



**Agency for Human and Minority Rights
Government of the Republic of Serbia**



UNDP Serbia

**Reintegration of Returnees in Serbia:
An Overview of Awareness Raising Activities
of the Agency for Human and Minority Rights**

Belgrade, March 2008



The views expressed in this publication reflect the opinions of its authors, and do not necessarily reflect the opinion of the United Nations, UNDP, or their Member States. This publication is based on an independent report commissioned by the UNDP.

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Foreword

The project described and analyzed in this publication, “Awareness Raising Among Local Institutions and Concerned Individuals/Returnees in Serbia and Montenegro to Deal with Returnee Issues”, was implemented by the Agency for Human and Minority Rights of the Government of the Republic of Serbia and the Country Office Serbia of the United Nations Development Program (UNDP). The Government of Netherlands, through the Royal Netherlands Embassy in Belgrade, provided financial support for the project. The project has been implemented since November 2006, and will be completed in April 2008.

This document describes in detail the implementation of this project, the partnerships built in the process, and the lessons learnt. Based on the knowledge accumulated in this process, it presents collected ideas for necessary actions in the returnee reintegration process, identifies loopholes and legal lacunae, and makes recommendations in this field.

We hope that this report will support relevant institutions and municipalities, together with any other interesting parties, in dealing with the growing issues of returnee population, and that it will serve as a baseline study for any further assistance in the area of returnee reintegration.

I. Introduction

Readmission is the mandatory return and acceptance of failed asylum seekers to their country of origin, conducted under international readmission agreements. It is one of the foreign policy objectives of the Republic of Serbia, where signing and ratifying readmission agreements is considered one of the basic mechanisms for the control of illegal migrations. Yugoslavia ratified its first readmission agreement in 1996, however the largest number of readmission agreements was signed after the democratic change of government in Serbia in late year 2000; the implementation of mandatory returns increased from this point. In September 2007, the Republic of Serbia signed the latest readmission agreement with the European Community.

There are concerns that signing the readmission agreement with the European Community Returnees will multiply the numbers of returnees. The numbers of persons who are awaiting return, or who have already returned, are not available, neither in Serbia, nor in the countries returning failed asylum seekers. Here is a review of the latest data available, though fragmentary:

- According to the Ministry of Internal Affairs, the EU countries sent 23,887 readmission requests from March 2003 to October 2007, with regards to the return of Serbian citizens who no longer have legal grounds for residing in these countries.¹
- The same source registered 15,560 persons who were forcibly returned to Serbia from March 2004 to October 2007.²
- In the course of the year 2006, 1,884 citizens of Serbia were deported from Germany alone.³
- As of October 2007, the number of forced returns registered at the Belgrade airport ranged from 100 to 200 per month.⁴
- From January 1, 2008, to February 7, 2008, 52 requests for readmission were sent to Serbian authorities.⁵

¹ Beta News Agency, *Readmisija: preko 23.000 zahteva*, October 31, 2007.

² Dnevnik, *Lađević: niko ne popisuje prazne vojvođanske kuće*, October 5, 2007.

³ Beta News Agency, *Deportovano 1884 ljudi u Srbiju*, May 18, 2007.

⁴ Dnevnik, *Lađević: niko ne popisuje prazne vojvođanske kuće*, October 5, 2007.

⁵ Večernje novosti, *Povratak bez želje*, February 2, 2008.



- The Council of Europe estimated in 2003 that the total number of returnees to Serbia would range from 50,000 to 100,000 persons.⁶
- Most of the returnees are Roma, with the estimates ranging from 60 to 75 per cent of the total returnee population.⁷

Readmission and the issues related to the reintegration of returnees mainly remain out of the scope of knowledge of most institutions. As the numbers of returnees are growing, there is no reciprocal increase in the knowledge and awareness of the issues arising in the lives of returnees. Consequently, officials on the local, regional and national level are faced with situations in which they cannot appropriately assist returnees who come to seek their help. Reintegration is thus rendered a more difficult and complex process, which increases already considerable social issues in the country, and opens doors to possible secondary migrations.

The project “Awareness Raising Among Local Institutions and Concerned Individuals/Returnees in Serbia and Montenegro to Deal with Returnee Issues” (hereinafter the Awareness Raising Project), implemented by the Agency for Human and Minority Rights and UNDP Serbia, and supported by the Royal Netherlands Embassy, tries to directly address this problem by the means of capacity building, and harnessing local capacity and input to generate a wide process of active awareness raising in the fields of education, employment, social and health care, as well as personal documents.

The project completed the production of two important publications on reintegration, addressing the returnees and the officials working with them respectively. It included a series of trainings for over two hundred officials working at the local level in ten locations in Serbia, followed by an extensive monitoring process. The cooperation with local non-governmental organizations (NGOs) was fortified through three training sessions for NGOs on readmission issues, as well as meetings with the main stakeholders in the readmission area. In its last stage, the project offered immediate assistance to returnee children in 15 municipalities, by the means of offering free translation of foreign school certificates, as well as organizing Serbian language classes for returnee children.

⁶ Council of Europe. *Recommendation 1633 (2003): Forced returns of Roma from the former Federal Republic of Yugoslavia, including Kosovo, to Serbia and Montenegro from Council of Europe member states*. Strasbourg, 2003.

⁷ Radio Srbija, *Readmisija kao uslov za dalju integraciju*, November 21, 2007, and *Večernje novosti*, *Bez adrese i krova*, October 29, 2007.

The project builds extensively on the work of the Readmission Office of the Agency for Human and Minority Rights, founded in 2005 with the support of the Swedish Development Agency (SIDA), and the Agency's Center for the Integration of Returnees, founded in 2006, with the support from the Organization for Security and Cooperation in Europe (OSCE) Mission in Serbia and the funding from the European Agency for Reconstruction (EAR).

II. Readmission in Legislation and Policy

II.1. Readmission in International and Domestic Law⁸

The readmission processes are primarily regulated by readmission agreements. International readmission agreements present a basis for the organized and institutionalized return of the citizens of the agreements' State Parties who no longer have the right to enter or remain within the borders of the State Parties, yet they also can apply to the citizens of third countries as well as stateless persons. Serbia has been praised for good progress in the field of readmission, having ratified 15 bilateral agreements with 17 states since 1996, in addition to the ratification of the Readmission Agreement with the European Community, which entered into force in January 2008.⁹

The Readmission Agreement with the European Community (full title: Agreement between the Republic of Serbia and the European Community on the Readmission of Persons Residing without Authorisation) was signed in September 2007, at the same time as the Agreement on Visa Facilitation. This agreement foresees that Serbia shall readmit "any person who does not, or who no longer, fulfils the conditions in force for entry to, presence in, or residence on, the territory of the Requesting Member State provided that it is proved, or may be validly assumed on the basis of prima facie evidence furnished, that such a person is a national of Serbia."¹⁰ Serbia also must readmit the minor unmarried children of such persons, or their spouses of other nationality. Serbia is also obliged to readmit certain categories of third-country nationals and stateless persons.

In implementing the Readmission Agreement, both sides nevertheless must respect the rights, obligations and responsibilities arising from international law in fields related to readmission, and especially the following:

- 1951 Convention on the Status of Refugees;

⁸ This is a general overview of the most important concerns with regards to readmission and the law. For more detailed legal analysis, see the EHO and Group 484 publications listed in the Selected Bibliography section of this report.

⁹ Commission of the European Communities. *Serbia 2007 Progress Report*. Brussels: Commission of the European Communities, 2007, pp. 39-40.

¹⁰ Agreement between the Republic of Serbia and the European Community on the Readmission of Persons Residing without Authorisation, Article 2(1). *Official Gazette of the Republic of Serbia*, No. 103/07.



- International conventions determining the State responsible for examining applications for asylum lodged;
- 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms;
- 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- International conventions on extradition;
- Multilateral international conventions and agreements on the readmission of foreign nationals.¹¹

It is important to note that in the accompanying Joint Declaration Concerning Reintegration, both sides “acknowledge the necessity of an efficient, effective and sustainable socio-economic reintegration of repatriated citizens of the Republic of Serbia. They confirm their intention to increase their efforts, also financially, to support such reintegration, taking into account Community financial assistance available to that end,” which indicates the willingness of the EC to assist Serbia in reintegration efforts.

When it comes to the reintegration of returnees, according to its general international human rights law obligations, Serbia also must respect the key human rights conventions it is party to, such as:

- International Convention on the Elimination of All Forms of Racial Discrimination,
- International Covenant on Civil and Political Rights;
- International Covenant on Economic, Social and Cultural Rights;
- Convention on the Elimination of All Forms of Discrimination against Women;
- Convention on the Rights of the Child;
- Framework Convention for the Protection of National Minorities, and others.

With regards to the relevant domestic law, the following acts also relate to the situation of returnees:

- Law on Health Care;

¹¹ Agreement between the Republic of Serbia and the European Community on the Readmission of Persons Residing without Authorisation, Article 17.

- Law on Health Insurance;
- Law on Social Welfare and the Provision of Social Protection of Citizens;
- Law on the Republic Administrative Fees;
- Law on Local Self-governments;
- Law on the Foundations of the Education System;
- Decision on Social Welfare Rights of the City of Belgrade.

As most returnees are members of ethnic minorities, it should be noted that there are no laws specifically dealing with ethnic minorities in Serbia, with the exception of general provisions in the Serbian Constitution. Additionally, there is no comprehensive antidiscrimination law either – a draft prepared by UNDP and the Ministry of Labour and Social Policy with EAR support has been distributed to relevant ministries for review and comment, and it is hoped that it will enter the parliamentary procedure soon.

The practical application of the existing laws in the cases of returnees seeking assistance is not necessarily always possible, and one of the following chapters of this publication will address some practical gaps in this respect. Additionally, the issue of education of returnee children as reflected in international and domestic legal documents will also be discussed separately.

II.2. Readmission and Public Policy

As the issues of readmission and the reintegration of returnees are growing in importance in Serbia, this trend was followed by adequate strategic and institutional development.

II.2.1. Relevant Strategic Documents

The process on developing relevant strategic public policy documents dealing with the reintegration of returnees began in late 2006, when the working groups of the former Ministry of Human and Minority Rights prepared the first Draft Strategy for the Reintegration of Returnees under Readmission Agreements.¹² A year later, the Ministry of Labour and Social Policy undertook the process of its revision in cooperation with eight other ministries, as well as the Agency for Human and Minority Rights, and the EU Integration Office of the Government of Serbia. The draft version of the document available at the moment this report was written initially clarifies the legal framework for the solution of returnees' issues, and provides a regional context with an analysis of readmission and migration in southeast Europe. It also analyses the possibilities for informing state institutions, as well as informing the returnees themselves, on readmission and reintegration. The Draft Strategy identifies vulnerable groups in the process of readmission, such as persons originally from Kosovo, unaccompanied children, or victims of human trafficking. With regards to the situation of returnees upon their return, the strategy analyses the areas of citizenship

HUMAN RIGHTS OF ROMA RETURNEES

“Deportations as well as conditioned ‘voluntary’ returns are often conducted in a manner disrespectful of the basic rights of Roma returnees. In the course of some deportations families have been separated, temporarily or permanently. Some persons were returned within unlawful group deportations. Many had to leave property and money in the countries they were returned from. Children from returnee families face numerous problems with regards to continuing their education: the lack of necessary documents, an expensive and time consuming certification process, not knowing the language and script, a different curriculum, as well as the novelty of poverty of their families that hinders their education. A large number of returnees is unemployed. A certain percentage of Roma returnees also complained of racial discrimination in hiring

¹² The Ministry of Human and Minority Rights ceased to exist in June 2006: most of its tasks were overtaken by the Agency for Human and Minority Rights of the Government of the Republic of Serbia, founded also in June 2006.



procedures. Social transfers are the only kind of income for many families. A number of returnees do not have health insurance, as they do not have the necessary personal documents, or cannot fulfil the necessary conditions for other reasons. Housing conditions of returnees are to a great extent extremely substandard, primarily in the sense of lacking infrastructure, and also the temporary character of their shelter, due to living as tenants or with relatives. Many lack personal documents. Because of their situation, some wish to return to Western Europe, which mainly implies new illegal migrations. On the other hand, both national and local institutions noticeably lack information on the situation of Roma returnees, which is in some cases accompanied by a lack of interest in resolving returnees' problems."

Ecumenical Humanitarian Organization (EHO), *Violations of the Rights of Roma Returned to Serbia under Readmission Agreements*, Novi Sad: EHO, 2007, p. 37.

and personal documents, housing, property, employment, social welfare, health care, and education, and offers relevant recommendations in these fields.

As the majority of returnees are of Romani origin, the Revised Draft Strategy for the Integration and Empowerment of the Position of Roma is the second most important strategic document for the reintegration of returnees. The Revised Draft Strategy builds on the 2003 Draft Strategy for the Integration and Empowerment of Roma. It will include a separate section on the issues related to the return under readmission agreements. Reintegration-related issues will also be briefly addressed in its sections on housing, employment, and personal documents of Roma. This document was at the final revision stages at the time this report was prepared, and it is hoped that the Government will soon review it for adoption.

The Draft National Action Plan for [Roma] Returnees was created in March 2005 by the working groups organized around the former Ministry of Human and Minority Rights. Previously, four other Roma national action plans were drafted and adopted by the Government, dealing with education, employment, health and housing, however only the education plan refers to the issues of returnees.¹³ The Draft NAP for Returnees is calling for the introduction of mechanisms that would enable Roma returnees to obtain personal documents. It recommends the establishment of a database on returnees; it calls for charging no customs fees on the property that returnees are taking with them into Serbia upon return. The Draft NAP suggests possible ways for the integration of returnee children into the education system, and stresses the importance of information given to returnees on their rights. Access to housing, health care and employment of returnees are also discussed. It also requests the drafting of the guidelines for the implementation of readmission agreements that will fully respect the human rights of returnees. This plan, however, has not yet been adopted, yet it is hoped that it will be given for adoption to the Government together with the revised Roma National Strategy.

The other strategic documents that partly address the issues related to returnees are:

- Poverty Reduction Strategy;¹⁴

¹³ More information on this aspect can be found in the Readmission and Education section of this report.

¹⁴ Available at: <http://www.prsp.sr.gov.yu/engleski/dokumenta.jsp>.

- Plan for the Implementation of Priorities Contained in the European Partnership;¹⁵
- Guidelines for the Improvement and Legalization of Informal Roma Settlements;¹⁶
- National Strategy of Serbia for the Accession to the European Union.¹⁷

The essential public policy documents relevant to the situation of returnees are currently in the process of drafting. Evidently, the key recommendations with regards to the strategic documents relevant to reintegration issues would be:

- The Draft Strategy for the Reintegration of Returnees under Readmission Agreements, as well as the Revised Draft Strategy for the Improvement of the Position of Roma, need to be completed and adopted by the Serbian Government, and adequate funding needs to accompany their implementation in practice;
- The Draft Action Plan on [Roma] Returnees should also be adopted and applied immediately.

II.2.2. Institutions and Offices

With regards to the institutions working on readmission and reintegration, the Readmission Department of the Ministry of Interior of the Republic of Serbia is in charge of the first step in the process, i.e. implementing the readmission agreements. This department receives and processes requests for readmission from the states that Serbia signed readmission agreements with.

The Population Policy Sector of the Ministry of Labour and Social Policy is in charge of duties related to the monitoring of the situation of returnees, proposition of measures, and the coordination of activities – including the acceptance and integration – related to the implementation of international readmission agreements. This sector was formed in May 2007.¹⁸

The Agency for Human and Minority Rights has been working on reintegration issues since 2005, at the time it was still the Ministry of Human and Minority Rights. The Readmission Office of the Agency for Human and Minority Rights was the first office of a state institution dealing specifically with readmission. As mentioned earlier, it was established in October 2005, with the support of the Swedish International Development Agency (SIDA). In October 2006 it temporarily closed at the end of the project time frame, yet briefly afterwards, in January 2007, it reopened and has functioned since with the funding from the Agency for Human and Minority Rights. The Readmission Office is located in the arrivals area of the Nikola Tesla Airport in Belgrade. It informs returnees on the readmission process in the Republic of Serbia, identifies the main problems facing returnees, and offers basic

¹⁵ Available at: <http://www.seio.sr.gov.yu/code/navigate.asp?id=230>.

¹⁶ Available at: <http://www.unhabitat.org.yu/pdfs/RomaSettlement/GuidelinesRomasettlements.pdf>.

¹⁷ Available at: <http://www.seio.sr.gov.yu/code/navigate.asp?id=73>.

¹⁸ The Law on Ministries, May 15, 2007, *Official Gazette of the Republic of Serbia*, No. 48/07.



legal advice in the areas of personal documents, social and health care, and employment. It also collects data on the human and minority rights of returnees, and informs the Agency for Human and Minority Rights on the situation of returnees and their problems.

The Center for the Integration of Returnees was established within the Agency for Human and Minority Rights in April 2006. Its opening was supported by the OSCE Mission in Serbia, with the funding of the European Agency for Reconstruction. Its mandate is focused on providing counselling and legal advice to returnees, and developing, coordinating and supervising the implementation of mechanisms for the integration of returnees. The Center formed the working groups for the drafting of the Information Bulletin for Returnees in the Process of Readmission, as well as the Information Manual for Returnees in the Process of Readmission; both publications were issued within the framework of the Awareness Raising Project described in this report and will be discussed in more detail later.

When it comes to advisory bodies, by the decision of the Government of the Republic of Serbia, the Council for the Integration of Returnees under Readmission Agreements was formed in November 2007. Mr Rasim Ljajić, the Minister of Labour and Social Policy, serves as the President of the Council; the other members of the Council are representatives of thirteen ministries and the EU Integration Office of the Government of Serbia. The Council is formed for the period of five years.

The existence of departments, offices and advisory bodies working on the readmission and reintegration of returnees is very important for the development of adequate public policy. The following, nevertheless, would need to be taken into account:

- The relevant institutions and bodies need to be provided with the necessary funding from the state budget, in order to make their operation smooth and sustainable.
- The staff of these institutions needs to be supported through constant capacity building.
- As they are working in the same field, these institutions should strive for close cooperation in achieving the same goals.

III. Project Analysis

This section will offer information on several key activities within the Awareness Raising Project with a special emphasis on the lessons learnt in this process, in hope that the transfer of knowledge gathered in this project can ensure the sustainability of other activities in this field in the long run.

III.1. Database on Returnees under Readmission Agreements

As mentioned earlier, there is a general lack of data on persons returning to Serbia from Western Europe under readmission agreements. Various sources of fragmental information exist, yet they are not necessarily reliable, or available to the public. For instance, the Ministry of Interior registers persons who are forcibly returned to Serbia through the Belgrade airport; these records do not include numerous returnees who return to Serbia by other routes and transportation means. The surveys conducted by NGOs are also fragmental, often geographically limited, and mainly providing qualitative and not quantitative data.¹⁹ In order to at least partially address this lacuna, and provide data support for its project for the reintegration of returnees, the Agency for Human and Minority Rights and UNDP created a database containing information on returnees.

III.1.1. Basic Methodology

The database contains information received from the following two sources:

- Information received from returnees in the survey for the assessment of the needs of persons returned under readmission agreements;
- Information received from returnees at the Readmission Office of the Agency for Human and Minority Rights, at the Belgrade airport.

The first survey was conducted within the activities of the Center for the Integration of Returnees (CIR) of the Agency for Human and Minority Rights. The questionnaire was created by CIR and the Secretariat for the Roma

¹⁹ The European Perspectives and Group 484 are currently creating a database on returnees within their project; the data for around 6,000 persons have been collected so far, and they will be made publicly available in the course of the project. IOM office in Belgrade also has an internal database with data on the needs of 8,000 returnees.



National Strategy, for the purpose of collecting information on the Roma returnees under readmission agreements and their location in Serbia. The survey was conducted by five Roma coordinators, each covering a different geographic region in Serbia. Previously, within the framework of the project described in this publication, the coordinators participated in the training of trainers organized for the needs of the project, which provided them with core information and skills needed for conducting this kind of research on readmission issues. The survey was conducted from March to June 2007.

Since June 2007, the task of collecting the data has been given to the staff of the Readmission Office. The staff of the Readmission Office records the data given by returnees who seek their assistance in the arrivals area of the airport. The database was installed at the Readmission Office in July 2007, and the merge of all data available by then was completed by September 2007. The database has been continuously updated with fresh data ever since. The database content is searchable, which enables the creation of different kinds of reports. Its data can be sent over the internet or easily exported into other statistical software (e.g. SPSS), which expands its scope of application.

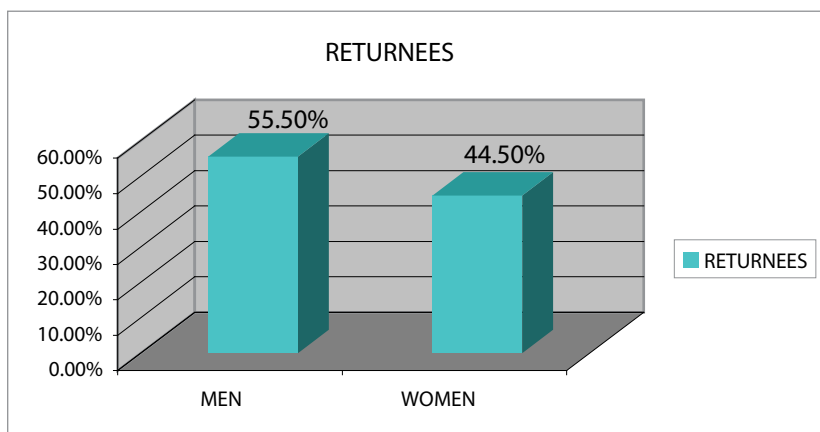
Having in mind the need for public data on returnees, some new projects might consider the following recommendations with regards to data on returnees:

- There is a need for publicly available data on returnees, and the databases available on the internet could have multiple usages.
- The creation of a joint database, with data collected through multiple resources, would be very beneficial for all who are working on reintegration issues.
- Generally, an internet-based resource center on readmission could greatly support reintegration efforts.

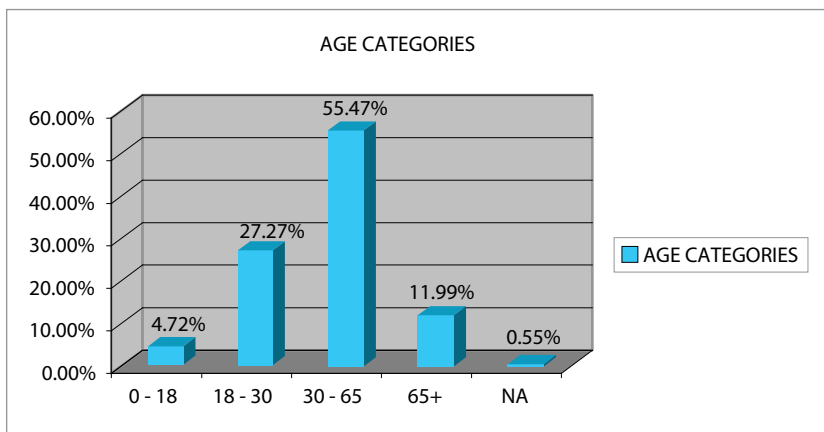
What follows is a presentation of basic data on returnees available from the project database. These data are limited in many ways, yet hopefully they can provide some insight into the situation of persons returned under readmission agreements, and assist in creating and implementing future projects supporting returnees.

III.1.2. Basic Data on Returnees

As of February 6, 2008, 3,472 persons were registered in the project database, including 1,927 men (55.5%) and 1,545 women (44.5%). The vast majority of surveyed returnees were Romani; non-Romani returnees present less than 1 per cent of the database. Nevertheless, these ethnicity data should not be taken as representative of the entire returnee population in Serbia; as the majority of the database information was gathered by Romani coordinators surveying Romani returnees, the prevalence of Roma in this sample of returnee population is its natural consequence.²⁰

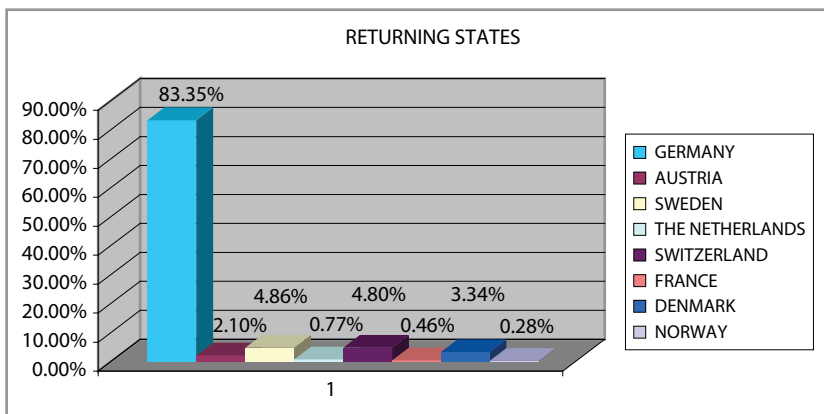


Most returnees in the survey belong to the age category of 30–65 years: 55.47 per cent (1,926 persons). The second most numerous age category are young adults, aged 18 to 30: 27.27 per cent, or 947 persons. Minors presented only 4.72 per cent of the survey sample (164 persons).

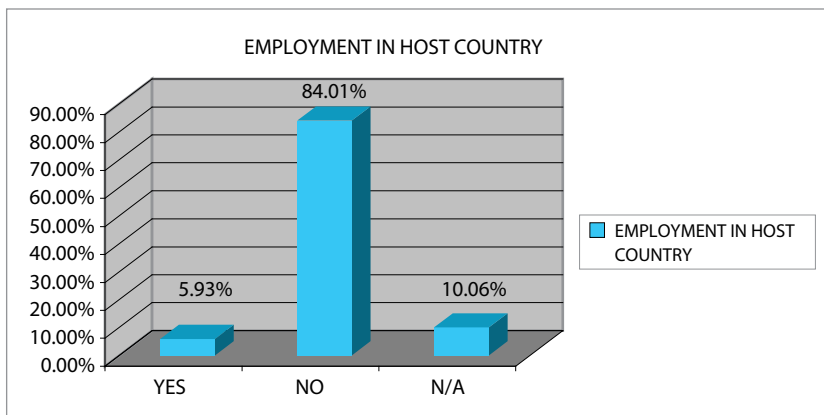


An outstanding majority of surveyed persons were returned from Germany: 83.35 per cent (2,894). Returnees from Germany are followed by returnees from Sweden (4.86%), Switzerland (4.8%), and Denmark (3.34%).

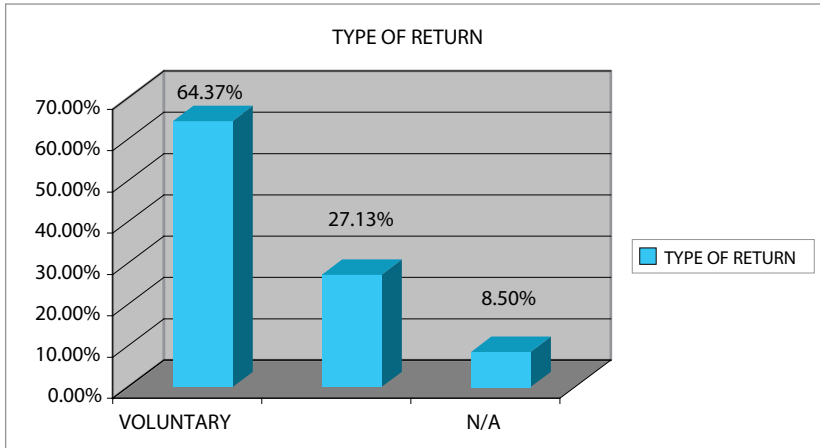
²⁰ Most estimates place Roma as constituting 60-75 per cent of all returnees; see the Introduction section of this report for more information.



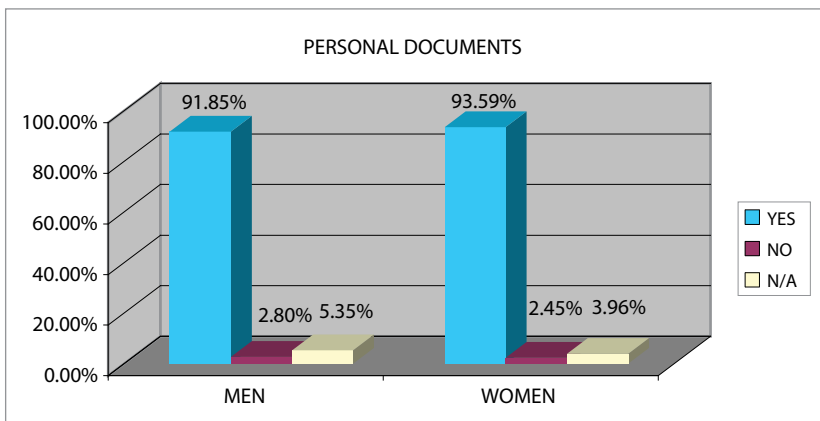
Most of the recipients received social assistance during their stay in host countries: 93.08 percent (3,232 persons), compared to 3.4 per cent (118) of those who did not received social aid, and 3.52 per cent who did not provide an answer to this question. In a similar vein, 84.01 per cent (2,917) of surveyed returnees stated that they were not employed in the foreign country they returned from, whereas 5.93 per cent (206) said that they had jobs there. Employment data disaggregated by gender shows that 87.2 per cent of men stated unemployment under those circumstances, compared to 90.16 per cent of women.



With regards to the manner of return, the majority of surveyed persons claimed that they returned “voluntarily”: 64.37 per cent (2,235). Less than a third of returnees said that they were deported: 27.13 per cent (942). The persons whose return was forcible often have more difficulties reintegrating, as in addition to tentative psychological consequences of forced return, the circumstances of their departure from host country also did not allow them to prepare, collect personal documents, medical records, financial means, etc.

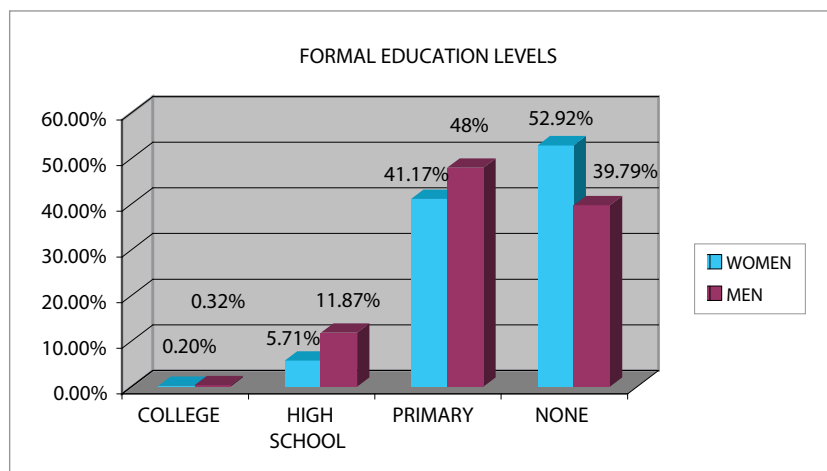


The majority of surveyed returnees stated that they did not receive any assistance in the course of their return: 59.61 per cent (2,070). Less than a quarter of the survey body was assisted in the process in some way: 22.29 per cent (774). Slightly more than a half of surveyed returnees were in the possession of travel certificates (*putni list*): 56.91 per cent (1,976), compared to 38.19 per cent (1,326) of returnees who did not have them. When asked about the current status of their personal documents, most surveyed returnees confirmed having some type of ID: this was the case with 91.85 per cent of men (1,770) and 93.59 per cent of women. Having personal documents is an important element in the integration process and the realization of basic rights of returnees.



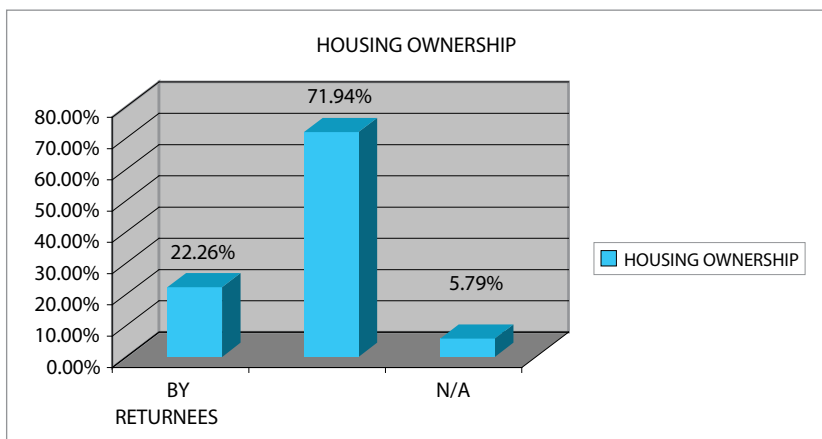


With regards to formal education levels of returnees, there is a visible gender imbalance: only 5.71 per cent of women have graduated from high school, compared to 11.87 per cent men. Similarly, 41.17 per cent of women completed primary education, compared to 48 per cent of men. Most returnee women lack formal education: more than a half of women (52.92%), whereas 39.79 per cent of men did not attend school at any level. Their chances of finding employment in the contemporary labour market will be very low.²¹



Housing is a problem of notable proportions for many returnees, as they do not have dwellings in Serbia, and paying rents presents a considerable financial constraint for the mainly impoverished returnee population. The project data confirm these concerns: only 22.26 per cent of returnees are returning to the housing they own, compared to as much as 71.94 per cent of those who will find accommodation in the houses owned by others.

²¹ Additional data on the education levels of returnee children can be found in the education section of this publication.



A rough generalization of the data presented shows an average returnee from this survey as a Romani person aged 30-65, returned from Germany, where the person was unemployed and received social welfare, who is in possession of personal documents, yet who has no formal education and no housing of one's own. As any generalization, this one has numerous limitations as well, yet it is important to note that an average returnee nevertheless undoubtedly belongs to vulnerable categories of population on a number of levels. Evidently, implementing projects aiming at the integration of returnees is highly necessary.

III.2. Relevant Project Publications

The output of the Awareness Raising Project includes two important publications, aiming at assisting both returnees seeking assistance from local institutions, as well as the institutions themselves, in order to make the reintegration process more successful and beneficial for all.

III.2.1. Information Bulletin for Returnees in the Process of Readmission

The Information Bulletin follows the steps of returnees from the moments of their arrival to Serbia. After a basic explanation of what readmission is, it describes the issue of personal documentation. As the travel document (*putni list*) is a temporary document, the returnees are advised how to obtain new personal documents and which institutions can assist them in this process. Further on, the bulletin lists the kinds of assistance provided by centers for social work, and informs the returnees on the ways of accessing medical assistance after their arrival. It describes the duties of returnee parents with regards to their children's education, and the procedures they should follow to enrol their children in school. Returnees are also advised how to register with the National Employment Agency, and how they can benefit from this registration. The bulletin ends with a contact list, providing contact information for the Readmission Office and the Center for the Integration of Returnees, as well as a number of crucial institutions on the national and local level in Serbia.



The wide distribution of the bulletin was conducted on a number of levels. The bulletin was distributed by the Roma regional coordinators of the Roma National Council, and through the Readmission Office at the Belgrade airport. The Ministry of Foreign Affairs helped the distribution of the Information Bulletin to Serbian diplomatic representations and other interested parties. The Ministry of Internal Affairs distributed the bulletin at various border control checkpoints. Finally, the bulletin was also distributed to the participants of the trainings organized within this project, to the representatives of local institutions working on returnee issues, as well as educators and NGO activists.²²

III.2.2. Information Manual for Returnees in the Process of Readmission

The second publication produced within this project, the Information Manual for Returnees in the Process of Readmission, had as its primary function to describe the particular operating procedures relevant for the integration of returnees in everyday practice of specific state institutions on the local level. It addresses the main issues faced by the returnee population, and offers potential solutions that the concrete institutions targeted by the manual could apply in their work. It was produced in the same way as the information bulletin for returnees: its text was drafted by the working groups established under the auspices of the Agency for Human and Minority Rights, supported by the OSCE. The final text of the manual was adopted in December 2006. The manual is available in the main languages spoken by the public administration in Serbia – Serbian, Hungarian, and Albanian – as well as English.

In accordance with its function, the manual is written in a simple and practical narrative style, providing clear and effective guidelines for institutional work with returnees. It is oriented towards the sensitization of employees of various public institutions: relevant ministries, centers for social work, local self-governments, local police stations, health care institutions, primary and secondary schools, etc. Importantly, the manual offers reintegration mechanisms based on the existing legal and institutional framework. Additionally, though its main audience are institutions, the manual can provide advanced guidance to individual returnees as well.

²² Detailed information on the trainings is available in the training section of this publication.

The manual firstly provides information on the concept and legal background of readmission. The next chapter gives details on the procedures related to personal documents of returnees – obtaining birth certificates, IDs, and citizenship certificates. The regulations and procedures in relation to the education of returnee children follow, in considerable detail, as is appropriate to this very important field. The manual then explores mechanisms for accessing social welfare, employment opportunities, and health care. It concludes with a contact list for the readmission-related offices of the Agency for Human and Minority Rights, and other relevant local and national institutions. In all these cases, the manual provides routine ways in which some procedures are normally followed, but it also mentions difficulties that might spring up, and then follows up with alternative suggestions. It also very clearly refers to legal background of each step in the way, and – if applicable – refers to the possibilities that returnees receive documents or services free of charge.

The training sessions, organized within the scope of this project in ten locations in Serbia with over 200 participants working for local institutions, proved as an excellent opportunity for the discussion of the manual and the solutions it offers.²³ Primarily, the manual was widely praised as a reference tool that can be checked in future, seeking guidance for particular cases. It is a unique publication in this respect in Serbia. It was commended for recognizing priority fields in reintegration – personal documents, social welfare, health care, employment and education. Yet, the following gaps were also revealed in the discussion:

- The issue of housing, and especially urgent shelter, was not covered in the manual; there are, however, no systematic solutions for this problem, and the current regulations do not cover providing housing or shelter to families. Additionally, the conditions in the existing institutions are considered substandard and need improvement.
- The manual refers to the registration of residence as the key document for obtaining identification documents, yet it does not dwell on the alternative situations such as living in unregulated settlements, or unregistered living in the property of other persons. There is a need to amend the current Law on Permanent and Temporary Residence.
- Procedures for the registration of unregistered persons described in the manual vary from one municipality to another, in terms of necessary documentation as well as the duration of the process, and some municipalities refuse to act on their legal obligations.
- The manual does not cover the issues of child and parent allowance, which could be of interest as returnee families often have many children.
- In a number of situations, the manual suggests a flexible interpretation of the Law on Administrative Fees, whereas fees do not need to be paid in the cases of application of international laws, yet the training participants showed doubt that this could be possible in practice.
- For some institutions, the suggestions from the manual were not enough if there was any conflict with the existing legislation. For instance, the

²³ More information on the training sessions can be found in the next section of this publication.

THE UNEMPLOYMENT OF RETURNEES IN BELGRADE

The research conducted by Group 484 among the returnees who sought assistance through their project in the Palilula Municipality of Belgrade indicated the following:

- 71 per cent of returnees were currently unemployed;
- 6.5 per cent has temporary work contracts;
- 3.2 per cent works illegally;
- 11.3 per cent works for daily fees or honorariums;
- Only 6.5 per cent of returnees surveyed have permanent registered employment.

Group 484, Palilula naša kuća: Rezultati istraživanja sa povratnicima iz Zapadne Evrope, Belgrade: Group 484, 2008.



manual suggested the use of the travel document (*putni list*) in the lack of other documentation; according to the relevant legislation, however, the travel documents become invalid and should be taken away as soon as the process of return is over. This particular recommendation from the manual was written in cooperation with the Ministry of Interior, yet it was obvious that for local institutions it would be best if the ministry in charge would issue adequate formal instructions on how to act in certain situations.

- The manual also did not discuss the provisions of the Amendments to the Law on Health Insurance, in force since January 2007, as the text of the manual was completed by then. As these are recent amendments, many questions arise in their implementation with regards to returnees, especially that the returnees have not been identified as belonging to the vulnerable social groups.
- The legal provisions presented in the manual often present a theoretical frame, which is, in reality, severely curtailed by inadequate funding for these purposes.
- The issues of Roma returnees were not specifically dealt with in the manual, though the majority of returnees are of Romani ethnicity. This was, however, done in order not to allow that returnee issues become marginalized within the overall work on Roma issues.

Evidently, having a manual providing advice and instruction for working with refugees proved an excellent resource for local institutions. These honest discussions on the manual's implementation are precious as they point at the areas where updated versions of a similar guide would need to be revised. Also, these discussions additionally indicated some of the more pressing issues, such as the necessary systematic changes, that fall outside the scope of such publications.

III.3. Training Sessions

From March to June 2007, the Agency for Human and Minority Rights organized training sessions in ten locations in Serbia, with the aim of introducing representatives of local institutions with the obstacles often encountered by returnees, and sustainable solutions for the reintegration of returnees, as presented in the Information Manual for Returnees in the

Process of Readmission. The issues relating to readmission and returnees are fairly novel in Serbia, especially at the local level. Addressing the needs of returnees implies the full qualification of key actors for these new roles and functions, and the main idea of the training was to provide programs that are based on the present needs of the target groups consisting of managers and officers of local governmental institutions. The training seminars were also envisaged as a venue for building partnerships among all concerned parties, working in different sectors and at different levels, in order to agree on a joint approach when working on reintegration issues. They were also used to advertise and distribute the Information Manual, and to obtain feedback on the practical implementation of procedures described in the manual.

The strategy for the training, as well as the curriculum, was created in February 2007. In March, the training materials were developed, consisting of the Draft Strategy on Returnees, the Information Manual, the Information Bulletin, a compact disc with the materials in electronic format, and adequate stationary. A ten-minute documentary film entitled "Return" was prepared to educate the audience on returnee situations and problems. After the training of trainers program was designed and delivered to selected trainers, the implementation of trainings started in mid-March 2007, and was completed in June 2007. The trainings took place in the following towns:

- Belgrade
- Kragujevac
- Novi Sad
- Niš
- Novi Pazar
- Šabac
- Zrenjanin
- Kraljevo
- Vranje
- Zaječar

These locations were selected on the basis of the estimated high numbers of their returnee residents, and their key positions in their respective geographic regions that possibly could attract returnees who do not have family ties to other locations. A total of 231 participants took part in the training sessions.²⁴ The participants were officials from state institutions operating on the local level, such as local offices of the Ministry of Interior, municipal refugee officers, representatives of local registry offices, public health institutions and medical centers, centers for social work, the National Employment Agency, etc. Most of the participants already had extensive experience in working with vulnerable groups, though not necessarily returnees per se.

URGENT SHELTER FOR RETURNÉES

The shelters where homeless returnee families could seek urgent accommodation are rare. The Shelter for Adult and Elderly Persons in the Kumodraška Street in Belgrade accepts adults only, thus returnee families seeking accommodation in this shelter would have their children separated from the adults. The children would be placed in temporary guardian families, or the Center for Infants, Children and Youth in the Zvečanska Street in Belgrade (if under the age of seven), or the Vasa Stajić Center for Children without Parental Care (for children over seven years of age). These shelters, however, are constantly overcrowded; for instance, in December 2007, the 104 beds available at the Shelter for Adults were all full, and additional twenty persons slept on improvised beds in the institution's corridors.

²⁴ See Annex 1 for more information on location and institutional affiliation of training participants.



Each training seminar lasted for two days, beginning with a session introducing the participants to the grim reality for returnees in practice, after which the participants exchanged their own experiences with returnees so far, and the problems they encountered in those situations. On the second training day, four sessions were devoted to the detailed review of the manual, with individual sessions addressing the issues of personal documents, education, social welfare and health care. The possible future steps were discussed next, together with the screening of the documentary followed by a discussion and training evaluation.

The training evaluations showed that the trainings were very successful in providing support to local institutions. The participants became familiar with the nature of relevant bilateral agreements, and the obligations that Serbia undertook in this respect, but also gained knowledge how the process developed in practice. Their awareness of the returnee population was increased, and their prejudices confronted; this information aspect was important, because even the participants that did have experiences working with returnees did not necessarily know the real situations returnees are faced with. The participants also became familiar with the procedures relevant for their field of work, and were additionally generally acquainted as well with the procedures applied in other areas, creating fruitful soil for future joint activities.

In addition to receiving copies of the relevant project publications, which they could use as reference in their future work, they were also informed in great detail on the contents of the publications, especially the manual. Most of the participants were impressed with the quality of the working materials, and stressed their importance for the participants' future work. A large share of training time was devoted to interactive information sharing among the training participants themselves. This was an important element of the process: the reintegration of returnees is a complex process, and it was crucial to build both horizontal and vertical partnerships among key actors that would enable the resolution of the returnee situation in a diverse yet balanced manner, for the benefit of returnees as well as the society as a whole.

On the other hand, the participants also stressed that there are numerous misconceptions and negative prejudices against returnees, in addition to conceptual confusions with other migrant categories. The issue of the invisibility of returnees was also discussed, which makes reintegration work more difficult. The participants strongly expressed the need to continue with training sessions, and to increase the number of people participating.

III.4. Monitoring

The monitoring process was a follow-up phase to the training seminars for representatives of local institutions, aiming at securing the sustainability of the project ideas, implementing the lessons learnt in the previous training phase, as well as expanding awareness raising, both in terms of geographic areas covered, as well as in the numbers of relevant stakeholders and partners involved in the project.

The monitoring phase of the project took place in July and August 2007, with a total of 139 participants, in all the locations where training sessions were previously held. The only exceptions were Belgrade, where regular contacts with training participants replaced the monitoring session, and the additional monitoring sessions in Tutin and Sjenica in preparation for the forthcoming project activities on returnee education that would include these towns. The monitoring sessions were organized in close cooperation with municipal institutions that also provided space for the meetings. After an initial joint session, the work would continue in thematic groups, gathering participants in similar lines of work, and providing for extensive discussion on issues of concern. The monitoring meetings were also used for the distribution of project publications. The interest for the participation in the monitoring session was considerable: though the invitations were extended only to selected participants of previous trainings, it often happened that new participants would show up.

These meetings were used as an opportunity to reflect back in more detail on the practical usefulness of the skills gained in the training seminars, as well as the applicability of the Information Manual in everyday practice of training participants. The staff of the Agency for Human and Minority Rights also used the monitoring meetings to update the participants on the latest development regarding the new readmission agreements. There was also discussion on any issues specific for a particular municipality, as well as the responses of the local self-governments to these issues. One of the most important results of the training are the examples of good practice from the municipalities visited. Here are some illustrative samples of problems raised in the discussions:

- Health professionals participating in the Belgrade sessions noted with concern that in the case of returnees suffering from chronic illnesses there are no records of the previous medical treatments abroad. In cases where there are records, there are sometimes differences in the pharmaceuticals used in a particular therapy, which leads to changes in therapy. It also often happens that returnees requiring medical care arrive with a limited amount of medications, and by the time they manage to realize their right to health care these medications are spent, and their condition can worsen.
- Some municipalities have good practices when it comes to registering the residence of returnees: in Novi Pazar, the registration of residence requires the statements of two witnesses and a check-up field visit, if it is not practically possible for the residence to be registered following the set rules of this procedure. (This good practice is, however, only applicable in locations with small numbers of residents.)



- In some municipalities, the work on reintegration of Romani returnee children in the education process used as its basis other activities targeting Roma education, such as the inclusion of Romani children in preschool classes, the involvement of the local coordinator for Roma issues, and the work of Roma teaching assistants in local primary schools.
- In Zrenjanin, the participants suggested that it would be good if the Ministry of Labour and Social Policy prepared instructions for the social workers dealing with returnees, to avoid situations where municipal social welfare officers face this kind of situations yet do not know how to act.
- As Vojvodina is a multicultural region, with an extensive experience in not only building tolerance but also working with refugees and vulnerable groups, this knowledge can be used as a good resource for working with returnees.
- The discussions in Niš brought up the issue of prejudice against returnees, namely identifying returnees under readmission agreements with the *Gastarbeiters*, guest workers from Serbia working in Western Europe, who are normally of a considerably better financial status than returnees who were mainly unemployed social welfare recipients.
- If there is sufficient knowledge about – and sympathy for – the situation of returnees, the officials can be flexible in interpreting certain legal requirements in the favour of returnees, as was mentioned in the Zaječar sessions.

Despite regional differences, some of the conclusions were common for all sessions:

- There are concerns that returnees would be a new “privileged” category of population with special protection from the state, which had to be counterbalanced with an emphasis that the returnees would not be given any special status.
- The problems related to the situation of returnees greatly overlap with the issues of ethnic minorities, particularly Roma. Minority returnees, however, are a particularly vulnerable layer within their ethnic group.
- Generally there was a unanimous concern for the need for adequate financial support for reintegration-related projects that would need to be raised from the countries sending returnees.

- The participants were inspired to act on their own and write projects, and to apply with the existing state funds on the national level. However, the problem with most projects is that they are not sustainable in the long run – systematic changes are needed instead.
- Therefore, there was wide agreement that the state, and the Agency for Human and Minority Rights, could have an important role in creating future project together with the local authorities.
- It is important to make information on returnees available to local institutions, in order to eliminate prejudice and misinformation about returnees.

It is important to note that the project staff and the training participants often communicated in the interim period between the trainings and the consequent monitoring sessions. As an illustration, the trainees would inform the project staff on receiving the project publications, or seek advice on concrete cases of individual returnees they were working with. In some cases, the cooperation with local institutions continued after the monitoring as well, especially in the area of education, as this was the time of commencement of the academic year 2007/2008.

Generally, it should be stressed that the training and monitoring activities within the Awareness Raising Project initiated the process of introducing representatives of the local institutions to the issues of readmission and reintegration, so that the municipal authorities and other local offices could be prepared to accept returnees in an organized manner.

III.5. Institutional and Organizational Cooperation

Within its activities on the issue of reintegration of returnees, the Agency for Human and Minority Rights conducted a number of activities aiming at establishing cooperation and networks with non-governmental and intergovernmental organizations in Serbia, yet outside its borders as well.

III.5.1. Cooperation with IGOs and NGOs on the Reintegration of Returnees

Realizing the necessity of improved coordination of efforts in the reintegration field, as well as insufficient awareness within the civil society sector of the situation of returnees, the project implementation also included a strong component of cooperation with intergovernmental agencies and non-governmental organizations active in the field of reintegration.

As a part of these activities, on October 1, 2007, the Agency for Human and Minority Rights and the UNDP organized a meeting for a number of relevant agencies. The meeting gathered representatives of the Serbian Red Cross, the civil society (Group 484, Novi Sad Humanitarian Center, Serbian Democratic Forum, Serbian Refugee Council), international NGOs operating in Serbia (Danish Refugee Council, European Perspective), as well as intergovernmental agencies (International Organization for Migration, UNHCR), together with the hosts from UNDP and the Agency for Human



and Minority Rights.²⁵ It was agreed that the establishment of a joint body could contribute to improved results and more efficient resolution of returnees' issues. The existence of a link between intergovernmental, non-governmental and governmental bodies working on the same concerns was also recognised as important.

The meeting was also used as an opportunity for detailed exchange of information on projects related to readmission and reintegration implemented at that moment. It was agreed that an exchange of more detailed relevant data would follow up the meeting. In their discussion of the current activities, the participants noted that there were numerous common elements in their work. The similarity in aims, target groups, and locations again stressed the importance of coordination and information sharing among various actors, in order to avoid any thematic or geographic overlaps in project implementation. The participants also noted the lack of basic formal definitions in this field.

Some of discussion also shed light on the issue of data collection. In addition to the returnee database of the Agency for Human and Minority Rights, the European Perspectives and Group 484, as well as IOM, have their own databases with information gathered in the implementation of their respective projects. There was unanimous agreement on the usefulness of a possible joint database, which could be used by various network members, while taking into account personal data protection.

Furthermore, with the aim of raising awareness on reintegration-related issues, as well as strengthening the local partner networks, the Agency for Human and Minority Rights organized three regional training sessions for NGO activists, which took place in Novi Sad, Vrnjačka Banja and Niš in the course of October and November 2007. The training in Novi Sad, for instance, took place on October 11-12, 2007, with eleven representatives of local NGOs. The participants were satisfied with the importance of information, ideas and instructions received during the training. In the course of the sessions, it appeared that most of the participants did not work with returnees directly, and were not familiar with readmission, yet they all had valuable experience working with other forced migrants and/or vulnerable groups. Those who did not have contacts with returnees learnt about the experiences of those who were experienced in this field; as participants came from different

²⁵ This should not be taken as an exhaustive list of institutions and organizations working in the field of readmission.

organizations working in different towns, this was also a good opportunity for networking. The main conclusion of the trainings, though, was that it would be necessary to build on the expertise of NGOs working with other vulnerable groups (such as refugees and IDPs),²⁶ and to identify similarities and differences with returnee issues, which would facilitate a smoother reintegration process for returnees with the help of NGOs.

Also with regards to the cooperation with NGOs in the framework of this project, the Agency for Human and Minority Rights is currently conducting an analysis of “Readmission and the Media”, in an attempt at clarifying the readmission process and reintegration to media representatives, and also offering a review of reintegration-related projects of main IGOs and NGOs active in this field.

In conclusion, the following recommendations can be made in the area of intersectional cooperation among intergovernmental agencies, NGOs, and governmental institutions:

- There is a need for improved cooperation, coordination and exchange of information among different actors in the reintegration field.
- As assistance to returnees is still scarce, avoiding overlap is highly desirable.
- The cooperation network needs to include all relevant stakeholders, from governmental, intergovernmental, and non-governmental sectors.
- The level of cooperation needs to be formalized, by the means of establishing coordination bodies.
- Formal definitions in the field of readmission, such as defining a “returnee”, need to be agreed on, and relevant eligibility criteria need to be created.
- Reintegration work would highly benefit from a consolidated database, and additional data collection, with expanded questionnaires and due respect to personal data protection requirements.

III.5.2. International Initiatives in Search of Solutions for Returnees

Within the activities under the Serbian Chairmanship of the Committee of Ministers of the Council of Europe (May – November 2007), the Agency for Human and Minority Rights, together with the National Assembly of the Republic of Serbia and the CoE Roma and Travellers Division, organized the “Conference on Durable Solutions for Roma Refugees, IDPs and Returnees in the Balkans”. This conference took place in Belgrade on 29 and 30 October 2007, in cooperation with the United Nations High Commissioner for Refugees (UNHCR) and the CoE Office in Belgrade.

The conference participants included members of parliament of CoE countries, and a number of governmental and non-governmental representatives from Serbia and the neighbouring states. In addition to the

²⁶ IDPs – internally displaced persons.

OVERVIEW OF MAIN INTERGOVERNMENTAL AGENCIES AND NGOS WORKING ON THE REINTEGRATION OF RETURNEES

Group 484 (Grupa 484) is a non-governmental organization assisting refugees, IDPs and returnees, and promoting human rights and civil society values. Currently Group 484 is implementing a number of projects related to the reintegration of returnees:

- Support of the process of readmission through sustainable reintegration of returnees from Western Europe to Serbia (with the *European Perspectives* and the *Serbian Democratic Forum*);

- Palilula Our Home, integrating the returnees into the local community of this Belgrade district (funded by the Fund for Social Innovations);

- Providing information on Serbia to the Country of Return Information Project, as the key for support and advice regarding return (with the Center for Development Services);

- Advocacy on the European Union level for the sustainable return in the region of South East Europe (with the European Council on Refugees and Exiles); and

- Voluntary work for the integration of migrants in the local community (funded by the Comité Catholique Contre le Faim et pour le Développement).

Serbian Refugee Council (Srpski savet za izbeglice), a network of six Serbian NGOs addressing the problems of refugees and IDPs, is currently implementing their project “People in Readmission: Policies and Experience Strengthening in



Serbia”, building the capacity of governmental officers and NGO activists working on returnee issues.

International Organization for Migrations (IOM) is the leading intergovernmental agency in the field of migration. The IOM office in Serbia has implemented a number of projects targeting returnees, ranging from assisting in return to vocational training upon return, and has also conducted a survey among 8,000 beneficiaries of their services on the situation of returnees in Serbia.

Organization for Security and Cooperation in Europe (OSCE) Mission in Serbia supported the establishment of the Center for the Integration of Returnees with the Agency for Human and Minority Rights, and funded the survey on the socioeconomic situation of Roma returnees conducted by Roma coordinators throughout Serbia.

United Nations High Commissioner for Refugees (UNHCR) safeguards the rights and well-being of refugees, ensuring that everyone can exercise the right to seek asylum and find safe refuge in another state, with the option to return home voluntarily. UNHCR Serbia offers assistance not only to refugees, but to other categories of displaced or vulnerable persons as well, and supports returnees due to both their current vulnerability as well as their previous status of asylum seekers or IDPs.

issues of return, civil status and statelessness, access to rights and integration, Roma participation, as well as awareness raising, the conference paid particular attention to the issue of readmission. In his speech, Mr Alexander Vladychenko, Director General of CoE Social Cohesion, warned of the need for caution with regards to the new readmission agreements: “Readmission should be limited as long as there are no capacities to incorporate returned populations, which is often the case when it comes to Roma, and any return should be accompanied by financial and human assistance to integrate Roma populations who in many cases have been already several times uprooted.”²⁷

The second day of the conference was devoted entirely to the issues of return. The plenary session on the return on the basis of readmission agreements, moderated by Mr Petar Lađević, Director of Agency for Human and Minority Rights, initiated discussions on the issues of readmission agreements and the protection of human rights, issues arising from the implementation of readmission agreements, and the creation of national reception capacity, including international assistance. The following session on the topic of integration and access to socio-economic rights for returnees and for those who cannot return discussed in particular the access to health, housing and employment, with special attention on legal and practical gaps, as well as inclusion of Roma returnees, IDPs and refugees in the national programs and action plans for Roma.

The conference participants agreed on a number of important conclusions, where the issue of readmission again held the most prominent place:

- The conclusions call for transparent, voluntary and dignified returns, noting that the process of readmission needs to be gradual, taking into consideration the capacity of Serbia to reintegrate the returnees.
- The necessary budgets need to be allocated both in the region, as well as within the EU, European Commission, and the CoE Development Bank (CEB).
- The strengthening of institutional capacity was deemed necessary on both the national as well as local level.²⁸

²⁷ Speech by Alexander Vladychenko, Belgrade, October 29, 2007, available at: www.coe.org.yu.

²⁸ The full text of conference conclusions can be found in the Annexes section of this report.

III.5.3. Learning from Best Practices: Study Tours

In order to establish the points of contact and communication between receptor and emission states in the readmission process, the project implementation team conducted study tours to two countries of the European Union, the Netherlands and Romania, to become acquainted with the realities of readmission in these countries.²⁹ In addition to being strong learning experiences, the visits also increased international awareness of reintegration issues in Serbia and the Agency's related efforts.

The choice of Romania as a case study owed primarily to the fact that this is, similarly to Serbia, a southeast European country that – until recently – faced similar migration issues, particularly in the case of vulnerable groups such as Roma. The Romanian accession to the EU caused a considerable change in this respect, which made another interesting learning point. Finally, at that point in time Romania also became the country of destination for a number of Serbian Roma.³⁰

The five-member delegation from UNDP Serbia and the Agency for Human and Minority Rights visited Romania on October 9-12, 2007. In the course of their study trip, the delegation met with Romanian governmental agencies (Ministry of Education, National Roma Agency), Roma NGOs and foundations (Romani Criss, Roma Education Fund), and international agencies (IOM). The delegation also met with the relevant staff of the Embassy of the Republic of Serbia in Bucharest, and spoke with some of the Roma from Serbia who sought asylum in Romania at that time.

Most Romanian interlocutors stressed that Roma do not make the largest migratory group from Romania, yet they are the most visible group of migrants. The development of public policy helped combating illegal migrations, particularly the Government Strategy for Improving the Condition of Roma, as well as adopting antidiscrimination legislation. Membership of the European Union blocked further repatriation of Romanian migrants, as this is now regarded to be in opposition to EU standards; additionally, the issues relating to Roma and/or migration respectively seek creating joint EU policies in these fields.

The second study tour took place on November 9-17, 2007, when the representatives of the Ministry of Interior of the Republic of Serbia joined the representatives of the UNDP Serbia and the Agency for Human and Minority Rights on their visit to the Netherlands. The Netherlands hosts thousands of potential returnees to Serbia; some earlier estimates place the number at approximately 12,000 persons.³¹

The delegation visited The Hague and Amsterdam, meeting with relevant Dutch NGOs working on readmission and reintegration issues (Cordaid,

²⁹ In addition to study tours, desk studies on readmission and reintegration issues in Germany and Turkey were also undertaken.

³⁰ In September 2007, a group of around 200 Roma from eastern Serbia sought asylum in Romania, claiming that they were discriminated on racial grounds; all the claims were rejected.

³¹ Council of Europe. *Roma Returnees to Serbia and Montenegro: Whose Responsibility; Mission Report, Council of Europe fact-finding mission to Serbia and Montenegro*. Strasbourg, 2003, p. 7.



Samah, Dutch Refugee Council), IOM, as well as Romani activists living in the Netherlands. Meetings were also held with the Dutch Ministry of Foreign Affairs, and numerous officials of the Dutch Ministry of Justice working in this field: the Central Agency for the Reception of Asylum Seekers, the Immigration Policy Department, the Repatriation and Departure Service, and the Immigration and Naturalization Service. The main topics of discussion included the Dutch experience in the reintegration of returnees, prevention on secondary migrations, and the integration/reintegration of Romani migrants. The delegation also visited a reception center for asylum seekers in Leiden.

The visits successfully established contacts between the delegation members and Romanian and Dutch institutions and organizations working on reintegration issues. They also improved the capacity and knowledge of the delegation by the means of creating a group of professionals with international experience and networks. Some of the learning experiences from the study trips include:

- There is considerable potential in learning from both positive and negative reintegration experiences of others.
- Valuable lessons can particularly be learnt from the experiences of other countries of origin who are/were in similar circumstances.
- Developing public policy supporting vulnerable groups also contributes to preventing illegal migrations.
- Adopting and implementing anti-discrimination legislation protects ethnic minority groups who are potential migrants.
- Establishing contacts and information exchange with institutions and organizations in host countries benefits both sides of the readmission process.

III.6. Direct Assistance to Returnees

In addition to the support and capacity building given to institutions working with returnees, this project also offered some direct assistance to returnees themselves, mainly in the sense of counselling returnees on administrative matters, as well as communicating and cooperating with

other state institutions and various local administrative offices in order to assist returnees in resolving their problems. In a very large number of cases returnees addressed the staff of the Agency for Human and Minority Rights, and in others they sought advice from the staff operating at the Agency's Readmission Office located at the Belgrade airport. What follows are some representative examples of the problems faced by returnees, and the kind of advice and support given by the staff of the Agency for Human and Minority Rights.³²

Basic personal documents, such as birth or citizenship certificates, serve as a requirement for various other personal documents, such as identity cards or health care cards, which are needed for the exercise of numerous civil and political, as well as economic and social rights, including the right to adequate health care. The Agency staff also assisted returnees in obtaining documentation needed for accessing health care. One of them was Ms D.N. who was returned to Serbia with her four children, two of whom were not registered after birth. One of her sons was born in Italy in 1997, and the other in France in 2005, whereas the family was returned from Germany. Ms D.N. asked for assistance in obtaining evidence that her sons were born in Italy and France respectively; with this evidence, she could proceed and belatedly register their births in the municipality of Pančevo, where they now resided, and also obtain the necessary health care cards for the children, without which they cannot access medical assistance at local health care institutions. The Agency for Human and Minority Rights thus informed the Serbian Ministry of Foreign Affairs on this case, and asked them for help in contacting relevant registry offices in Italy and France, so that the children of Ms D.N. can obtain some evidence of legal identity. After six months, the family was in the possession of the needed documents, free of any administrative charge.

Some of the returnees are originally from Kosovo, and in their case obtaining personal documents can be very difficult, as many consider travelling to their places of origin in Kosovo in search of documentation costly, time-consuming, and often unsafe. Registry books, containing essential personal information, were moved from Kosovo to other parts of Serbia in 1999, when dislocated registry offices were created and merged with various existing registry offices in Serbia. For instance, the registry office in Niš, in addition to providing documents to the citizens of this municipality, now also provides registry services for the Kosovo municipalities of Prishtina, Podujevo, Glogovac, Obilić, Lipljan and Kosovo Polje. Still, as all dislocated registry offices are placed in the municipalities of central and southern Serbia, this is nevertheless a considerable distance for those returnees originally from Kosovo, as well as IDPs from Kosovo, who now live in other parts of Serbia.³³ For this reason, some returnees sought assistance from the Agency for Human and Minority Rights in obtaining personal documentation. For instance, Mr H.B, who has lived in Serbia since his family's forced return from

³² This should not be understood as a comprehensive list, yet only a review of representative samples.

³³ For more information on displaced registry offices, see: United Nations High Commissioner for Refugees (UNHCR) and Praxis. *Analysis of the Situation of Internally Displaced Persons from Kosovo in Serbia: Law and Practice*. Belgrade: UNHCR and Praxis, 2007, p. 20.



Germany in August 2007, asked the Agency staff to assist him in obtaining a citizenship certificate for himself, as well as the birth certificate and citizenship certificate for his wife. Mr H.B. was born in Brežanik, and his wife in Zahač, both in the municipality of Peć in Kosovo. As the Peć registry books are now located in the displaced registry office in Kragujevac, the Agency for Human and Minority Rights sent an official request to the Municipality of Kragujevac, asking for their assistance in providing the necessary documents to the returnees in question. As Mr H.B. and his family did not have a permanent address in Serbia at the time of asking for this assistance, the Agency served as a mediator in this respect, asking that the personal documents be sent to the Agency instead. The Kragujevac office provided Mr H.B. with the citizenship certificate; yet Ms F.B. was not registered in their records; the Agency staff offered her advice on how to initiate belated registration.

Some returnees began the consultation process with the Agency for Human and Minority Rights before they were actually returned. For example, Mr V.V. contacted the Agency's reintegration staff on several occasions in the course of the summer of 2006, as he was awaiting his return to Serbia from the Netherlands. Mr V.V. was a citizen of Montenegro, who was due to return to Serbia, as he resided there prior to his emigration to the Netherlands; his wife and sons were already returned to Serbia. Mr V.V. sought legal advice on his residence in Serbia as a foreign citizen upon his pending return, on the matter of paying customs fees for his personal property upon returning to Serbia, as well as the importing and driving a foreign car in Serbia, as they intended to return by car. The Agency staff consulted the Customs Administration of the Ministry of Finance, and the Personal Documents Department of the Ministry of Interior, and offered Mr V.V. the requested information. In September 2006, when Mr V.V. joined his family in Serbia, the Agency also successfully assisted the process of enrolling Mr V.V.'s children in primary and secondary schools in Belgrade respectively, via official communication and a number of interventions with the schools, recommending that they enrol the children as they were still obtaining the necessary personal documents and school certificates, in order not to miss on the academic year.

The staff of the Agency for Human and Minority Rights in some cases also offered social assistance and psychological counsel. Ms Z.S. was a returnee from Germany who received psychotherapy there, after witnessing her

husband's suicide in 2002; she was returned to Serbia from Germany with her five children in 2006. The Agency staff, including a qualified psychologist, met Ms Z.S. and her family at the airport upon their arrival, and offered her adequate psychological support, in coordination with Ms Z.S.'s therapist in Germany. As the family of Ms Z.S. continued to Sremska Mitrovica, to join one of her daughters who lived there, the Agency staff advised her to contact the Center for Social Work in Sremska Mitrovica. In the meanwhile, the Agency contacted the Center for Social Work, and invited them to assist in providing Ms Z.S. with continued medical and psychological care, social care, education for her children, finding adequate housing, as well as support in obtaining birth certificates for the three youngest children of Ms Z.S. who were born in the Netherlands and Germany respectively. The Center for Social Work found accommodation for the family of Ms Z.S, assisted her technically in receiving financial support from an NGO in Germany, and offered psychosocial support to Ms Z.S.

Having in mind the dire financial circumstances of most returnees, it is important to stress that through direct assistance of the Agency for Human and Minority Rights the returnees received personal documents in procedures that were free of charge, where normally fees are indeed imposed by other offices for this kind of provision. Also, the Agency is a national-level institution, and the interventions of the Agency of behalf of individual returnees carried considerable official authority, especially in cooperation with various ministries. On the other hand, the procedures and official communications initiated in these and numerous other direct assistance cases unfortunately took time, and this was one of the main difficulties in this activity. Additionally, despite enormous need for this kind of support, the Agency for Human and Minority Rights is not established as an operational service and it does not have the necessary staff to work directly with returnees of a full-time daily basis. There are a number of reasons why it would not be able to work on all the individual cases where such assistance would be required. Additionally, the Agency is based in Belgrade, whereas returnees reside all over Serbia, and the concentration of this kind of work in Belgrade would not be convenient. Therefore, such cases could be resolved in a considerably improved and easier manner if they could be dealt with by local institutions: schools, or centers for social work, for instance, have the same official authority to communicate with other institutions and ask them for assistance.

Therefore, some of the conclusions stemming from the experiences of this project in both directly assisting returnees, and creating networks with other support institutions in doing so, are:

- There is a considerable need for directly supporting individual returnees in their communication with other institutions in Serbia and abroad.
- Establishing local offices for providing direct advice and assistance to returnees would be extremely beneficial.
- Reintegration of returnees is a complex and multidimensional process; it is necessary to build strong partnerships among various state agencies and ministries in working on this issue.



- It is also important to build partnerships between relevant national and local institutions.
- It would be necessary to simplify and shorten the procedures for obtaining various personal and educational documents for returnees, and to establish channels for the provision of these.
- Capacity building and training in the area of reintegration of returnees is equally important on national and local level.

IV. Readmission and Education

One of the main channels for the successful reintegration of returnee families is the education of their children. The right to education is considered to be one of the most important human rights, and it is duly covered in both international and domestic law in Serbia.

IV.1. The Right to Education in Legislation and Policy

The universal right to education has firstly been established in the Universal Declaration of Human Rights, in 1948. The first international human rights document specifically in the field of education followed in 1962, when the UNESCO Convention against Discrimination in Education denounced any form of discrimination in education, and called for equality in both opportunity and treatment in education.³⁴ The 1969 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) guaranteed the right to education and training, inter alia, to everyone, regardless of their race, colour, national or ethnic origin. The world community strengthened its commitment to education further in the 1976 International Covenant on Economic, Social and Cultural Rights (ICESCR, Article 13) and obliged states to secure primary education free of charge (Article 14).³⁵ The Convention on the Elimination of All Forms of Discrimination against Women (1981) additionally requires States Parties to take “all appropriate measures to eliminate discrimination against women [...] in the field of education” (Article 10). In 1989, the Convention on the Rights of the Child reaffirmed the states’ obligation to provide free primary education (Article 28) but also elaborated further on the directions the education of children should take in its Article 29. As the legal successor of the State Union of Serbia and Montenegro, and previously the Federal Republic of Yugoslavia, the Republic of Serbia

³⁴ The years given denote the year in which the respective international document entered into force.

³⁵ Further elaboration of these provisions was given in the General Comment 11 (1999): Plans of Action for Primary Education (Article 14 of the ICESCR), and General Comment 13 (1999): The Right to Education (Article 13 of the ICESCR).



Everyone has the right to education.

Article 26, Universal Declaration of Human Rights, 1948.

is a party to all these international conventions.³⁶ It is also a party to the International Covenant on Civil and Political Rights (1976), which requires equality of persons without discrimination in all areas, including education; ICESCR and ICERD also prohibit discrimination.

When it comes to regional human rights instruments, Serbia is a party to the European Convention on Human Rights, including Protocol No. 12, since 2003.³⁷ Article 2 of the First Protocol to the Convention states that “[no] person shall be denied the right to education.” The European Convention also guarantees freedom from discrimination (Article 14), and the general prohibition of discrimination was strengthened again in the Convention’s Protocol No. 12. Since 2002, Serbia is also a party to the Council of Europe’s Framework Convention for the Protection of National Minorities (1998).³⁸ In its Article 14, the Framework Convention elaborates on the right to learn in one’s minority language.

In domestic law, the Constitution of the Republic of Serbia (2006) guarantees the right to education (Article 71), whereas primary education is mandatory and free of charge. Special rights of minorities in the field of education are assured in Articles 75 and 79. There are a number of laws regulating education (and the education of minorities) in Serbia:

- The Law on the Foundations of the Education System³⁹
- The Law on Primary School⁴⁰
- The Law on Secondary School⁴¹

³⁶ ICCPR and ICESCR: *Official Gazette of the SFRY – International Treaties*, No. 7/71, ICERD: *Official Gazette of the SFRY – International Treaties*, No. 6/67, CRC: *Official Gazette of the SFRY – International Treaties*, No. 15/90, CEDAW: *Official Gazette of the SFRY – International Treaties*, No. 11/81. Serbia has been a party to UNESCO CADE since September 2001.

³⁷ Full title of treaty: Convention for the Protection of Human Rights and Fundamental Freedoms. *Official Gazette of Serbia and Montenegro – International Treaties*, No. 9/03.

³⁸ *Official Gazette of the FRY – International Treaties*, No. 9/02.

³⁹ Law on the Foundations of the Education System, *Official Gazette of the Republic of Serbia*, Nos. 62/03 and 64/03, and Law on Amendments and Supplements to the Law on the Foundations of the Education System, *Official Gazette of the Republic of Serbia*, Nos. 58/04 and 62/04.

⁴⁰ *Official Gazette of the Republic of Serbia*, Nos. 50/92, 53/93, 67/93, 48/94, 66/94, 24/96 and 23/02.

⁴¹ *Official Gazette of the Republic of Serbia*, Nos. 50/92, 53/93, 67/93, 48/94, 24/96 and 23/02.

- The Law on Higher Education⁴²
- The Law on the Social Care of Children⁴³
- The Law on Activities of Public Interest in the Field of Culture⁴⁴
- The Law on Defining Competences of an Autonomous Province.⁴⁵

Additionally, Serbian domestic law provides some shield against discrimination, especially for national minorities. The 2006 Serbian Constitution protects the rights of national minorities (Articles 14 and 75). It also generally prohibits discrimination on all grounds (Article 21), and specifically forbids the discrimination of national minorities (Article 76). The former Law on the Protection of the Rights and Freedoms of National Minorities (2002) regulated the rights of minorities to education in their mother tongue, yet this federal law is no longer applicable.⁴⁶ There is, however, no comprehensive antidiscrimination law, and no bodies entrusted with the task to monitor discrimination according to the laws above; as mentioned earlier in this document, the new antidiscrimination law has recently been drafted. The Law on the Foundations of the Education System also prohibits discrimination in education (Article 46), yet there is no information on legal cases challenging the violations of these provisions.

In terms of relevant public policy,⁴⁷ the document of highest importance is the Draft Strategy for the Reintegration of Returnees under Readmission Agreements. The Draft Strategy is under revision at the moment, and its current working version contains a chapter devoted to the education of returnee children, prepared in cooperation with the Ministry of Education.⁴⁸ The Draft Strategy stresses the fact that there is no data available on the numbers of returnee children. It elaborates on the issue of the lack of Serbian language skills among returnee children, the lack of programs for the continuation of learning foreign languages, the lack of documents necessary to enrol primary and secondary schools, and the difficulties in the process of validating foreign certificates and diplomas. The Draft Strategy will propose a set of recommendations to resolve these and other issues related to the education of returnee children.

When it comes to public policy on the education of Romani children who were returned to Serbia under readmission agreements, the 2003 Draft Strategy for the Integration and Empowerment of Roma is also being revised as the Revised Draft Strategy for the Improvement of the Position of Roma. The current draft includes a section on returns under readmission agreements, and with regards to the education of returnee children the Revised Draft

⁴² *Official Gazette of the Republic of Serbia*, No. 76/05.

⁴³ *Official Gazette of the Republic of Serbia*, Nos. 49/92, 29/93, 53/93, 67/93, 28/94, 47/94, 25/96, 29/01.

⁴⁴ *Official Gazette of the Republic of Serbia*, No. 49/92.

⁴⁵ *Official Gazette of the Republic of Serbia*, No. 6/02.

⁴⁶ *Official Gazette of the FRY*, No. 11/02.

⁴⁷ For more information on general public policy with regards to the reintegration of returnees, see the "Readmission and Public Policy" section of this publication.

⁴⁸ The working version of the Draft Strategy for the Reintegration of Returnees available as of January 2008, received from the Ministry of Labour and Social Policy, on file with author.



Strategy calls for the obligatory enrolment of children who have been returned from Western Europe, enabling the evaluation of foreign school certificates, and assistance in obtaining education-related documents from foreign countries. Additionally, it also stresses the necessity of assisting returnee children who do not speak Serbian language and cannot use the Cyrillic script, as well as the need to make possible that children continue studying the foreign languages they have spoken in the countries they were returned from.⁴⁹

With regards to the action plans relating to the situation of Roma, out of the four adopted national action plans for Roma, the Action Plan for Roma Education (full title: Common Action Plan for the Advancement of Education of Roma in Serbia) is the only one that refers to the situation of returnees. This plan identifies “the children of returnees from other countries” as one of the groups that deserve special protection in working with Romani pupils and students. When it comes to the existing drafts of Roma-related action plans that are still awaiting adoption, the Draft Action Plan for [Roma] Returnees from March 2005 includes integration into the education system as one of its objectives, and the relevant measures proposed include issuing instructions to schools in relation to mandatory enrolment of returnee children, validation of foreign diplomas and certificates, assistance in obtaining school certificates from other countries, and the implementation of measures targeting returnee children envisaged in the Action Plan on Roma Education. It is expected that the revised Draft Strategy and the proposed action plans that have not yet been adopted (including the Draft Action Plan for Returnees) will be presented to the Government of Serbia for review, and finally adoption, in the coming months.⁵⁰

With regards to the legislation and public policy relating to returnees and particularly Romani returnees as described above, the following issues need to be emphasized:

- The Republic of Serbia needs to fulfil all its obligations in the domain of education according to its international and European human rights obligations.

⁴⁹ The working version of the Revised Draft Strategy for the Improvement of the Position of Roma, available as of February 2008, received from the Secretariat for the Roma National Strategy, on file with author.

⁵⁰ Information received from the Secretariat for the Roma National Strategy, Agency for Human and Minority Rights, February 2008.

- Issues of education and combating discrimination in education are covered in domestic law in Serbia, yet there is no monitoring of their application in the case of vulnerable groups such as returnee children.
- A comprehensive antidiscrimination act in Serbia is still only being created.
- There is no legislation focusing on the rights of ethnic minorities and their education.
- It is extremely important for the education of returnee children that the Draft Strategy for the Reintegration of Returnees under Readmission Agreements, as well as the Revised Draft Strategy for the Improvement of the Position of Roma, are completed and timely adopted by the Serbian Government, and that their provisions on education are put into practice.
- Some elements of the Action Plan on Roma Education address the situation of returnee children, and these elements need to be applied in practice.
- The Draft Action Plan on [Roma] Returnees still awaits adoption; it needs to be adopted, and its education provisions should be applied urgently.

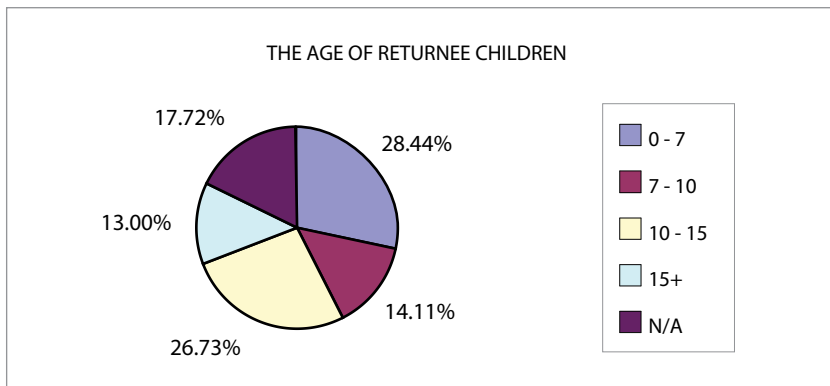
In the case of education for returnee children, the described theoretical framework often proves very difficult to apply because of the children's exceptional circumstances, which require providing special support to returnee children.

IV.2. Supporting Education of Returnee Children

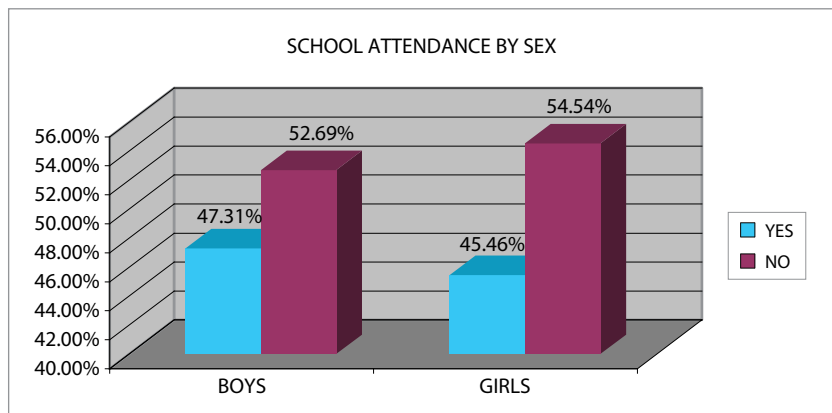
The educational activities undertaken within the Awareness Raising Project took the form of immediate assistance to returnee children, in the form of Serbian language classes organized in 15 municipalities, as well as free translation of educational certificates from foreign countries. These measures were aimed at addressing immediate language problems of the returnee children, preparing the ground for other interested parties to replicate this activity in other locations and on other levels, as well as bridging the gap until systematic educational measures would be introduced, addressing the problems in education of returnee children in a more systematic manner.

Information from the project database illustrates the need to pay special attention to the education of returnee children. According to the database of the Agency for Human and Minority Rights, the number of children of all persons surveyed (the adult total being 3,472 persons) was 2,409.⁵¹ Most of these children – 69.3 per cent – were under the age of 15; under the provisions of the Serbian Law on Primary School, their participation in primary education is mandatory.

⁵¹ This is only the number of returnees registered with the Agency and not the total number of returnees; please see the database section of this publication for more information. The returnees were of Romani ethnicity, with few statistically negligible exceptions.

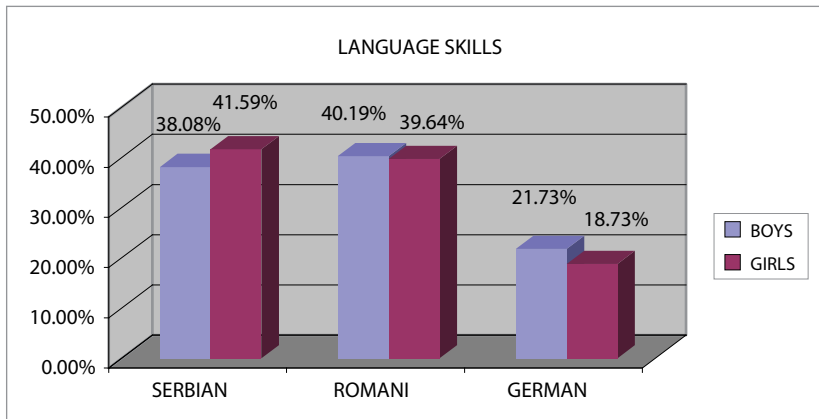


Of all the interviewees who provided answers to the question whether their children attended school in the period when they lived abroad, less than a half – 46.4 per cent – confirmed that their children attended schools, and in 47.6 per cent cases the children were not formally schooled at all. When disaggregated by sex, these data show that the percentage of girls who did not receive any formal education is slightly higher than in the case of the boys. Generally, literacy rates among Romani women in Serbia, as well as their educational levels, are lower than those of Romani men, and particularly lower than those of the non-Romani population.⁵²



⁵² United Nations Development Program (UNDP), *At Risk: The Social Vulnerability of Roma, Refugees and Internally Displaced Persons in Serbia*, Belgrade: UNDP, 2006, p. 18.

When it comes to languages spoken by returnee children, approximately 40 per cent spoke primarily Romani, the same percentage spoke primarily Serbian, and the remaining 20 per cent spoke primarily German.



Due to the circumstances of their return, many returnee families arrive to Serbia without any evidence of their children’s education in Western Europe. Often, the return is forced, and the families do not have enough time to take such documents with them. Upon their return to Serbia, the process of obtaining school certificates from the respective Western European country can be costly, complicated, and in almost all instances very slow. Legally, these documents are necessary for the enrolment of children in Serbian schools. In practice, schools have not acted in a systematic manner in this kind of situations, and it has been left up to the school management to make ad hoc decisions on a case-by-case basis. In many cases, primary schools accepted returnee pupils without school certificates, under the provision that these are provided in the course of the academic year, and there is also anecdotal evidence of pupils who remained in school even though they never managed to provide the needed documentation. Despite the good will on behalf of some schools, this area nevertheless requires clear regulations and policy, so that all returnee children can be treated equally in respect of primary school enrolment.

In their activities within the scope of this project, the staff of the Agency for Human and Minority Rights often provided direct assistance to returnees who needed advice in the education field, primarily in the context of obtaining missing documents. In one such example, the family Š. from Kovačica asked for assistance in obtaining school certificates from Sweden. As the family was forcibly returned in 2007, they did not have any evidence that their 11-year-old daughter and 9-year-old son have completed the third and the first grade of primary school respectively in Sweden. The Agency staff assisted the family in communication with the Serbian Ministry of Foreign Affairs, who were asked to contact the relevant Swedish education offices. The efforts were successful, and the family Š. received the necessary documents from Sweden free of charge.

In the case of families who have obtained school certificates for their children, the next obstacle is the necessity to validate the foreign certificates and



EDUCATION OF RETURNEE CHILDREN IN SOUTH SERBIA

The research center Argument and the Belgrade-based NGO *Children's Care Fund (Pomoć deci)* conducted a survey on the education of Romani children in the Jablanički and Pčinjski Districts in 2006, including the children from families returned under readmission agreements. Only 51 per cent of children who were educated in Western Europe continued their education in Serbia. Asked about the main reasons for not enrolling children in Serbian schools, Romani parents stated that they were not financially capable of carrying the costs of education (29.7 per cent), that their children could not continue from the grades they attended abroad but were asked to take some of the grades again (23.1 per cent), that the children did not speak Serbian or that they did not have documents proving children's earlier education (15.4 per cent each). In terms of assistance they would appreciate most, 28.6 per cent of parents said that they wanted their children to keep the foreign language skills, 23 per cent needed help in teaching their children Serbian, and 12.7 per cent asked for assistance in enrolling their children into local schools.

Children's Care Fund, *Local Needs in Roma Education in South Serbia (Pčinjski and Jablanički Districts)*, 2006, pp. 17-20.

diplomas by relevant Serbian educational institutions. This process is time consuming, and there are no regulations for the interim period, regulating the status of students during the very process of validation. Also, the validation itself is a costly process; in the case of primary schools, if the schools themselves require the validation procedure, the validation is conducted free of charge. However, if the returnees individually request validation, the validation fees need to be paid; in the case of high school certificates and university diplomas, the fees need to be paid in all situations.

In order to submit documents for validation, they need to be translated into Serbian by a court-certified translator, which carries considerable costs that many impoverished returnee families have difficulties meeting. In order to assist the integration of children from returnee families in the education system, the Awareness Raising Project included a component of free court-certified translation of school certificates for returnee children. This component was realized through the Association for Supporting Children's Development *Big Small World (Veliki mali svet)*, based in Belgrade. With a grant received through this project, the Association received school certificates from returnees, forwarded them to a professional translation agency, and returned the documents with certified translations.

This project component was implemented from November 2007 to February 2008. The possibility of free translation was advertised through various NGO networks. The Ministry of Education, as well as a number of schools, were also informed on this opportunity; the Ministry officially recommended the realization of this activity. The interest for this service was considerable: many individual returnees contacted the Association, as well as school managers who wanted to know more details. Individual returnees also often sought advice from the Association on other aspects of education. Though the Association is based in Belgrade, the majority of requests for assistance they received came from other parts of Serbia, thanks to strong cooperation established with NGOs, schools, and the Ministry of Education. Over 30 school certificates were translated free of charge, mainly from Germany and the Netherlands.

In analysing the gaps and catching factors of this project component, it needs to be understood that this was only a component of a larger project that primarily focused on capacity building aspects, not education, and the duration of the project component was short. The expressions of interest outnumbered the actual requests for assistance. According to the

Association, it often happened that individuals contacted them to inquire about the free translation at the point when they still did not have the documents that would need to be translated. By the time they would have obtained them, the project ended; similar projects in future would need to take this into account and be of longer duration. In some cases, returnees were also concerned about sending important documents by mail, to an NGO they were not familiar with. Alternatively, they could not afford coming to Belgrade to submit them personally. Good cooperation with schools and local NGOs was helpful here again, as they served as intermediaries, and offered assurance to returnees that it was a safe system. In future, it would be important that such projects build on this kind of intersectional rapport. Ideally, schools would indeed be the best possible agents in this process, as they have both the information on returnee children who want to enrol, as well as the authority and channels of a public institution.

Some of the families managed to overcome the obstacles in obtaining and validating foreign certificates, yet their children still had difficulties in attendance and studying due to their lack of Serbian language skills. For them, both following the classes and studying at home were problematic. The lack of language skills also prevented them from establishing relations with their teachers, as well as schoolmates. Another educational component of our reintegration project addressed this issue, by organizing Serbian language classes for 235 children (105 girls and 131 boys) in 15 schools around Serbia from November 2007 to March 2008. The classes took place in the following schools:

- Branko Radičević Primary School, Bujanovac
- Klara Feješ Primary School and Petar Petrović Njegoš Primary School, Kikinda
- Braća Vilotijević Primary School, Kraljevo
- Nada Popović Primary School, Kruševac
- Sveti Sava Primary School, Mladenovac
- Vera Radosavljević Primary School, Negotin
- Vuk Karadžić Primary School, Niš
- Vlada Obradović Kameni Primary School, Novi Beograd
- Aleksandar Stojanović Leso Primary School, Novi Pazar
- 12 December Primary School, Sjenica
- Branko Radičević Primary School, Ribarice, Tutin
- Dositej Obradović Primary School, Vranje
- Vladislav Petković Dis Primary School, Zaječar
- Branko Pešić Primary School, Zemun

The geographic area covered by this project extended from Bujanovac in the south of Serbia, to Kikinda in the Vojvodina Province in northern Serbia. In each school, six support classes in Serbian language were organized per week. The schools themselves suggested staff members to undertake this assignment, making sure that these would be teachers sensitized to

SERBIAN LANGUAGE SKILLS

“Schools have to create mandatory Serbian language programs for returnee children, so that returnee children would quickly integrate into the education system. I had a case once of a boy who returned from Germany, and he did not speak Serbian. In another case, the children spoke Vlach and German, but not Serbian. These cases required additional work on behalf of their teachers, and this is how the problem was overcome.”

Training and monitoring participant from Western Serbia



ROMA TEACHING ASSISTANTS

“Two schools in our town have Roma teaching assistants. The assistants helped us very much in animating children to go to school, and encouraging their parents to obtain all the necessary documents.”

Training and monitoring participant from the Raška District

work with vulnerable groups. The families of pupils attending classes were returned from the Netherlands, Germany, Denmark, Sweden and Austria; the duration of their stay abroad varied greatly. The age of the pupils also varied, from the lower to the highest grades of primary school. In addition to language classes, all the pupils received free meals as well as textbooks and school supplies. Most children were of Romani ethnicity.

With regards to the project component's catching factors, the monitoring of this project activity, conducted by both the UNDP/Agency project staff and the staff of the *Veliki mali svet* continuously throughout the duration of the project, established that both pupils and their parents showed notable satisfaction with the classes, and enjoyed the special attention they were given. The teachers engaged on this activity noted that a number of children taking Serbian classes showed improvement in their general classes, manifested by expanded vocabulary, better social interaction, and higher grades in other subjects. The children were motivated to study, and they did not consider these additional classes to be a burden on their existing schedules and school obligations. Their families also appreciated the material support they received.

This project component also benefited from synergy with other projects improving the education of Roma children. In Kikinda, the language teacher engaged on giving Serbian instruction was the schools' Romani teaching assistant at the same time. Similarly, the primary schools in Niš and Bujanovac respectively, both having very high numbers of Romani students, already participated in a number of other Roma education projects at the same time. In some cases, the activities were combined with the free translation project component, and individual children benefited from both having their school certificates translated, and attending Serbian classes. Some elements and positive experiences from this project are easily horizontally transferable and can very likely be applied in broader projects generally preparing Romani children for integration into schools.

The implementation of this activity also revealed a number of difficulties in undertaking this kind of work. Some schools lacked space for organizing classes, and the solution was found in using libraries, teachers' rooms, or other auxiliary rooms in schools, as well as by scheduling the classes on Saturdays. As groups were heterogeneous in terms of age, size, language skills, country of return, the selection and provision of adequate didactic materials was done with a great deal of effort. Additionally, there is no

methodology for teaching Serbian in this kind of situations, and this project was very innovative in this respect. Coming from Western European countries, the pupils were sometimes disappointed with the teaching materials applied in the classes. In some cases, their parents showed little interest in their education; the families' poverty also had a negative influence. In some towns, the local community had no understanding for the situation of returnees. Improved funding of the project could also have enabled the pupils to gain a better knowledge of, and also better bonds with their new country, by the means of short excursions to the capital and other culturally and historically important places in Serbia. Lastly, as was the case with the free translation activity, the timing of the activity was short, and the project-based approach was not sustainable. Ideally, sustainability would be best achieved if Serbian language classes would be organized by the Ministry of Education, with financial means from the state budget.

In addition to the obstacles in accessing education described above, returnee children face a number of additional difficulties in their efforts to receive education, and some NGOs have undertaken detailed research in this field.⁵³ The impoverishment of their families upon their return to Serbia, especially if contrasted by better financial conditions abroad, severely curtails their chances of education on an equal footing. The children also enter a considerably different education system, which is a particularly complex change for those children who are close to completing primary school or have attended high school.⁵⁴ Most of the returnee children are of Romani ethnicity, and they can also face racial discrimination in schools, such as segregation in classes for Romani children only, placement in special schools, verbal and physical harassment by non-Romani peers, etc.⁵⁵

To conclude, the following aspects of integrating returnee children in educational system of Serbia need to be pointed out:

- The process of return must be conducted in a manner that allows returning families to take school certificates with them. It should allow sufficient time that returnees obtain all documents, including school certificates, while returnees should also be advised in advance on the necessary procedures.
- Procedures for obtaining these documents from Serbia are complex, time-consuming and costly. International cooperation channels need to be created to assist families with children who have been returned without adequate school certificates, free of charge.

⁵³ For more information on returnee children's access to education, see: Ecumenical Humanitarian Organization (EHO), *Violations of the Rights of Roma Returned to Serbia under Readmission Agreements*, Novi Sad: EHO, 2007, pp. 29-31 and Group 484, *Return from Western Europe of nationals of Serbia and Montenegro who were not granted asylum or whose temporary protection ended*, Belgrade: Group 484, 2005, p. 21-22.

⁵⁴ For a brief overview of the Serbian education system, see: Roma Education Fund (REF), *Advancing Education of Roma in Serbia*, Budapest: REF, 2007, pp. 23-29. For a more detailed analysis with a special focus on Roma education, see: EU Monitoring and Advocacy Program (EUMAP), *Equal Access to Quality Education for Roma: Serbia*, Budapest: OSI/EUMAP, 2007, pp. 479-581.

⁵⁵ For more information on Romani children and education in Serbia, see: Minority Rights Center, *Abuses of Roma Rights in Serbia*, Belgrade: Minority Rights Center, 2007, pp. 32-41.

DIFFERING APPROACHES TO EDUCATION

"The different approaches to teaching and class discipline are a problem. One of our teachers complained of a little girl who took out a rope in the middle of a class, and started jumping over it. It turned out that in the country where she was educated before, it was acceptable that when children get tired during the class, they can take a relaxing break."

Training and monitoring participant from the Raška District



- There are no clear regulations on the enrolment of returnee children who lack formal schooling evidence. They need to be created and widely disseminated.
- Fast and simple procedures for validating foreign school certificates of returnee children are needed, free of charge, and including translation. The status of children whose certificates are being validated is not regulated.
- Parents often do not have information on the relevant administrative procedures, and lack knowledge and skills to follow them. Both the teaching staff and the parents need information campaigns related to administrative aspects of returnee children in education.
- Many returnee children do not have adequate Serbian language skills and cannot use the Cyrillic script, which impedes their school success. Serbian language courses should be provided for returnee children who need them.
- The provision of free foreign language courses would save the children's existing skills and make them a resource for children's employment in future.
- Returnee children, and especially returnee children from vulnerable groups, must be recognized as a group that needs special support in education.
- The cooperation of NGOs and the Ministry of Education, as well as schools, is of great support to returnee education projects. Inter-sectoral cooperation and information sharing in the field of education of returnee children should be encouraged.
- Cooperation and information sharing among various returnee education projects benefits all sides.
- Projects addressing returnee education should be of adequate duration and sustainability.

Finally, to enable both mainstreaming and the sustainability of reintegrating returnee children in education, the Ministry of Education and schools themselves would, naturally, make the best implementers of returnee education projects.

V. Concluding Recommendations

Reintegrating returnees and raising awareness of their situation among institutions is a complex and difficult endeavour, yet one that must be undertaken. In the previous pages, many gaps, as well as catching factors, were described in relation to particular activities within the project “Awareness Raising Among Local Institutions and Concerned Individuals/ Returnees in Serbia and Montenegro to Deal with Returnee Issues”. Here is a resume of all those specific recommendations, with the aim of perhaps supporting future reintegration projects with ideas resulting from a thoroughly analysed past project experience.

IN THE FIELD OF LEGISLATION AND PUBLIC POLICY:

- Returns should be conducted in a dignified manner, allowing returnees to prepare adequately, and fully supporting those who did not in obtaining the necessary documents.
- All efforts must be undertaken to protect the human rights of returnees, including the adoption of antidiscrimination and ethnic minorities laws, accompanied by establishing institutions for the monitoring of their application, and providing them with adequate funding.
- Additional analysis needs to be conducted on the gaps in domestic legislation when it comes to the reintegration of returnees, and efforts must be made to address these shortcomings.
- The Draft Strategy for the Reintegration of Returnees, the Revised Draft Strategy for the Improvement of the Situation of Roma, and the Draft Action Plan on Returnees should be adopted immediately, and their implementation should be launched with adequate human and financial resources.
- The offices, institutions and advisory bodies working on readmission and reintegration should be adequately funded from the state budget, supported by capacity building, and should be strongly encouraged to work in cooperation.
- Better-informed decision-making could be supported by setting up functional systems for the collection of reliable and up-to-date data on returnees, its public presentation, and the creation of resource centers on readmission and reintegration.



- It is important to acknowledge that returnees belong to vulnerable populations on several levels, and that it is highly necessary to launch projects aiming at their integration, with adequate financial support.
- Vulnerable groups within the returnee population should also be identified and adequate additional attention should be given to those groups.
- All efforts should be undertaken to ensure durability and sustainability, where systematic solutions offered by the state should replace the currently prevalent project-oriented approach.

IN THE FIELD OF CAPACITY BUILDING:

- It is necessary to address the growing need for constant capacity building in the field of readmission and reintegration on all levels and in all thematic areas.
- Capacity building should address the needs of state institutions on the national as well as regional and local level.
- Information and working materials should be developed, building on the existing ones (such as the Information Manual of the Agency for Human and Minority Rights); they should be widely distributed, in addition to adequate training.
- The momentum created by the positive experiences in working with other vulnerable groups should be used in the work with returnees.

IN THE FIELD OF STAKEHOLDER COOPERATION:

- Cooperation and coordination should be strengthened among different levels of government - national, regional, and local institutions – as well as intersectional cooperation, to achieve an integrated and coordinated response to reintegration.
- The cooperation should include intergovernmental agencies as well as non-governmental organizations.
- The cooperation should extend across borders, including learning from the experiences of others states, especially the exchange of experiences between host countries and the countries of origin.

- Good practices identified through cooperation should be mainstreamed.

IN DIRECT WORK WITH RETURNEES:

- Individual returnees need the provision of direct support, which would be best placed with the institutions at the local level.
- The administrative procedures related to the provision of personal and other documents for returnees should be shortened and simplified.
- The returnees themselves also need support in terms of improved access to information, as well as capacity building.
- The returnees should be given meaningful participation in decision-making processes relating to readmission and reintegration.
- Efforts must be taken to facilitate dialogue between returnees and the society, to eliminate negative stereotypes and prejudice.

IN THE FIELD OF EDUCATION:

- All returnee children should be provided with education as a prerequisite for ensuring their equal opportunities.
- Returnees should be assisted in obtaining school certificates and diplomas from other countries, and clear regulations for enrolment should be issued in cases of lack of evidence.
- Fast and simple procedures for the validation of foreign educational certificates should be created, and provided free of charge to returnees in all cases.
- Campaigns informing both parents and educators on relevant administrative procedures relevant to education should be launched.
- Schools should provide classes in Serbian language and Cyrillic script for returnee children, and assist them in keeping their foreign language skills as a resource for their future.

Finally, some of the key lessons of this project experience relate to timing, sustainability and strategic thinking: the projects targeting the reintegration of returnees should aim at long term effects and durable solutions, in order to achieve a real change in both the lives of returnees, as well as the capacities of institutions working with them.



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Annexes

Annex 1: Training Participants

Table 1: Location

Participants by location	No.
Belgrade	29
Kragujevac	24
Kraljevo	22
Niš	26
Novi Sad	26
Novi Pazar	16
Šabac	24
Vranje	29
Zaječar	16
Zrenjanin	19
Total:	231

Table 2: Institutional Affiliation

Participants by institutional affiliation	No.
Police departments	31
National Employment Agency	22
Municipality	63
Institute for Health Insurance	7
Community health centers	27
Centers for social work	33
School boards	10
Primary schools	14
Preschool staff	3
Red Cross offices	5
Vojvodina Province officials	5
Offices of the Republic	4
Total:	231



Annex 2: Conclusions of the Conference on Durable Solutions for Roma Refugees, IDPs and Returnees in the Balkans

Council of Europe

Agency for Human and Minority Rights of the Republic of Serbia

National Assembly of the Republic of Serbia

Belgrade, 29 – 30 October 2007

National Assembly of the Republic of Serbia

Conclusions

General

1. Roma are the most numerous minority in Europe (estimates range between 10 and 12 million). In order to ensure that Roma are treated equally with other persons in Europe, and in accordance with shared European values and democratic principles of the rule of law, Conference participants have supported the idea of establishing the institution of a European mediator for Roma, as well as the establishment of relevant parliamentary committees on migration, refugees and displaced persons in all Council of Europe member states.

Return

2. In order to guarantee durable solutions, the return of all refugees and IDPs, including Roma refugees and IDPs, should be voluntary and conducted in safety and dignity without any fear of harassment, discrimination, arbitrary detention and physical and material threat. The countries and organisations involved in the return of Roma refugees and IDPs shall undertake all necessary measures to ensure the voluntariness of the returns and the reintegration and restoration of full national protection of the returnees.
3. Given their fragile security situation and the serious limitations to enjoying their fundamental human rights, Roma asylum seekers originating from Kosovo are considered at risk of persecution if returned and should not be forcibly returned to Kosovo or other parts of Serbia and should continue to benefit from international protection in the countries of asylum.

4. The very limited return and reintegration initiatives taking place for Roma and Serbs in Kosovo with international assistance should not be confused by asylum countries with conditions that are conducive for return. The return has to remain voluntary.

Readmission

5. Resolution of the final status of Kosovo shall have a substantial effect on the implementation of the Readmission Agreement signed between the European Union and the Republic of Serbia. The Conference participants call upon the Parliamentary Assembly of the Council of Europe to consider this Agreement and to put forward appropriate Recommendations.
6. The process of returns of persons on the basis of readmission agreements should be conducted with transparency, including provision of information on conditions of return, and in compliance with international human rights standards. The implementation of the readmission process should not be based on violent and brutal expulsion and the violation of fundamental human rights, especially the rights of children.
7. The process of readmission should be gradual and needs to be conducted through coordinated activities of the Government of the Republic of Serbia and the respective countries the returnees are coming from, taking into consideration the capacity and reintegration possibilities in the Republic of Serbia. It would be beneficial if the beginning of the readmission process could be postponed for a certain period of time, given that it would facilitate the implementation of all necessary conditions for a proper acceptance of returnees. In that context it is reminded that the European Roma and Travellers Forum asked for a moratorium of at least two years regarding the implementation of this part of the readmission agreement signed between the European Union and the Republic of Serbia.
8. The countries in the region should allocate necessary budgetary resources for the establishment of the institutional framework and adequate mechanisms required for tackling the problems of refugees, displaced persons and returnees.
9. Within the framework of the readmission process, all relevant programs need to be financially supported by the countries of the European Union, European Commission and Council of Europe Development Bank (CEB).
10. Apart from financial assistance, readmission support programs have to include the strengthening of administrative and institutional capacities in the Republic of Serbia and other countries in the region.
11. Special attention needs to be devoted to strengthening the capacities of local governments as they are directly involved in the process of reintegration of the returnees.

Civil Status and Statelessness

12. In order to prevent statelessness and obstacles to the access of basic human rights the Governments of the countries of the Balkans should review legislation and procedures regarding civil registration and the issuance of ID cards to make it easier to obtain these. They should examine the nature and extent of the problem of potential *de facto*



statelessness in order to create an adequate response and monitor the situation.

Access to Rights and Integration

13 Returnees should have access to the same rights as all other citizens. Action plans and strategies for local integration or return need to address the issues of education, housing (residence), employment and health care for refugees, displaced persons and returnees. Affirmative measures and outreach activities should be implemented by States where needed. In this context the Serbian Government should adopt as soon as possible its national Strategy for the Integration and Empowerment of Roma.

Participation

14. Roma representatives need to be fully involved in all relevant processes, and need to be recruited to responsible posts in the institutions directly dealing with these issues.

Awareness-raising

15. All concrete activities should be accompanied by awareness raising campaigns, such as Dosta! Campaign which targets negative prejudices and stereotypes about Roma population in Europe, including those vehicled by the media. Such awareness-raising campaigns should include a focus on the particular situation of Roma refugees, IDPs and returnees.