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ERRC report on Serbia
For the 2011 EU Progress Reports

Naphegy tér 8
Hungary – 1016 Budapest
Office Tel: +36 1 413 2200
Office Fax: +36 1 413 2201
E-mail: office@errc.org
www.errc.org

1. Anti-discrimination and other human rights law

On 1 January 2010, Serbia's "Anti-Discrimination Law" entered into force. Subsequently, on 5 May 2010, Nevena Petrušić was elected as Commissioner for Equality. The Commissioner had 45 days from the date of election to establish the office and develop internal regulations for the functioning of the equality body. According to the Commissioner, office space and a procedure for employing staff were established. However, the office space required extensive renovations which are ongoing, while a temporary site is being used. The procedure for employing staff was only approved in late November 2010, following which the first job announcements could be published.¹

In its 2010 annual report, the Commissioner for Equality recorded 124 complaints and 52 notices and initiatives received between May and December 2010, mostly concerning violations of the right to equality in employment. Sexual orientation was the most commonly reported ground of discrimination, with discrimination on the basis of ethnicity, political or religious belief and gender also reported.² Most persons reporting ethnic discrimination were Romani. The Commissioner also indicated that there is a poor understanding of the concept of discrimination and the competency of the Commissioner's office among the population.

2. Anti-Roma violence and hate speech

In its 2010 annual report, the Commissioner for Equality noted that Roma have previously been targeted in many racially-motivated attacks which were often not investigated and punished properly. Anti-Roma hate speech was noted to be a widespread issue in Serbia and particular concern was expressed about the lack of public condemnation of such. The following is a list of six anti-Roma incidents: violence against Roma (three cases) and anti-Roma speech in the form of racist graffiti (three cases), which occurred in Serbia between January and April 2011. The ERRC compiled this list from media and NGO reports: it is not comprehensive but indicates that anti-Roma violence and hate speech continue to be an issue in Serbia. In two of the three recorded attacks the victims were Romani minors.

- Shortly after midnight on 2 April 2011 three unidentified persons attacked four Romani youths with knives on the premises of the Association of Roma in Čačak, Western Serbia. The attack took place during a birthday celebration attended by about 20 youths. One of the young Romani male victims was transferred to Belgrade for medical treatment of serious injuries: the boy's father reportedly suffered a fatal heart attack after hearing that his son had been injured. The Association of Roma in Čačak was quoted as having stated that a non-Romani youth also sustained serious injuries and two more Romani youth sustained minor injuries. Čačak police opened an investigation into the incident and on 3 April police

¹ Regulation on Internal Organisation and Job Classification of the Commissioner for the Protection of Equality. Annual report of the Commissioner for Equality, available in Serbian at:

<http://www.ravnopravnost.gov.rs/files/Redovan%20godisnji%20izvestaj%202010.pdf>.

² Annual report of the Commissioner for Equality, available in Serbian at:

<http://www.ravnopravnost.gov.rs/files/Redovan%20godisnji%20izvestaj%202010.pdf>.

detained a 17-year-old youth on suspicion of using a knife to injure the four youth during the attack.³

- At about 11:00 PM on 1 April 2011 unknown persons threw bricks at the rented home of a Romani family in Banatsko Karađorđevo, Vojvodina, Serbia. Windows were broken during the attack, but the family, including four sleeping children, managed to escape uninjured. The father was quoted in the media as having reported that on the day of the attack someone had threatened his wife in a store, telling her "Tonight you will burn." The day after the attack the family went to stay with relatives in another village for some time.⁴
- During the evening of 14 March 2011 unknown persons wrote the message "Death to Gypsy politicians" on a wall of the home of the Coordinator for Roma Issues in Zrenjanin, Vojvodina, Serbia.⁵ Zrenjanin Mayor Mile Mihajlov was quoted in the media as having called on relevant authorities to identify and punish the perpetrators as soon as possible.
- At around 1:50 PM on 10 March 2011, three unidentified youths between the ages of 20 and 24 beat a Romani pupil while shouting racist insults at the victim in front of the trade school on the corner of Cetinjska and Šafarikova Streets in Belgrade. Following the attack, the director of the trade school brought the victim to a hospital for treatment: he suffered a head injury and bruising near his eye.⁶
- For the fourth time since a monument to Romani singer Šaban Bajramović was erected in August 2010 in Niš, Southern Serbia, racist graffiti reading "Stop Gypsy terror" appeared on the base of the monument on 16 February 2011.⁷
- During the evening of 13 January 2011 racist graffiti was spray painted on electric poles on Bana Milutinovića and Dimitrije Tucovića streets in the Lisište Romani settlement in Požega, Western Serbia. In this settlement, home to around 700 Romani families, the graffiti, made of red paint, included swastikas and messages such as "Gypsies get out of Serbia".⁸ On 29 and 30 March, police were quoted in the media as having stated that a male youth was suspected of inciting national, racial and religious intolerance. In the same report, the media reported that a Romani boy had written the anti-Roma graffiti, and implied his guilt.⁹ The police informed the investigating judge of the High Court and senior public prosecutor in Užice about this event. In an open letter dated 30 March 2011, the Romani organisation CEMROP, supported by several organisations,¹⁰ expressed concern about the focus on the ethnicity of the suspect as revealed by the media covering the incident.¹¹

3. Access to education

³ "Otac preminuo kada je čuo da mu je na žurci ranjen sin", *Blic*, 3 April 2011, available at:

<http://www.blic.rs/Vesti/Hronika/245392/Otac-preminuo-kada-je-čuo-da-mu-je-na-zurci-ranjen-sin>.

⁴ "Kamenovali Romsku Porodicu", *Kurir*, 5 April 2011, available at: <http://www.kurir-info.rs/vesti/drustvo/kamenovali-romsku-porodicu-83753.php>.

⁵ "Rasistički grafit u Zrenjaninu", *Glas Javnosti*, 15 March 2011, available at: <http://www.glas-javnosti.rs/clanak/srbija/glas-javnosti-15-03-2011/rasisticki-grafit-u-zrenjaninu>.

⁶ "Pretučen Rom ispred trgovačke škole", *Vesti*, 10 March 2011, available at: <http://www.vesti.rs/Hronika/Pretucen-Rom-ispred-trgovacke-skole.html>; "Romski Dečak Preživeo Pakao", *Kurir*, 12 March 2011, available at: <http://www.kurir-info.rs/srbija/romski-decak-preziveo-pakao-79630.php>.

⁷ "Koga terorise Šaban Bajramović?", *Media Agency Mondo*, 16 February 2011, available at: http://www.mondo.rs/s197896/Info/Hronika_i_Drustvo/Koga_terorise_Saban_Bajramovic.html.

⁸ "Kukasti krstovi u romskom naselju u Požegi", *Blic*, 13 January 2011, available at: <http://www.blic.rs/Vesti/Hronika/229201/Kukasti-krstovi-u-romskom-naselju-u-Pozeqi>.

⁹ "Maloletni Rom pisao antiromske grafite", *Media Agency Mondo*, 29 March 2011, available at: http://www.mondo.rs/s201694/Info/Hronika_i_Drustvo/Maloletni_Rom_pisao_antiromske_grafite.html.

¹⁰ The open letter was supported by the following NGOs in Serbia: Sos ženski centar Novi Sad, Ženski prostor Niš, Centar za prava Romkinja Niš, Komitet pravnik za ljudska prava, Centar za unapređivanje pravnih studija, Labris - organizacija za lezbejska ljudska prava, Anti-trafiking centar, Mreža odbora za ljudska prava (CHRIS network), Udruženje studenata sa hendikepom, Gayten LGBT, PRAXIS, Regionalni centar za manjine, Beograd, Dečiji romski centar - Beograd, Forum žena Prijepolja, Televizija Forum - Prijepolje, Kulturni centar DamaD - Novi Pazar, Forca - Požega, Žene u crnom – Beograd, Sos telefon za žene i decu žrtve nasilja – Beograd, Rekonstrukcija Ženski Fond, Glas Razlike

¹¹ Obraćanje povodom vesti "Maloletni Rom pisao antiromske grafite" i zvaničnog saopštenja policije, 30 March 2011, available at: <http://minoritycentre.org/sh/news/obra%C4%87anje-povodom-vesti-%E2%80%9Cmaloletni-rom-pisao-antiromske-grafite%E2%80%9D-i-zvani%C4%8Dnoq-saop%C5%A1tenja-policij>

Access to education for Romani children remained problematic during 2010. A 2010 report of the Open Society Institute provided comprehensive information on the disproportionate representation of Romani children in special schools in Serbia, a problem previously reported in the Czech Republic, Hungary and Slovakia. The most recent census data from 2002 indicates that Roma make up 1.4% of the Serbian population.¹² However, this data reflects underreporting; a more realistic average estimate places Roma at 6.8% of the population.¹³ In stark contrast, the report shows that over 30% of the children in special schools and in special classes within the mainstream primary schools are of Romani origin.¹⁴

According to data collected from 85 percent of special schools in the 2007–2008 academic year, the total number of students stood at 5,639, of whom nearly 30 percent (1,683) were Roma. In the 2008–2009 academic year, data from 88 percent of special schools shows a total of 5,579 students, of whom 1,775 (or 32 percent) were Roma.

Among the 12 mainstream primary schools who reported that their special classes included Romani students in 2007–2008 and 13 in 2008–2009, Romani students composed more than one third of the students in special classes. Among the students enrolled in special classes in mainstream primary schools:

In the 2007–2008 academic year there were a total of 273 students, 103 of them Roma (38 percent). For 2008–2009, 13 mainstream primary schools reported a total of 330 students, out of which 126 (38 percent) were Roma.

Romani children segregated in special schools and special classes follow a reduced curriculum which stymies further academic and professional opportunities. After attending a special school, or special class children are unable to enrol in further mainstream education. Employment is also negatively impacted: the study indicated that among the participants of a focus group of Romani individuals who had completed secondary education in special schools, 71% had never been employed.

4. Access to adequate housing and forced evictions

In December 2010, the ERRC finalised and published the report *Standards Do Not Apply: Inadequate Housing in Romani Communities* (included with this submission), detailing the ways in which racism and discrimination pose obstacles to Roma accessing adequate housing conditions. It includes accounts of discrimination by public officials during forced evictions and in providing social housing; and discrimination by private landlords in rental situations. Poor conditions in Romani communities are underpinned by a lack of security of tenure, leaving them vulnerable to forced evictions and destruction of their property. Lack of information, restrictions and discriminatory criteria impede the access of Roma to social housing. In some locations, authorities have constructed social housing for Romani residents only, deepening their segregation and isolation. The substandard housing conditions of Roma, including locations in the vicinity of garbage dumps or other hazardous sites, negatively affect the access of residents to rights including education, employment and healthcare.¹⁵

The report recalls that according to international standards, Serbia is legally obligated to respect, protect and fulfil the right to adequate housing, including the prohibition on forced evictions as a State Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR).¹⁶

¹² Republic of Serbia, Statistical Office of the Republic of Serbia, available at: <http://webzrzs.stat.gov.rs/WebSite/>.

¹³ Council of Europe, Roma and Travellers Division, *Appendix 1: Romani Population in Council of Europe Member States*, July 2008.

¹⁴ Open Society Institute, *Roma children in Special Education in Serbia: overrepresentation, underachievement, and impact on life*, 2010, available at:

<http://www.romadecade.org/files/downloads/Education%20Resources/Roma%20Children%20in%20Special%20Schools%20in%20Serbia.pdf>

¹⁵ ERRC, *Standards Do Not Apply: Inadequate Housing in Romani Communities* (December 2010), available at: http://www.errc.org/en-research-and-advocacy-reports-intro-details.php?article_id=3808

¹⁶ United Nations (UN), *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, available at: <http://>

General Comment 7 of the UN Committee on Economic, Social and Cultural Rights has defined appropriate protection from forced evictions to include the following:

- (a) an opportunity for genuine consultation with those affected;
- (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction;
- (e) all persons carrying out the eviction to be properly identified;
- (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
- (g) provision of legal remedies; and
- (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.¹⁷

In addition, the Serbian government has a positive obligation to ensure that individuals are not rendered homeless as a result of eviction and, where those affected are unable to provide for themselves, to "take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available."¹⁸

Within the context of the Decade, the Serbian Government also adopted the Roma Housing Action Plan, which envisages comprehensive and sustainable reconstruction and improvement of the living conditions of Roma, as well as regulation of property and legal status of the housing of Roma.¹⁹

Since June 2010, the ERRC has been actively involved with two significant cases of (threatened) forced eviction of Romani settlements in Šabac, Northern Serbia, and Belgrade (Belvil settlement).

According to ERRC documentation, on 12 August 2010 Šabac city authorities gave four related families living in four adjacent houses for more than 10 years an order to demolish their houses within 30 days or face forced removal by the city. The order cited Šabac urban planning regulations and noted that, if the families did not remove their own homes, they would be required to pay all costs of demolition. The families were given 15 days to appeal the order but were informed that the appeal would not stop execution of the order. Lacking the capacity to appeal, three families demolished their homes and moved in with a family member with whom they continue to reside. One family did not demolish their home because they did not have sufficient funds to rent a flat: they lived without electricity, which was cut after the other homes were destroyed. On 10 November the family received a notice stating: "demolition of buildings was scheduled for 21 October; however the owners themselves started to remove their structures. Since there is still one structure, we inform you that on 18 November at 9:00 a.m. we will demolish your house with the assistance of the police." There was no consultation with the residents and they were not offered alternative accommodation. On 17 November the ERRC and the Minority Rights Center sent a request to local authorities to stop the demolition, referencing violations of international law. The request was rejected and on 18 November at 9:00 a.m. this home was demolished, leaving the Romani family, including a father, his pregnant wife and two small children, homeless. The ERRC is supporting the families concerned with civil

www2.ohchr.org/english/law/cescr.htm. and United Nations, International Covenant on Civil and Political Rights (ICCPR) available at: <http://www2.ohchr.org/english/law/ccpr.htm>.

¹⁷ UN Committee on Economic, Social and Cultural Rights, General Comment 7, paragraph 15, available at: <http://www2.ohchr.org/english/bodies/cescr/comments.htm>.

¹⁸ UN Committee on Economic, Social and Cultural Rights, General Comment 7, paragraph 16, available at: <http://www2.ohchr.org/english/bodies/cescr/comments.htm>.

¹⁹ Republic of Serbia, *Roma Housing Action Plan*, September 2004, available at: http://www.romadecade.org/decade_action_plans

damage claims for illegal demolition of their homes and for failure of the state to provide adequate alternative accommodation.

The second case relates to the planned displacement of Belgrade's Belvil 200-family Romani settlement due to the construction of a new bridge in the city.²⁰ On 8 April 2011, Belgrade city authorities held a meeting with 93 Romani families from the settlement, at which the ERRC was present. During the meeting, Belgrade authorities promised that they would build social houses from concrete for 93 families from the settlement whose homes are located in the path of the planned bridge. The new houses would be built in seven new locations, only one of which is located in Belgrade. Some residents reportedly are not satisfied with the choice of location.²¹ Although the 93 families invited to the meeting are being offered some options, there is no clear plan for the more than 100 remaining families living in the settlement that face displacement. Previously, between April and November 2010, 48 families whose homes were at the time located in the path of the bridge were relocated by unknown persons to other parts of the settlement which are outside of the path of the bridge. As a consequence of this, none of them are being offered social housing.²²

A 2011 report from Amnesty International corroborates the findings of the ERRC research, indicating that the housing situation of Roma in Serbia is very poor and negatively affects all areas of life, undermining their access to other rights. The report raised concern about forced evictions, which are occurring in violation of international standards as residents are often not given sufficient notice and advance information, are not provided adequate alternative housing and are not afforded the right to appeal the eviction and be compensated for any damages incurred. The Amnesty International report confirmed that in the cases in which alternate housing is provided it is often not of adequate quality and contributes to further segregation; many Roma are forcibly displaced to other parts of the country. Amnesty International concluded that Serbian national law does not provide adequate safeguards against forced evictions.²³

²⁰ According to media reports and ERRC documentation, on 3 April 2009, police forcibly evicted and destroyed the personal property of 128 Romani individuals, including many IDPs, women and children, who had been living in Novi Beograd's Block 67 for more than 10 years.

women and children, who had been living in Novi Beograd's Block 67 for more than 10 years.

²¹ ERRC telephone interview with B.V.: 3 May 2011.

²² ERRC telephone interview with B.V.: 3 May 2011.

²³ Amnesty International, *Serbia: Home is more than a roof over your head: Roma denied adequate housing in Serbia*, 7 April 2011, available at: <http://www.amnesty.org/en/library/info/EUR70/001/2011/en>