More implementation of assistance by local authorities is logical and should in the longer term prove more efficient. However, the **local authorities currently need more assistance to build their planning and implementation capacities**, in order to provide assistance to IDPs that is genuinely strategic and takes into account the specific needs of the most vulnerable IDPs.

Support for livelihoods needs to be focused on the more vulnerable. This means more intensive work, and more basic education. The Government's 'Second Chance' programme offers a potential model, which could be improved and expanded.

Discrimination against Roma (and to some extent against other IDPs) is pervasive, and requires a comprehensive approach. A relative absence of practical solutions means it does not feature in programming of assistance.

Attention needs to be given to preventing children from Roma IDP families from being trapped in generational cycles of poverty. **Investment in inclusive pre-school education is essential to ensure that Roma IDP children have sufficient knowledge of the majority language before they enrol in primary school**.

Legal aid for cases in Kosovo needs to be continued and must be overseen by some form of internationally recognised authority in order to maintain access to legal systems in both Serbia and Kosovo.

Finally, as long as IDPs are noticeably poorer than the general population, their situation should remain a concern. **The situation of IDPs needs to be regularly monitored** to be able to know the extent to which it is improving or worsening as a result of policies and programmes.

6. Proposals for Direct Assistance

This section contains outlines for three projects which would address specific aspects of the needs of IDPs, complementing other efforts. Based on the previous analysis of needs and assistance so far, these are the highest priorities, and are appropriate for project-based finance and implementation.

6.1 Project Proposal 1 – Roma IDP settlements

Justification

A vast majority of Roma IDPs tend to live in informal settlements, some in waste or unoccupied land, sometimes in abandoned buildings, and sometimes on the edges of older-established domicile Roma settlements. On the whole, they live in very poor conditions, eking out a living from whatever possibilities are available.

Assistance for refugees and IDPs, and for Roma communities, has only reached a very small number of Roma IDPs. Not only are they the most vulnerable, but they have also been the least assisted in both these vulnerable groups.

The Strategy for Social Inclusion of Roma men and women in the Republic of Serbia for 2016-2025 highlights the need for improving the conditions of housing for Roma communities led by local government. Through the strategy, local governments are tasked with developing local action plans for improving Roma housing conditions.

A project to improve the housing conditions of Roma IDPs would work with local authorities from the beginning, including providing assistance to develop these local action plans for Roma housing.

Objective

To substantially improve the living conditions and livelihoods of 1,000 vulnerable Roma IDP households (approximately 4600 individuals) living in informal settlements in Serbia.

Approach

The project will be a long term (approx. 5 years) package of integrated support for between 30 – 40 informal settlements in Serbia. 'Integrated support' means that each settlement will have a set of tailored solutions based on their identified and prioritised needs. These could include housing, either through housing improvement or through resettlement, support for livelihoods, improved access to and quality of public services, improved access to entitlements, better local infrastructure, and other improvements.

The assistance will be in line with the EU's **10 Common Basic Principles for Roma Inclusion**¹. This means, among other things, that while Roma IDPs will be the explicit target group for the project, they are not the exclusive target group. The project will aim also to tackle key issues for domicile Roma and non Roma living in the neighbourhood, so that all experience the benefits. As an over-riding principle, it will aim to overcome segregation rather than reinforce it.

As a process-based project, it cannot define in advance the specific deliverables. These will be defined during an inception period of between 6 months to 1 year, during which all target communities will be intensively consulted and involved in defining activities and solutions. Community involvement includes the target Roma IDPs, plus neighbours and local authorities and institutions, and local Roma and IDP civil society organisations. One of the products of this start-up phase should be an action plan for improving Roma housing approved by the local government.

The remaining four years will be the period during which conditions will be improved through sustainable actions, and support for implementing the action plan.

Locations

It is expected that the project settlements will be identified in cooperation with the Government of Serbia and the authorities of the Autonomous Province of Vojvodina, and the City of Belgrade. The geographical balance should reflect the geographical distribution of Roma IDPs.

Implementation modality

Ideally, responsibility for implementation should be with national institutions in Serbia, either government or non-governmental. Realistically, there would be some involvement of international expertise to build capacities of national project implementation for this kind of project over time. The international involvement should be tapered so that towards the end of the project implementation is mostly nationally owned. International involvement will be crucial if, as expected, there will be elements of national policy that need to be changed or reviewed in order to achieve successful and sustainable implementation. This is foreseen to be the case particularly for housing solutions.

Type of Donor which may be interested

Funds needed will be substantial. EUR 15 million might be a reasonable figure to pitch. Assistance is scalable, meaning that work can start even if all the funds are not found, and the scale and scope can increase depending on available funds. Donors will need to be large institutional donors such as the EU or GIZ. An alternative approach might be to find a way for the government to borrow money from financial

¹ Available at www.coe.int/t/dg4/youth/Source/Resources/Documents/2011_10_Common_Basic_Principles_Roma_Inclusion.pdf

institutions such as the Council of Europe Development Bank, which is interested in issues of social housing. If this is the case, then the loan would need to be linked to a credible means of repayment, which includes rental income from housing solutions. This might be difficult for housing solutions for the poor, unless there is an element of guaranteed government funding, perhaps through the social system in the form of a housing benefit.

6.2 Project Proposal 2 – Legal Aid in Kosovo

Justification

While the imminent introduction of a free legal aid system in Serbia is an urgently needed development for IDPs, there is one area which will not be supported by this new law. Cases in the territory of Kosovo under the jurisdiction of the authorities in Pristina will not be supported under the new arrangements for free legal aid.

Since around 2008, some 5,617 cases requiring representation in Kosovo institutions have been supported by EU funds and managed by contractors. EU funds will continue to support legal aid for IDPs in Kosovo, but the funds management has been decentralised to the Government of Serbia. A procurement process was held in 2015 for continuous provision of the service, but this was cancelled, and a new process will be held again in 2016. This means that there is a gap in provision of legal aid of more than six months.

Decentralised management of EU funds means that the forthcoming legal aid services are under the supervision of the Government of Serbia. Consequently, the legal aid team will have **less access to lawyers and associations on the territory of Kosovo, and less credibility with the Kosovo institutions** and even the international organisations in Kosovo.

These problems are having a negative effect on the ability of IDPs to follow their cases, for their cases to be adequately supported by lawyers, and for IDPs to make new requests for assistance.

There is also great concern that new arrangements agreed between Belgrade and Pristina to **unify the property register** will lead to a slew of new property claims that had been resolved by the Kosovo Property Agency. Legal aid will need to be in place for this eventuality.

Nevertheless, it is unlikely that change to the present arrangements is feasible within the next two years. A compromise would be to continue with the current arrangements for the duration of the current project (April 2016 to March 2018) and begin planning immediately for services beyond March 2018.

Approach

What is needed is a means of providing legal aid for IDPs for cases in Kosovo that comes under the ambit of an international organisation, and which has continuous funding from 2018 for at least the following 4-5 years.

The proposal is that the authorities on both sides of the administrative boundary seek support from institutional and government donors to put in place a continuing legal aid service for IDPs for cases in Kosovo, with the support of relevant international organizations.

The service would need to be active in the whole territory of Serbia and Kosovo – to represent claimants displaced from Kosovo in the Kosovo legal and administrative systems. Cases would be those that have directly resulted from the forced displacement of former Kosovo residents.

The service would need to provide support to an average caseload of approximately 1,000 open cases per year.

Costs would be in the region of EUR 700,000 per year, including all court expenses, costs of lawyers in Kosovo and Serbia, and administrative costs.

Potential Donors

Donors could include the EU either through the IPA programmes in Serbia or Kosovo (this would require the support of the respective Governments) or through other programmes such as the Civil Society Facility and EIDHR. Other interested donors might include bilateral embassies (again either in Serbia or Kosovo) which actively support human rights in the region (US, Sweden, Norway, UK, etc.).

6.3 Project Proposal 3 – Housing Support

The provision of support for housing so far has been inadequate for the needs and poorly targeted.

Some support for housing may continue, but donors and government will only be convinced to provide support if there are real needs, and if the solution is a cost-effective and appropriate way to meet the needs.

The Regional Housing Programme (RHP) aims at addressing a settlement of the housing problem for refugees (and displaced persons from Kosovo living in Montenegro). IDPs from Kosovo living in Serbia were not included in the settlement. Lessons are being learned from the RHP, and any similar settlement effort must take account of these lessons, especially the positive examples of eligibility and vulnerability criteria.

Those IDPs most in need of housing support are not those who own their own houses, but rather those on low incomes who either rent or live in informal accommodation. Provision of construction materials, for which only formal home owners are entitled to receive, is therefore not an appropriate solution. Instead, the priorities need to be: i) providing genuinely affordable social housing, ii) further village housing for those for whom it is appropriate, and iii) improving the conditions and security of privately rented housing.

The forthcoming Law on Housing does not provide any indication that additional resources will be available from Government sources for housing.

Support for housing for IDPs must also be linked to some concerted policy reforms. The two key policy goals should be:

- Creation of genuinely affordable decent housing option for the poorest people;
- Improving the security and conditions for poor people living in privately rented accommodation.

The need for a genuinely affordable housing option for poor people arises from the experience of several social housing projects in which the residents who live on either the minimum pension or minimum social security have been unable to pay rent and utility bills, and are therefore threatened with eviction. Any further investment in construction of social housing must be linked to a policy to enable the poorest to live sustainably in these housing units. Investment in social housing without such a policy provides accommodation for the less poor – i.e. those who have some kind of earned income that enables them to afford the rents – and dooms the poorest to insecurity and threats of eviction.

Nearly 50% of IDPs in need rent their homes in displacement¹. The findings from the 2010 survey suggest that many live in very poor conditions and have little security. Often, they have no tenancy contracts and so have no security of tenure and no protection from the law. The additional cost of renting – even modest amounts – pushes many families into extreme poverty. Income-based poverty surveys do not recognise this additional factor, so the extra depth of poverty faced by families renting property is often not recognised in policy discussions.

Approach

The project envisaged here is a mixture of practical action and housing support, combined with elements of advocacy and testing of policy models. The benefits of this approach are that it will both develop housing solutions, and at the same time provide a practical test-bed for future social housing projects and policy – potentially delivering benefits to much larger numbers of poor people across the country.

The following are the envisaged components of the project:

- 1. Provision of social housing** in areas of high IDP populations. This would include urban areas such as Belgrade and Novi Sad, and smaller towns such as Kraljevo and Kuršumljija. Locations should depend on a) the extent of the need for housing in the town, and b) the extent to which the local authorities are interested to work on developing housing solutions.
2. Social housing options will take a mixed approach to the provision of social housing. This will include ‘traditional’ construction of social housing blocks, but will also test other approaches, including, for example, the purchase by the city/municipality of existing apartments for social purposes, and support for subsidised rents in the private rental sector. Project funds could, for example, co-fund the purchase and/or renovation of empty or abandoned apartments for social purposes.

¹ See Part I – IDP Population Analysis. Only 11% of IDPs in need own their homes in displacement.

3. The scale of social housing provision will depend on the size of the project funds available.

4. Local social housing policy. The project will also work with local authorities to develop other policy options for social housing provision. This could include providing incentives for developers of new housing to include social housing and/or affordable housing units within otherwise commercial housing developments. Incentives could include discounts on use of public land, favourable planning assessments, and schemes to guarantee rental income of social housing units. Guaranteeing rent support for particularly vulnerable tenants could also improve the availability of appropriate private rental housing and encourage private investment in social housing. Larger towns and cities would be the most likely to be interested, especially those with an active property development sector.

5. Village housing. The project will also continue work to provide village housing for suitable displaced households. This has proven to be a cost-effective solution for many displaced persons especially those with an agricultural or rural background. Some 21% of IDPs earned income from agriculture prior to their displacement from Kosovo, but in 2010, only 1.7% of IDPs received income from agriculture in displacement. Nevertheless, interview findings suggest that longer terms of support for those relocated to rural areas are necessary to ensure the sustainability of life in a village house. Support in the form of hands on training, advice and grants, is needed for at least one full agricultural cycle following a household’s relocation.

6. Research and advocacy for strengthening social housing. Actions at local level will be combined with research and advocacy at a national level to encourage institutionalisation of more effective support for social housing. The project will develop findings at local level that could be scaled up with the support of national (or provincial) governments. At national level, there may also be opportunities for attracting finance from either institutional investors and pension funds, or (more likely) international financial institutions such as the Council of Europe Development Bank. Working together with local, national and international institutions can help to drive forward policies for accelerating investment in social housing provision in the medium to longer term.

7. Improving conditions in private rented accommodation. Much research and advocacy is needed to make significant improvements for IDPs (and others) living in rented accommodation. A number of small changes could make a big difference. These include:

- Taking more account of rent payments in the annual household budget surveys to highlight the additional poverty of private tenants. Greater awareness of the situation of poor private tenants should lead to a more favourable policy environment.
- Encouraging the legalisation of tenancy arrangements by increasing positive incentives to form legally recognised tenancy contracts. Incentives could include reducing the tax burden on rental income, strengthening inspections and enforcements, introducing complaints procedures for tenants.
- Improving quality of rental housing by providing grants or low cost loans to landlords for home improvements, enforcing minimum health and safety standards for rental property, etc.
- The proposed project can work at both local and national levels to develop practical options for improving conditions for vulnerable private rental tenants. Working with municipalities to identify practical options can help to inform national policy and practice.

Potential Funding sources

The most likely funding source would be a combination of the Government of Serbia and the IPA II funds. Some funds may be intended for social housing through the IPA 2016 allocation for social inclusion. Further work would be needed to refine a component for IDPs and the policy work outlined above. This would require intensive engagement with the government, including the Ministry for Infrastructure, Transport and Construction, the Commissariat for Refugees and Migration, the Serbia EU Integration Office (SEIO) and the Ministry of Labour, Employment, Veterans and Social Affairs.

Other funding sources might include the Council of Europe Development Bank and USAID.

While the focus must clearly be on practical efforts to house IDPs, additional support for the project can come from government and donors also interested in improving the whole housing sector in Serbia.

7. Proposals for Advocacy and Policy Change

There are some key areas of policy and legislation where change is urgently needed in order to improve the situation for IDPs. In some cases, such as housing, there is an ongoing process of policy change. In other cases, such as social security and taxation, reform is not being led from the point of view of improving the situation of the most vulnerable. Therefore, in all the following areas, research and advocacy is needed to provide positive support to Government for policy change.

The following sections identify the key areas for advocacy, and suggest ways in which proposed policy change can be achieved.

Special attention should be given to how the **UN Country Team might work together** to provide support for advocacy and policy change through research and support for government policy makers.

7.1 Strategy for Roma Inclusion and Supporting Actions

The Government of Serbia's Strategy for Roma Inclusion was approved by the Government in February 2016.

The draft makes little mention of internally displaced Roma in the analysis, while in the goals and targets no measures mention IDPs specifically.

However, the next stage of development for the strategy is the specific action plans for each of the main goals (education, housing, employment, health, social protection). Within the context of these action plans it may be possible to include specific actions that would improve the situation of Roma IDPs.

Therefore, UNHCR and its partners need to continue their active engagement in the process of developing the action plans.

Many of the following recommendations have emerged from the experience of working with IDPs, but are not necessarily exclusive to Roma IDPs – the inclusion of these measures may also benefit non-Roma IDPs, domicile Roma, and IDPs and Roma returned under readmission agreements.

Key advocacy points are as follows.

Housing

- Establish an informal group of interested CSOs and others concerned with housing conditions of Roma IDPs.
- Clearly communicate the message to those responsible for developing the Strategy's action plans that special attention needs to be given to housing of Roma in areas of high Roma IDP populations.

- In partnership with Roma CSOs, provide technical support for development of local Roma housing strategies in areas of high Roma IDP populations
- Identify sub-standard settlements of Roma IDPs which are the priorities for action, and focus attention on these during the planning phase.
- Ensure that both central government and local governments identify appropriate funding for priority housing measures
- In partnership with Roma CSOs, track the progress of the housing components of the strategy implementation to ensure that priority goals are met; provide independent monitoring information to the national and local authorities and other interested national and international institutions.
- Advocate for investments in social housing to be located in areas of high Roma IDP populations.
- Monitor the investments and allocations of social housing, and ensure that domicile Roma, Roma IDP, and non-Roma IDP households are fairly treated in the allocations of social housing. Assess the extent to which newly available social housing is genuinely allocated on the basis of need.

Employment

- Establish an informal group of interested CSOs and others concerned with employment of Roma IDPs.
- Advocate for changes to the rules on address registration to allow those without an address in their place of residence in displacement to use the Centre for Social Work as their temporary address, and therefore to be able to register with the National Employment Service.
- Training programmes offered by the NES usually require security guarantees in the form of a permanently employed guarantor or financial deposit. These are often unavailable or inaccessible for Roma and other very poor people. Identify and advocate for alternative security guarantees accessible to the very poor¹.
- Work with Roma CSOs and Roma Coordinators to encourage Roma individuals in areas of high IDP populations to register with the National Employment Service if they are unemployed, and to declare both their IDP status and their nationality.
- Work with the newly established² free legal aid service providers in areas of high IDP populations to ensure that they understand and are equipped to deal with the needs of Roma IDPs regarding all aspects of employment, from registering with the National Employment Service to tackling discrimination in the workplace.

The Roma Strategy provides a clearly defined, and high priority, mechanism with which to focus advocacy efforts, and increase attention and solutions to the benefit of hitherto excluded Roma IDPs.

¹ Examples from other countries include micro-finance loans to pay for security deposits; if the training course is completed the deposit is returnable in full and no cost is incurred by the trainee. If the course is not completed, the trainee must repay the loan.

² The law of Free Legal Aid is anticipated to be passed in early 2016, with implementation from 1 January 2017

7.2 Closure of Collective Centres

The Commissariat for Refugees and Migration plans to close all collective centres by the end of 2016. The Commissariat, with the support of the Government of Serbia and international donors, has made resolute and steady progress towards achieving this goal.

Many former CC residents would not be able to live independently; some because they could not afford to pay for bills and living costs on either the basic pension or social security, and others because they could not practically care for themselves for physical or psychological reasons, especially as they grow older and have been 'institutionalised' in collective centres for more than 15 years.

For this 'difficult' caseload, additional solutions are required, including practical social services such as homecare, some mental health outreach support, possibly residential care, and some additional ongoing financial support. All of these would need to be sourced from the municipalities in which they are housed.

Official collective centres are fully funded by central government through the Commissariat for Refugees and Migration. Once collective centres are closed, the burden of care – in terms of services and costs – is transferred to local level institutions, but without any recurring increase in their budgets.

The solutions identified so far do not take either the additional services required, nor the additional costs to municipalities into account. The experience of municipalities' abilities to prioritise and provide ongoing social care has not been positive in the last few years, so there is some concern that the closure of the collective centres will result in a poor solution for the more vulnerable residents.

Action Required

The closure of the collective centres needs to be monitored carefully, and in particular, the situation of those provided with solutions needs to be followed up.

Action will need to be taken if the former residents of collective centres cannot cope by themselves, and there are inadequate support measures available from municipalities.

Action needed will depend on the actual situation, but might include:

- Identifying and following up the cases of very vulnerable IDPs in collective centres to ensure that their situation following the closure of the collective centres is adequate.
- Working with municipalities, health and social services to put in place the necessary support measures. These might include homecare services such as those provided by the Red Cross of Serbia and other institutions; access to hot meals through soup kitchens; financial assistance from the municipality to pay for bills and any extraordinary expenses, etc.
- Working with forthcoming social services strengthening projects to ensure that their design and implementation recognise and respond to the specific needs of the displaced.

- Advocating at national or provincial levels for additional funds and support to municipalities for them to be able to cope with the increased provision;
- Conducting surveys and providing regular reports on the situation of IDPs following their relocation out of collective centres – to provide information for policy makers on the degree to which former CC residents have been successfully relocated, and any policy measures emerging.

Closing the Collective Centres has been the flagship enterprise of the European Commission with regard to refugee and IDP assistance. That it has taken rather longer than intended is the result of under-estimating the challenges involved. These efforts are needed to ensure that the IDPs (and refugees) from collective centres are not short-changed by the end of resources being available and a failure of the authorities from taking on their long term obligations to protect vulnerable citizens.

7.3 Legal Aid Implementation

Justification

As noted above, the Government of Serbia is committed to the introduction of a new law on free legal aid. The law is expected to be passed in early 2016, and would then come into force from 1 January 2017. A further two years might be a reasonable period to expect for the full implementation of the law, and an adequate level of service delivery.

During 2016 the World Bank Multi Donor Trust Fund supporting the introduction of the new law plans to provide support to local governments to assist in the preparation for delivering their obligations for free legal aid.

From initial indications, the support to be provided by the Trust Fund will be general, and not specific to any particular group of beneficiaries.

If the service is to be of real assistance to IDPs, the providers in areas of high IDP populations will need to be familiar with the issues facing displaced persons, and equipped with the information on how to resolve these issues.

A USAID funded project, implemented by Catholic Relief Services (CRS) and their partner Balkan Center for Migration is working in twelve municipalities¹ to support the development of free legal aid services in areas specifically related to migration. However, only three of these municipalities are municipalities with a high IDP population (Kraljevo, Raška and Kuršumljija). All others have an IDP population of fewer than 1,100 individuals (e.g. Zitiste has 22 IDPs).

¹ Batočina, Blace, Kraljevo, Kuršumljija, Lapovo, Nova Crnja, Preševo, Raška, Rekovac, Sjenica, Svilajnac, Žitište

Support will be needed in other cities and municipalities where there are high numbers of IDPs, such as Kragujevac, Niš, Smederevo, Zemun, Vozdovac and Jagodina (all more than 6,000 IDPs) and Novi Sad and Subotica, with high Roma IDP populations.

Non-governmental legal aid providers have significant experience in supporting displaced persons developed over many years of practice. The lawyers hired by (or already in place in) municipalities are unlikely to have such relevant experience.

The municipality legal aid lawyers will need support and information in dealing with displaced persons from Kosovo, and more generally, with other migration and displacement cases.

Proposal

A project could be initiated to create a 'community of practice' for displacement-related legal cases.

The community of practice could consist of i) a web-accessible platform in Serbian, and ii) a series of training workshops for newly appointed free legal aid lawyers.

The web platform could combine information on how to tackle common cases, contacts of experienced professionals, and a discussion forum for assisting in more complex cases.

The training would serve to both inform new free legal aid lawyers on common displacement cases, and create networks between them so that they can provide each other assistance.

The project could also take on an informal monitoring role to ensure that IDPs do indeed have the necessary support from the free legal aid services, and to work with the Ministry of Justice to improve delivery of the service over time.

7.4 Employment Legal and policy

Justification

There is a big gap between the employment levels of the majority population and those of the displaced population, particularly the Roma IDPs. In 2010, nearly half of all IDP households had not one single member in any kind of employment and only 13% of Roma IDP households received any income from employment.

There are many barriers to employment for IDPs, despite them being statistically more active in the search for work. Some barriers relate to the IDPs themselves: Roma IDPs have lower levels of education, and most IDPs have lost networks for employment opportunities following displacement.

Other barriers are administrative and political. Recipients of the ‘minimalac’ compensation payment are unable to work legally without losing the compensation (and the associated health and social insurance, worth far more). Access to employment training programmes can require financial or other guarantees which are inaccessible for many Roma and other poor IDPs. Not having a registered address in the place of displacement also restricts the ability to register with the employment service.

Advocacy for employment of IDPs needs first to focus on removing the administrative barriers for IDPs to register as unemployed. The National Employment Service recognises only 6,000 or so unemployed IDPs, compared to the 48,000 unemployed suggested by the findings of the 2010 survey. Officially, therefore, there is no problem, and hence no need for affirmative measures. Proper identification of the unemployment of IDPs should then lead to improved policy making and allocation of resources and attention to the problem.

Proposal

Stimulate the formation of an alliance of NGOs and other interested parties to advocate for administrative reform in the area of employment.

The alliance should include associations of IDPs’, legal aid NGOs, and Roma CSOs.

The advocacy process might include:

- Discussing with government possible alternatives to the ‘minimalac’ that retain the access to health and social insurance but at the same time allow the de facto unemployed to find legal work¹.
- Advocating for a change in legislation to allow registration of temporary residence at the Centre for Social Work, in cases where displaced persons have no proper address in displacement, but do have a permanent address registered in Kosovo.

¹ One option could be to remove the ‘minimalac’ compensation payment entirely, (except for the health and social insurance), and with the money saved (around EUR 20 million per year) introduce a means-tested housing benefit payment for the displaced from Kosovo who do not have adequate housing.

- Campaign for IDPs to register with the NES in their place of displacement
- Ensure legal aid providers have up to date information to support IDPs registering at the NES.
- Supporting other advocacy work related to taxation and benefits, and measures to include people working in the grey economy into the legal system (see section 7.5 below).
- Identifying ways to include poor people into official work training schemes with alternatives to the current requirements for a guarantor or a guarantee deposit.

The aim of this advocacy work should be to close the gap between the number of IDPs people surveyed as being unemployed and the number of registered unemployed IDPs. This gap will not close completely, as is seen from the gap between Labour Force Survey and NES registration statistics, but it can be narrowed significantly.

7.5 Fiscal and Social Security Reforms

Justification

Much of the support for employment of IDPs and other poor people (including Roma) over the past 15 years has been hampered by the regressive tax and contributions system. Official donor funded projects can only support measures to encourage legal employment, while the tax and contributions system forces both employees and employers well into the grey zone. This is especially true for low paid workers.

The tax and contributions system has been the target of criticism for many years, most recently for example, by the World Bank². This organisation’s Public Finance Review 2015 suggests that the informal sector accounts for 30 percent of the economy.

There are several measures that would help not only the position of IDPs in need, but of other people living in poverty in Serbia. For these measures, it would be hard to advocate from a specific IDP-focused position, but for the UN as a whole, and for others interested in alleviating poverty, they are vital directions for policy.

Proposal

The UN Country Team, the World Bank and other interested institutions could form an alliance for social security and fiscal reform. The aim would be to research, develop and advocate for pro-poor social security measures and fiscal reforms that would also contribute to the economic development of the country.

² <http://www.worldbank.org/en/country/serbia/publication/serbia-public-finance-review-2015>

Advocacy from a strong platform comprised of local and international experts is needed over a sustained period to provide credible and viable policy alternatives. This means having the resources to conduct research and model alternatives. Cooperation with a research institute or university department would be particularly helpful.

Some of the reforms needed include:

- **Family and child benefits.** As noted in the report population analysis section of this report, there has been a significant decline in the proportion of Roma IDPs receiving social security support for adults and children. This decline coincided with a change in the eligibility rules, which at the same time saw a significant increase in the proportion of non-Roma recipients of these benefits¹.
- The first step must be to do some more research into the causes of these phenomenon. There are several possible explanations, and each has different ramifications. The most plausible is that the new social security rules have meant that many more Roma IDPs are ineligible because of the lack of relevant documentation, or because the procedures have become too difficult to comply with. Another explanation is that Roma IDPs were receiving benefits for which they were not eligible, and the new system has reduced this occurrence. A third explanation is that the poorest Roma IDPs have migrated out of Serbia, and are no longer claiming the benefits.
- There needs to be a substantive exploration of the reasons for this decline before any advocacy position is developed.
- **Fiscal Reforms.** The rate of actual unemployment among IDPs is much higher than the domicile population, and, as already seen in this report, there are several key disincentives to legal work. Working in the grey economy excludes people from the employment, health and pension insurance systems, and increases their vulnerability.
- Research and viable policy proposals are needed for improvements to the personal tax and contributions system, to make it more affordable for poor workers and small employers.
- **Link between social security and entry into work.** Some aspects of the social security system discourage entry into work. Work training schemes, even if unpaid, disqualify participants from receiving social security. The uncertain prospect of employment, and the certain loss of social security benefits discourages many from embarking on employment training. Research and policy proposals are needed to reinforce rather than discourage the transition from social security to work.

There are other reforms that would assist the poorest and at the same time encourage people to work in the formal sector. Advocacy on these issues at a high level is needed to encourage policy makers to make moves in the right direction.

¹ The suspicion is that the new system introduced some systemic factor discriminating against Roma claimants – but research is needed to either verify or negate this suspicion.

7.6 Residence Registration

Background

Under Serbian law, all citizens and foreigners must register their address with the Ministry of Interior. Citizens may have both a permanent address (prebivaliste) and a temporary address (boraviste). The proof of address is one of the basic criteria required to access a range of entitlements, including health care, education, social security and social welfare.

For people who live in informal settlements, where there are no actual addresses and no proof of ownership or rental contract, registration of address is not possible. A recent work-around solution has offered residents in informal settlements the possibility to register a permanent address at the Centre for Social Work. This has enabled many domicile Roma, among others, to obtain entitlements for which they were previously not able to access.

However, most IDP Roma have a permanent address registered in their place of origin in Kosovo. Since they already have a permanent address, they cannot register a new permanent address in an informal settlement, and nor can they register a permanent address at the Centre for Social Work. Likewise, they are not able to register a temporary address at the Centre for Social Work.

Even IDPs living in rented accommodation need the permission of their landlords (and the landlord's presence) to register their temporary address. Many landlords do not wish their tenants to register the address, for several reasons, including fear of taxation and tenants' greater security of tenure.

Action Needed

IDPs from Kosovo need to have the possibility to either register their permanent or temporary address in their place of displacement, regardless of whether their place of residence is formal or informal. Those in rental accommodation must also be allowed to access entitlements whether or not their landlords are present when the address is registered at the police station.

One part of the solution to this problem would be to allow IDPs to be able to register a temporary address (boravište) at the Centre for Social Work, in the same way that non-displaced people living in informal settlements can register their permanent address at the CSW.

Another part of the solution would be to find a way to enable tenants to register a temporary address without the consent or presence of the landlord. This might be much harder, but some consultation with government is needed to find an acceptable solution.

Solving this problem would enable displaced people living in informal settlements and rented accommodation to be able to access social security, employment assistance and other entitlements. A solution would require the involvement of the Ministry of Labour, Employment, Veterans and Social Affairs, the Ministry of Interior and the Ministry of Local Government and Public Administration.

8. Proposals for Monitoring

The most critical element of all the follow up action proposed here is for continuous monitoring of the situation of IDPs.

8.1 Components

IDPs overall are in a much worse situation than other citizens of Serbia, and Roma IDPs especially so. Monitoring is needed to provide data on the IDP situation, compare it with that of the general population, and ensure that the gap is closing rather than widening.

It is also necessary to follow the situation in real time to provide early warning of new issues emerging or to flag areas of concern in order to minimise any negative impact.

To this end, this programme strategy proposes an 'IDP observatory' function that would:

- Carry out long term monitoring of the situation of IDPs
- Conduct a multi-year programme of research
- Conduct periodic surveys
- Provide information briefings for policy makers.

The **long term monitoring** of the situation would consist of identifying and compiling information from secondary sources, including research, statistics, information from projects, service providers and associations. It should also monitor the conditions for return in Kosovo.

The **multi-year research programme** should consist of a series of discrete research projects on specific themes related to IDPs' situation and the efforts to resolve it. There might be, for example, a planned programme of 2 research projects each year on themes that would influence planning and policy. Themes might include:

- Sustainability of village housing and social housing solutions
- Reasons for the decline in access to social security of Roma IDPs
- Role of remittances in keeping IDPs out of poverty
- Following up on returnees under readmission agreements – finding forms of assistance that would reduce the recurrence of asylum-seeking and readmission.
- Research on impact of new policy measures, (e.g. possible withdrawal of the 'minimalac' compensation payment)

Regular surveys of IDPs need to be conducted to provide a reliable time-series of data on the situation of IDPs. The last survey of a sample of all IDPs was conducted in 2010. This needs to be followed up urgently in 2016 and subsequently in 2021¹.

8.2 Key Monitoring Indicators

Monitoring needs to look at the situation of IDPs in the following key areas:

- Population numbers, and ethnicity
- Poverty and needs of the IDP population compared to the whole population
- Employment and unemployment, compared to the whole population
- Rate of receipt of key social security benefits, year-on-year trend and compared with whole population
- Housing quality
- IDPs in collective centres
- Housing needs, and housing provision
- Legal aid cases and provision

The table in Annex 1 provides details, sources and baseline values for the main indicators required for adequate monitoring of the situation. This table can be used to create a 'dashboard' for effective monitoring of the IDP population.

8.3 Annual Report

Based on the qualitative and quantitative monitoring outlined above, it is proposed that an annual report is produced each year, which outlines the main findings from thematic research, as well as updating the key indicators.

8.4 Organisation and Funding

This proposal suggests that a consortium of research institutes and interested NGOs could take on the role of an '**IDP Observatory**'. This observatory would operate as a part time project and include the work of academics and practitioners to produce the annual report.

The observatory should be guided, but not bound, by a committee of stakeholders, including the

¹ Another possibility would be to conduct a survey for publication in 2019, the 20th anniversary of the conflict in Kosovo and subsequent displacement.

Commissariat for Refugees and Migration, UNHCR, the Office for Kosovo and Metohija, OSCE and other interested organisations.

Funding would be needed – potentially on the basis of co-funding from government and donor sources.

8.5 Concluding Remarks

This section has set out some directions for work to be done.

The key to any future strategy, however, is to have clearly identified responsibility for moving forward. As seen from the analysis of the strategic context, responsibility is scattered between institutions which often do not work closely together. One result is that the situation of Roma IDPs has been almost entirely neglected in the past decade.

To move forward, sufficient attention on the issue of IDPs must be maintained in as constructive a way possible. This means i) highlighting the current situation, showing in particular groups of people who are particularly vulnerable; ii) providing feedback on the effectiveness of measures and policies; iii) providing constructive suggestions for policies and actions – using the available mechanisms – to assist the authorities to improve the situation of the most vulnerable IDPs.

The next steps require a leading stakeholder, such as the Commissariat for Refugees and/or UNHCR, to take forward the findings and recommendations of this study, to form a broad based coalition of interested parties and advocate for implementation of these recommendations.

Annex 1 Key Monitoring Indicators

Indicator description	Baseline value	Baseline year	Source(s) and calculations	Suggested frequency	Notes
Number of registered internally displaced from Kosovo in Serbia	203,140	2015	Commissariat for Refugees	Annual	
Number of registered Roma, Ashkaeli & Egyptian IDPs from Kosovo in Serbia	23,277	2014	Commissariat for Refugees database/ extracted by UNHCR	Annual	
IDPs in need/poor	45.2%	2010	UNHCR IDP Survey 2011	Every 5 years	The methodology for the 2010 survey was not strictly comparable with the methodology for the national poverty rate. Subsequent surveys need to ensure comparability with the main poverty definition in use in the year of the survey.
Poverty in whole population	9.2%	2010	Household Budget Survey 2010 (SORS)		
Roma IDPs at risk of poverty	92%	2014	UNHCR Roma IDP survey 2014	Every 5 years	Future surveys need to ensure closer alignment in methodology with the SILC survey to make sure that findings are compatible

Indicator description	Baseline value	Baseline year	Source(s) and calculations	Suggested frequency	Notes
At risk of poverty whole population	25.6%	2014	Survey on Income and Living Conditions 'SILC' (SORS)	Annual	
IDP unemployment rate	47.7%	2010	UNHCR IDP survey 2010	Every 5 years	
Unemployment rate of whole population	20.0%	2010	Labour Force Survey (SORS)	Annual	
Roma IDP unemployment rate	74%	2014	UNHCR Roma IDP survey 2014	Every 5 years	Future surveys need to ensure comparable methodology with Labour Force Survey
Unemployment rate of whole population	17%	2014	Labour Force Survey Q IV 2014	Conducted quarterly	
Registered unemployment of IDPs	5,785	2015	National Employment Service (correspondence). Total excludes registered unemployed IDPs in Kosovo	Annual	The registered figure is low compared to the expected reality. The value of the indicator needs to rise to suggest more IDPs registering.
IDP Households receiving family income support (FIS)/financial social assistance (FSA)	34%	2010	UNHCR IDP survey 2010	Every 5 years	FIS was reorganised as FSA in 2011. Future measures should be for access to FSA

Indicator description	Baseline value	Baseline year	Source(s) and calculations	Suggested frequency	Notes
All Households receiving family income support/ financial social assistance	2.6%	2010	Household Budget Survey reported in First National Report on Social Inclusion and Poverty Reduction	Conducted annually	
	4.1%	2014			
Roma IDP households receiving Financial Social Assistance	47%	2014	UNHCR Roma IDP survey 2014	Every 5 years	
IDP available floor space in dwellings, less than 10m2 per person	31.1%	2010	UNHCR IDP Survey 2010	Every 5 years	
Roma IDP available floor space in dwellings less than 10m2 per person	73.1%	2010	UNHCR IDP Survey 2010	Every 5 years	
Whole population available floor space in dwellings less than 10m2 per person	3.89%	2011	Population census	Every 10 years	Floor space is a proxy for quality of housing. The figure for the whole population is unlikely to change significantly. The importance of the indicator is to move the condition of IDPs closer to that of the general population
Number of IDPs living in Collective Centres	802	June 2015	Commissariat for Refugees	Annual	This figure should reach zero by the end of 2016

Indicator description	Baseline value	Baseline year	Source(s) and calculations	Suggested frequency	Notes
Number of social housing units constructed for IDPs	47 per year	average 2008-2014	Commissariat for Refugees	Annual	Need to count housing units for IDPs only when household has taken occupancy.
Village housing for IDPs	83	average 2008-2014	Commissariat for Refugees	Annual	As above
Housing solutions needed by IDPs in need	18,762	2010	UNHCR survey of IDPs	Every 5 years	Housing solutions need to be broken down by type (village housing, social housing, etc.) and use same basis for estimate as 2010 survey
Newly opened legal cases by type	Tba	2016	Legal aid providers	Annual	This is an indicator for the situation in Kosovo and as planning data for future years.
Resolved legal cases by type and duration of case	Tba	2016	Legal aid providers	Annual	This is an indicator of the type of cases that can be resolved, and the amount of work/time needed.

