



Document: Written Contribution

Coalition of Serbian Roma Youth

**Prepared in the Context of Preparations for the 3rd Universal Periodic Review of
Serbia**

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1. Executive Summary

Education: The percentage of Romani children in schools or classes for disabled children appears to be dropping, but remains unacceptably high. At the same time, segregation of Romani children in substandard urban primary schools has dramatically worsened recently, as a result of “white flight” following 2008/2009 school reform allowing parents to choose their local school.

Employment

- As concerns support for self-employment, small business and small agriculture, as of the end of 2014, available national provisions were failing to reach Roma, due to extensive formal barriers. Most support for Roma is evidently still being provided by NGOs and international donors.
- Serbia has not yet adopted modalities for engaging large- and medium-size employers to ensure diversity in the work-force.
- Although the State remains a massive employer, Romani employment in state institutions remains the exception.

Housing

- Recent relocations of Roma in Belgrade have resulted in heightened segregation. Emphasis should be placed on avoiding relocation, and instead legalizing informal settlements and improving housing and infrastructure *in situ*.
- Social housing development has not yet made use of positive models to integrate Roma. The city of Terni, Italy, can offer useful models in the design and implementation of social housing.
- EU and other international donor frameworks should incorporate international law, in particular related to the ban on segregation.

Romani Women and Girls: Strengthened efforts are needed in particular to tackle child marriage in Roma communities.

2. Roma Inclusion Policy

In April 2016, the Government of Serbia adopted a new Strategy of Social Inclusion of Roma for the Period from 2016-2025. The Strategy is broadly structured along the lines of the EU Framework for National Roma Integration Strategies, and focusses similarly on education, employment, health and housing, as well as social security. The Strategy recapitulates some of the available statistical data on the situation of Roma in Serbia, in certain areas. The Strategy lacks a strong monitoring and evaluation framework, and therefore does not clearly set out what it aims to achieve for the period.

Public Participation

No Roma were elected to Serbian National Assembly Parliament in the April 2016 national elections. There have previously been one or two Romani representatives in the Serbian National Assembly. Roma are extremely underrepresented also in local and regional representative bodies.

Education

The education of Roma in Serbia remains unsatisfactory, particularly in secondary and higher education. Thanks to a number of policies and measures that have been introduced some progress has been achieved in the past ten years. However, deep structural problems remain. In particular, the system is marked by

racial segregation. Although some steps have been taken in recent years to improve matters, particularly as concerns special education, there remains deep opposition among educators and others to genuine integration.

As concerns segregation, in special schooling, 18% of children in special education are Romani families. Segregation is also manifest in mainstream schooling, particularly in urban areas, as a result of 2008/2009 school reforms allowing parents to choose the primary school for their children. This reportedly resulted in “white flight”, in which non-Romani parents removed children from schools perceived to be “Gypsy schools”. As a result:

- The Vuk Karadzic in the city of Nis is circa 98% Romani. There are a number of other schools in the area, each with only a few Romani children, mainly from wealthier families. The management of the school has not challenged segregation, and generally works to improve conditions instead. Children from the Vuk Karadzic school go on to secondary education, but they generally are very ill-prepared upon arrival, by comparison with children who have gone to mainstream, non-segregated primary schools. The vocational education they undertake is in a narrow set of skills, due to awareness of discrimination on the job market. For example, “Roma will not be hired to work with food in bakeries or restaurants, so Roma train for heavy machine work, sewing or hairdressing”.
- Leskovac similarly has one Roma-only school, although there are many schools to choose from.
- Bujanovac: all Roma go to one school, but the situation is complicated by the fact that it is the only school teaching in Serbian language.
- Zemun again has one primary school with a very high percentage of Roma (Sutjejska). The director is opposed to the situation but has not received support from MoE, despite efforts.
- Novi Sad: There are three schools near the main settlement, but children go overwhelmingly to one of them, also called Vuk Karadzic.

Similar issues reportedly also concern local primary schooling in Vranje.

As of March 2017, the Ministry of Education was in the process of elaborating new guidance to tackle segregation. This guidance was still however in draft form as of 20 April 2017.

As concerns litigation against segregated education, the NGO Praxis has taken legal action against the Pavle Savic School, Mirijevo, Belgrade, after the director enrolled 2 out of 3 Romani children from one family, apparently aware that the family would take all three children elsewhere rather than divide them up. The petition was rejected at both the High Court and the Appellate Court (September 2015), on grounds that Praxis could not show that the practice was general and therefore that there were grounds for *akcio popularis*. The case was ultimately rejected in late 2016 finally by the Highest Court of Cassation.

In addition, many Romani children live in segregated settlements that are far away from important social resources (health, educational, cultural, sports centers). Romani children are also much less included in pre-school education. Fourth, children who are in pre-school get segregated and placed in ‘special groups’ (sometimes called ‘Development groups’, designed for children with disabilities), their irregular attendance is tolerated even in the preparatory preschool that they are obliged to attend, or programs are organized in a limited scope. All this indicates that even those Roma children who do attend pre-school do not receive the same quality education as other children.

Employment

According to the data from the National Employment Service (NES), as of 31 December 2014, the NES unemployment records included 21,791 Roma, of whom 10,053 were women. From the aspect of education levels, most of the registered Romani men and women are unqualified workers, 19,420 persons, i.e. 89.12% of the total number recorded, followed by persons with completed secondary education –

2,283, and those with higher or high level of education 88 (0.40%). From the aspect of age, most of them are persons of 30 to 50 years of age – 10,767 (49.41%), followed by persons with less than 30 years of age – 7,214, whereas persons with over 50 years of age are least present – 3,810. From the total number of registered persons, 14,669 Roma belong to the category of long-term unemployed persons. It should be noted that this data includes only persons formally registered with the National Employment service; the real number of unemployed Roma is reported to be far higher, and generally estimated to be 80,000-100,000 persons. There appears to be near-100% exclusion of Roma from work in public institutions. Also, as of end 2014, only 51 Romani people had succeeded in taking advantage of self-employment grants made available via the National Employment Service (NES). Requirements for detailed business plans, requirements for persons to act as guarantors, as well as other conditions evidently act as barriers for persons from particularly excluded situations – including very significant segments of Romani communities – to access these forms of support.

Housing

In her March 2016 report to the UN Human Rights Council, the UN Special Rapporteur on the Right to Adequate Housing devoted extensive attention to “persons living in informal settlements, in particular Roma”:

There are reportedly 583 informal settlements across Serbia, of varying sizes. Many of the Roma, Ashkali and Egyptians living in settlements are originally from Serbia; others are internally displaced persons from Kosovo or the former Yugoslavia. Living conditions in settlements are often inadequate, with virtually no utilities or infrastructure such as electricity, piped drinking water, sewage or regular garbage collection. In some cases, other essential services such as ambulances or public transport are not available. Many are isolated from employment, schools and medical centres. Some settlements that the Special Rapporteur visited were overrun with rodents; in others, children had nowhere to play except on garbage heaps, on broken glass, in complete squalor. These conditions are in violation of the right to adequate housing.

The Guidelines for the Improvement and Legalization of Informal Roma Settlements (2007) were designed to assist local governments when addressing informal settlements in their jurisdiction. One common practice, however, is relocation, conducted without any application of clear human rights-based standards or procedures for local self-government. The Special Rapporteur emphasizes that strict conditions apply, including the consideration of all possible alternatives to forced eviction, genuine consultations, and efforts to improve living conditions and to ensure security of tenure, before resorting to relocation.

The eviction of Roma was raised with the mandate holder on adequate housing and with other mandates, by means of the communications procedure. Claimants stated that evictions took place without consultation, due process of law or the possibility of alternative accommodation. Moreover, the disproportionate number of evictions of Roma and the authorities’ failure to provide basic services or to guarantee legal security of tenure for residents in settlements reflect a stigmatization of and discrimination against Roma.

In April 2012, the previous mandate holder issued an urgent appeal with regard to the eviction of approximately 240 households, mainly Roma, from the Belvil settlement in Belgrade. Although they were relocated to four settlements in the outskirts of the city, the living conditions in the temporary resettlement sites (known as “container settlements”) failed to meet international standards, the location of the sites was not ideal, no access was given to public services, and residents had not been adequately consulted or provided with information. In its reply to the appeal, the Government pointed out that consultations had indeed been held, families had agreed

to an allocation of mobile housing units with the Secretariat for Social Welfare, and that voluntary relocation from the settlement had been conducted without recourse to force.

A new Law on Housing was adopted in December 2016. The law includes extensive new provisions related to resettlement, manifestly related primarily to setting a legal basis for moving Roma in informal settlements. It is unclear as to what the impact of the amended legal provisions will be, presuming that they are adopted in the near term. On the one hand, actionable legal provisions have been included in the draft law to improve possibilities to challenge resettlement efforts of Roma communities by authorities, in cases in which extensive social inclusion measures are not provided. On the other hand, advancing land and property speculation can mean that the provisions can significantly heighten efforts to move Roma from many of the 583 informal Roma communities in the country, heightening segregation and eroding fragile community cohesion.

Particular concern is currently focused on: (1) several settlements in Belgrade; (2) one settlement in Krusevac, around which authorities have evidently constructed a surrounding wall; (3) settlements in Nis, including Beogradska and Crvena Zvezda. On the latter issue, in August 2016, the City of Nis disconnected the electricity to the Crvena Zvezda Roma community, a very old informal settlement comprising previous socially-owned housing and informal structures. Electricity remained disconnected until December 24, when it was reconnected following international and local pressure. The electricity in Crvena Zvezda was previously switched off for three months in 2014. During that episode, Serbia's Equality Commissioner issued an opinion that the use of collective electricity metres for the settlement was discriminatory, and that electricity metring should be done on an equal footing with other people in Serbia. That recommendation has however never been implemented. The City of Nis reportedly is seeking to move the entire Crvena Zvezda Roma community to another location.

Finally, draft EU funding frameworkson Social Housing and Active Inclusion does not yet sufficiently define segregation as a risk to be mitigated. Incorporation of international law not using European Union funding or other international donor funding for segregation would be important.

Romani Internally Displaced Persons (IDPs)

In September 2016, Mr. Chaloka Beyani, the UN Special Rapporteur on the human rights of internally displaced persons (IDPs), undertook a follow-up mission to Serbia. Mr. Beyani noted with concern that many IDPs are still living in squalid conditions, especially those belonging to the Roma, Ashkali and Egyptian communities. He also deplored the living conditions of the most vulnerable IDPs still housed in collective centres. "These IDPs have specific protection needs, especially in terms of accessing their rights to housing, employment, health care and education, which should be addressed as a matter of urgency," the Rapporteur stressed. "Durable housing is a key element of sustainable solutions, and it should be linked to livelihood opportunities," he said reiterating his recommendation made during his previous visit. He also highlighted a number of other issues that require attention, such as implementing the rule of law, dealing with illegal occupation of properties and effective compensation where the properties involved cannot be recovered. The Rapporteur further urged that solutions be achieved with a view to inclusion, and noted that segregated arrangements are in violation of international law.

Romani Women and Girls

Romani women and girls face multi-sectoral discrimination, as well as heightened barriers of access to services, including services for victims of violence. Early, arranged marriage remains an issue in some segments of Serbia's Romani communities, with very serious social exclusion consequences for – in

particular – the child bride. Early exclusion of Roma girls from the education system, and early marriage and childbearing, are later followed by exclusion from the labour market and life in deprivation for them and their children. The status of Roma women, both inside the Roma community and outside among the general population, is compounded by difficulties, due to gender-based vulnerabilities, exclusion from decision-making, and limited access to services. Violence against Romani women is exacerbated by a lack of mutual trust between Roma women and the institutions, which results in an extremely low rate of incident reporting by victims and inaction by the police when the incident is reported. Romani women are very disproportionately illiterate, by comparison both with the population at large, as well as by comparison with Romani men; women account for at least 70% of illiterate persons in the Roma population.

The National Strategy for Gender Equality (2016-2020) has a specific measure for improvement of position and rights of Roma women and girls in aspects of political life, economy, employment, education, improvement of living conditions, social rights, health, and prevention of domestic violence and violence against Roma women and girls. Serbia's draft United Nations Development Partnership Framework includes specific commitments to heighten the representation in public life of Romani women and girls.

Romani Youth

Final report of the evaluation of the National Youth Strategy (NYS) of the Republic of Serbia, adopted in 2008, and its Action Plan (AP) 2009 – 2014. This evaluation finds that the measures taken for inclusion under the NYS have not always been sensitive to problem and needs of marginalized youth and this is visible in the lack of participation of young people from marginalized groups of youth in decision-making on inclusion measures that will affect them.

Inclusion challenge is faced in the area of non-formal education. Even if its methods and approaches favor inclusion, and even if its promoters and deliverers have put some emphasis on this theme, and some organizations of marginalized youth have benefited from support from the NYS grant-making available (for example, 17 Roma associations have received grants from the NYS), the impact on the overall problem of inclusion seems to be relatively limited.

The Youth Office is an organizational unit of local government, which establishes procedures and systems that will create and/or maintain local youth policies (adopt local strategies and action plans for youth). For 65% of the Youth Office have less than 10% of the beneficiary of their programs from marginalized youth, 25% of the Youth Office have 20-30% the beneficiary from marginalized group¹.

In many cases, there exists significant mistrust between main actors in the youth policy who all see each other as politically influenced or corrupt, and see themselves as the victims of political infighting. At least in civil society circles, there is a sense that political actors are trying to control the local public sphere. They complain about a lack of transparency and openness towards cooperation with the non-governmental sector, and about the fact that they self-censor in order to avoid exclusion for taking an independent line on specific issues. There are many complaints of corruption and abuse when it comes to the disbursement of funds for youth related projects.

¹ Research of Youth in the Serbia 2016