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ERRC report on Serbia
For the 2010 EU Progress Reports

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1. Anti-discrimination and other human rights law

The “Anti Discrimination Law” was adopted on 26 March 2009 and entered into force on 1 January 2010. The Serbian Government failed to elect a candidate for Commissioner for Equality by the 2 March 2010 deadline. Only on 5 May 2010 was Nevena Petrušić elected to the position of Commissioner for Equality, with the backing of 126 votes from the ruling coalition. The Commissioner is responsible for receiving and considering complaints if the matter has not been already taken to a court of law, issuing opinions, making recommendations and instituting measures. The Commissioner also has competencies in mediation and reconciliation, informing the public cases of discrimination, and with recommending adequate measures to be implemented by competent authorities and institutions to ensure equality. The Commissioner has 45 days from the date of election to establish the office and develop internal regulations for the functioning of the equality body; the equality body is not yet functioning.

2. Human rights judgments

On 8 May 2009 the UN Committee Against Torture (the Committee) issued a decision finding Serbia in violation of a number of provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in relation to a case of violence and racial abuse against a Romani man. Besim Osmani was jointly represented by the ERRC, the Humanitarian Law Center (HLC) and the Minority Rights Center (MRC) in a complaint submitted to the Committee in December 2004, relating to an incident on 8 June 2000. Mr Osmani was beaten and verbally abused by what were believed to be plain-clothed police officers, in the presence of uniformed officers during a forced eviction and demolition operation at the “Antena” settlement in New Belgrade, the home of some 107 Roma. During the incident Mr Osmani’s four-year-old son was also hit and, following his eviction and the destruction of his property, Mr Osmani was forced to live in the basement of his place of work with his wife and three young children. The Committee found that Mr Osmani had been subjected to “cruel, inhuman or degrading treatment or punishment,” noting in its decision that the “infliction of physical and mental suffering [was] aggravated by the complainant’s particular vulnerability, due to his Roma ethnic origin and unavoidable association with a minority historically subjected to discrimination and prejudice.” Whether or not plain-clothes policemen abused Mr Osmani, the Committee pointed to the fact that “the State party’s authorities who witnessed the events and failed to intervene to prevent the abuse have at the very least consented or acquiesced’ to it.” With the assistance of the HLC, Mr Osmani tried to assert his rights within the Serbian criminal justice system, but to no avail. Against this background, the Committee found that Serbia was in breach of its obligations: to bring a criminal investigation (Article 12); to ensure that Mr Osmani had the right to complain to, and to have his case promptly and impartially investigated by, the competent authorities (Article 13); and to enable Mr Osmani to obtain redress and to provide him with fair and adequate compensation (Article 16).

The Committee urged Serbia to: conduct a proper investigation into the acts that occurred on 8 June 2000; prosecute and punish the persons responsible for those acts; provide Mr Osmani with redress, including fair and adequate compensation; and inform the Committee within 90 days of the relevant steps it has taken; there is no information available publicly about the government’s response. The ERRC, HLC and MRC contacted the Ministry of Human and

Minority Rights, the Ministry of the Interior and the Ministry of Justice asking that these matters be addressed. There was no response to this communication.

Based on the Committee's decision, in January 2010 MRC filed a civil complaint against the Republic of Serbia for non-pecuniary damages with the Belgrade First Instance Court. In a response to the Court, the State agent contested the amount of non-pecuniary damages but accepted the legal ground on which compensation was requested. The case is still pending. On 12 November 2009, Mr Osmani was invited to the police station to give a statement about the incident; there is not further activity since that time.

3. Anti-Romani statements

During 2009, the Mayor of Belgrade, Dragan Djilas, has publicly spoken negatively about Roma in numerous public statements. Most statements have been in relation to the forced eviction of Gazela Romani settlement and the subsequent reconstruction of the bridge where the settlement had been located. In relation to the conditioning by the European Bank for Reconstruction and Development (EBRD) and the *European Investment Bank (EIB)* of credit to rebuild the bridge on the provision of alternative housing for the displaced Roma, Mayor Djilas has stated that he would refuse the credit on that condition: "While I am the mayor, no one who has taken land illegally will get a free home, regardless of who has lobbied for it. In Belgrade, there are several hundred thousand people who have been working their whole lives and do not have a house and will not get one for free. That would be a great injustice."¹ Through his public statements, Mayor Djilas promotes a negative image of Roma as expecting assistance to which others would not be entitled without consideration of the circumstances which have left them in such a vulnerable position.

4. Access to education

The educational situation of Roma remained without significant changes during the period. The most significant problems of Roma as regards education are low enrolment rates, high dropout rates and misplacement in special schools and classes offering substandard education.²

Enrolment in pre-school and primary education is conditioned on the possession of a resident permit, which many Roma living in informal settlements do not have. In some instances, the direct interventions of Serbian authorities have resulted in Romani children being unable to register in school. For example, on 23 April 2009 Belgrade authorities relocated eight Romani families from Vojvodjanska Street and five Roma families from Blok 67 to a new location in the Orlovsko naselje Romani settlement. The 13 families were housed in 11 containers which are not registered and do not have an official address, which means that the families can not register their permanent residence. According to ERRC research, the children could not enroll in the nearby school and are forced to travel 1.5 hours to and from the school they attended before they moved.

Serbian authorities have not taken sufficient measures to ensure that Romani internally displaced persons from Kosovo or returnees from Western Europe have the required documents for school registration. Many affected families have been in Serbia for years without a solution. For example, Mr S.K. told the ERRC that since 1999 when he and his family fled to Novi Sad's Veliki Rit Romani settlement from Kosovo, his four children, aged 10, 11, 12 and 13, have not been able to register in school because they can not obtain personal documents.³

Poverty continues to be a significant barrier to the education of Romani children. Numerous Romani parents have reported to the ERRC that their children are not in school because they

¹ See: http://www.pressonline.rs/sr/vesti/vesti_dana/story/98698/Gazela+ne%C4%87e+pasti+-+%C4%90ilas:+Smenite+me,+pa+delite+Romima+stanove.html

² Roma Education Fund, Roma Education Fund, 2007 Country Assessment and the Roma Education Fund's Strategic Directions – "Advancing Education of Roma in Macedonia". Available from: http://www.romaeducationfund.hu/documents/Serbia_report.pdf

³ ERRC interview with Mr S.K., Veliki Rit Romani settlement, Novi Sad, 4 December 2009.

can not afford the cost of supplies such as pencil, notebooks, clothing, etc.⁴ Some children never enter school for this reason while others are forced to drop out after several years.

The housing situation of Romani families also continues to negatively impact the education of Romani children. As Ms Vlasta Durmičević, a teacher in primary school "Radovan Kovacevic" in Lebane, reported to ERRC the school performance of Romani children suffers because of inadequate space or substandard conditions in their homes for homework and studying.⁵

5. Access to adequate housing and forced evictions

During the period, Serbian authorities conducted two significant forced evictions of Roma: the eviction of New Belgrade's Block 67 Romani settlement and eviction of the Romani settlement under Belgrade's Gazela bridge.

According to media reports and ERRC documentation, on 3 April 2009, police forcibly evicted 128 Romani individuals, including many IDPs, women and children, living in Novi Beograd's Block 67 and destroyed much of their personal property. The day before the eviction was conducted, residents were officially notified that in 15 days they would be removed from the property; less than 24 hours after the notification was delivered, police arrived with bulldozers to carry out the eviction and destroy their makeshift homes. The evicted Roma with registered residence in Belgrade were provided with alternative accommodation in containers in the longstanding Zvezdara's Orlovsko Romani settlement. Officials reported a lack of consultation prior to the relocation by Belgrade authorities. Ms Marija Leković, an official from the municipality of Zvezdara where 11 containers were placed for 13 Romani families, told the ERRC that Zvezdara was not consulted at any point prior to the relocation of the families in the Orlovsko settlement by Belgrade authorities. Ms Lekovic reported that relocation and the land was not properly prepared, and the containers were placed in a location without a sewage system. The residents were relocated to empty containers, without any furniture, and left on their own. Municipal representatives reportedly provided the residents with beds and clothing.⁶ At the end of July 2009, the Municipality of Zvezdara organised a meeting with Belgrade city authorities at which it was decided that municipal authorities should replace the containers; according to ERRC research, as of the end of May 2010 this has not taken place.

A representative of the NGO "Otvoreno Srce" reported that there is no asphalt and no street lights around the containers. One container is a sanitary facility consisting of two showers and two toilets, and there is only one water fountain for all of the residents. Electricity in the containers is reportedly weak and not sufficient for heating. There are a lot of bugs, rats and snakes around the containers, and when it rains water leaks inside the containers and mud accumulates outside. The residents reportedly feel unwelcome at the new location and are afraid for the safety of their children.⁷ One of the displaced Roma, Mr J.B., reported that the housing conditions negatively affect his family's health because they are living in one room, the window is not working and the door has to be open so they can have enough air. His daughter had recently given birth but the child was not registered.⁸ Ms J.M. complained to the ERRC that since their relocation she and her husband could not work because there are no job opportunities at the Orlovsko settlement. They have previously collected cardboard while living in Block 67 and were able to earn enough money for the daily needs of the family. Ms J.M. also reported that her children have to travel to their old school which is now far away and she is afraid for their safety.⁹ Another woman, Ms J.M., is a single mother to 10 children, three of whom have serious health problems: heart disease, cerebral palsy and epilepsy. She and her children were all placed in one small container, which is not adjusted to the needs of her sick children; without assistance she can not remove her sick children from the container.¹⁰

⁴ ERRC interview with Ms A.A., Crvena Zvezda Romani settlement, Niš, 10 August 2009. ERRC interview with Ms H.J., Crvena Zvezda Romani settlement, Niš, 10 August 2009.

⁵ ERRC interview with Ms Vlasta Durmičević, Lebane, 27 December 2009.

⁶ ERRC interview with Ms Marija Lekovic, Zvezdara, 17 September 2009.

⁷ ERRC interview with Ms V.S. of the NGO "Otvoreno Srce", 17 September 2009.

⁸ ERRC interview with Mr J.B., Orlovsko settlement, 17 September 2009.

⁹ ERRC interview with Ms J.M., Orlovsko settlement, 17 September 2009.

¹⁰ ERRC interview with Ms J.M., Orlovsko settlement, 17 September 2009.

During the Gazela eviction the relocation was a coordinated activity of the Ministry of Internal Affairs, Belgrade Fire Department and the Service for Public Infrastructure. Local authorities gave 10 days prior notice to the residents of the settlement. The eviction started on 31 August at 7:00 AM and it was finished by 2:00 PM on the same day. According to ERRC research the eviction was made without incident, no possessions were destroyed and no one was left homeless. Romani families 113 in total (1000 residents) whose residence was registered in Belgrade were moved to container homes in 5 different locations in Belgrade (Kijevo, Makis, Lipovica, and Krnjaca) and Mladenovac. At the same time, 53 Romani families who were not registered in Belgrade were returned to their last registered residence in eight southern Serbian municipalities. The ERRC met several of the families relocated to the south of Serbia. Mr K.N. had been living with his family under the Gazela Bridge for 15 years. They were returned to his parents' house in Vranje, and are not able to work. Mr K.N. stated, "I worked there in Belgrade, now I am without job, without water, electricity and sewage system; I have three children who could not continue school after we returned to Vranje. [...] Nothing is close to us: hospital, health-care center, police, other social services, the school etc."¹¹

As of 2007, 50% of Roma in Serbia lived in 573 Roma settlements from which only 11% are developed while 44% are unhygienic slums.¹² Little progress has been made in improving the conditions in these settlements. The health of Roma living in unhygienic settlements is under constant threat since it is very hard to maintain hygiene without access to water. Mr T.D. from the Tijabara settlement in Pirot, southern Serbia, has lived without water or sewage for more than 20 years. He, his wife and four children live in a house of 60 square metres: "I am ashamed sometimes to send my children to school since I can not provide water for them to take bath. I think that without water and sewage system we do not live in a safe and healthy environment and our children do not have an appropriate environment for physical and mental development".¹³

6. Access to health care

There were no significant changes as concerns access to health care for Roma in Serbia during the period. Roma are four times more likely to be affected by chronic illness and disease than the general population. The infant and under-5 mortality rate among Roma is 26 per thousand and 29 per thousand, respectively; this is almost three times as much as for the general population in Serbia.¹⁴ Ms Dragana Ibisevic, a health mediator in Lebane, told the ERRC that "40% of the Roma that live in Lebane and the surrounding locations have never been to the doctor for a check up. Women mostly do not give birth to their children in the hospital; they give birth at home and many newborn children suffer from different diseases." More than 60% of Romani children in Lebane did not have all necessary vaccinations.¹⁵

Roma also continue to experience discrimination in access to health care: Ms M.B. told the ERRC that doctors in state hospitals have treated her differently because she is Romani. During consultations about the possibility of getting pregnant again, doctors have reported told her, "You Gypsy women easily give birth to children and having children but not being able to provide food for them is something that is normal to you."

7. Access to employment

¹¹ ERRC interview Mr K.N., Vranje, 25 February 2010.

¹² Roma Education Fund, 2007 Country Assessment and the Roma Education Fund's Strategic Directions – "Advancing Education of Roma in Serbia". Available from: http://www.romaeducationfund.hu/documents/Serbia_report.pdf.

¹³ ERRC interview with Mr T.D., Pirot, 28 April 2009.

¹⁴ Roma Education Fund, 2007 Country Assessment and the Roma Education Fund's Strategic Directions – "Advancing Education of Roma in Serbia". Available from: http://www.romaeducationfund.hu/documents/Serbia_report.pdf.

¹⁵ ERRC interview with Dragana Ibišević, Lebane, 29 December 2009. Health mediators are a joint project of the OSCE Mission in Serbia and Serbian Ministry for Health which supports EU and Serbian Ministry for Health. The project started in 2007 and lasts until June 2010.

Most often Roma in employment have unskilled jobs that are usually seasonal or part time. However many Roma collect recyclable materials from the garbage, which is a very unsafe job that can easily jeopardise their health. During an interview with the ERRC, Mr B.A., a Romani man, stated that he feels like a failure since he can earn only 500 dinars daily (4.5 EUR) by collecting and selling cardboard, which is not enough to meet the basic needs of his family.¹⁶ Most Roma have never had a steady job. Some Roma used to informally sell clothing in markets but a government crackdown on this activity means that many Roma can no longer engage in this income earning activity or have to pay penalties, while support is not readily available to assist affected persons access other forms of income.¹⁷ As a result, many Roma are dependent on social assistance and child allowances for survival.¹⁸

¹⁶ ERRC interview with Mr B.A., Roma settlement Crvena Zvezda, Niš, 11 August 2009.

¹⁷ ERRC interview with Ms S.I., Lebane, 29 December 2009.

¹⁸ ERRC interview with Ms S.J. Roma settlement Crvena Zvezda, Niš, 11 August 2009. ERRC interview with S.J., Lebane, 29 December 2009.