

Pursuant to Article 45, Paragraph 1 of the *Government of Serbia Act* (“Official Gazette of RS issues no. 55/05, 71/05-correction. 101/07, 65/08, 16/11, 68/12 – decision adopted by the Constitutional Court, 72/12, 7/14 – decision adopted by the Constitutional Court, and no. 44/14)

the Government adopts

THE STRATEGY OF SOCIAL INCLUSION OF ROMA FOR THE PERIOD FROM 2016 TO 2025

I. INTRODUCTION

The Government adopts *The Strategy for Social Inclusion of Roma for the 2016-2025 Period* (hereinafter: the Strategy) pursuant to Article 45, Paragraph 1 of the Government of Serbia Act¹. The constitutional basis for the adoption of the *Strategy* is contained in articles 18, 19, 21, 23, 48, 49, 60, 64, 66, 68, 69, 71, 75 - 81, 97, 137, 178, 179, 183 and 190 of the Constitution of the Republic of Serbia².

Results have been achieved in the previous period in the field of sustainable improvement of the status of Roma men and women: e.g. the adopted amendments to the *Non-Contentious Procedures Act* have provided for the subsequent registration of the fact of birth for persons who had not already been registered in the Register of Births and defined the procedure for exercising that right. Furthermore, the overall number of Roma children in primary education has been increased; affirmative action measures have been introduced in the admission of ethnic Roma students in secondary schools and colleges and universities; access to exercising a number of rights has been improved as a result of the introduction of Roma representatives in the implementation process of public policies (Teaching Assistants, Health Mediators, Coordinators for Roma issues). Still, the main barriers standing in the way of socio-economic integration of Roma have not yet been uprooted, and the adoption of a full legislative basis for the implementation of long-term measures to reduce poverty and achieve true equality of Roma citizens, the objectives of the "Strategy for the Improvement of Roma Status 2009-2015"³, has not been completed.

This is why the main reason to adopt this *Strategy* is to create conditions for the social inclusion of Roma men and women - to reduce their poverty and combat discrimination against persons of Roma ethnicity, i.e. to create conditions for Roma citizens to have full access to and exercise their human rights. Other reasons why the present Strategy is adopted come from the need to create preconditions to achieve the above mentioned strategic objectives, including:

- to introduce mechanisms for the implementation, planning, monitoring and improvement of the adopted measures and activities;

¹ Official Gazette of RS issues no. 55/05, 71/05-correction. 101/07, 65/08, 16/11, 68/12 – decision adopted by the Constitutional Court, 72/12, 7/14 – decision adopted by the Constitutional Court, and no. 44/14

² Official Gazette of RS, no. 98/06

³ Official Gazette of RS, no. 27/09

- to enhance the capacity and accountability of both the state administration and local self-governments to effectively oversee the implementation and protection of the Roma citizens' rights;
- to secure funds in the Budget of the Republic of Serbia, in the budgets of the units of local self-government, and from international development partners active in Serbia, to finance the said strategic measures;
- to effectively involve representatives of the Roma community in the process of developing and implementing strategic measures and exercise of guaranteed human rights to employment, housing, education, social and health protection.

For all the above reasons, and also to highlight the importance of the strategic document adopted in 2009, the Government of the Republic of Serbia has encouraged its *Council for the Improvement of Roma Status and Implementation of the Decade of Roma Inclusion* to adopt this Strategy. In line with this decision, activities of the Office for Human and Minority Rights of the Republic of Serbia have been initiated, and the Office prepared a "Baseline Study for the Development of a Strategy for Social Inclusion of Roma Harmonized with the Europe 2020 Strategy" in 2014. This latter document pointed to the fact that the economic, political and social conditions have changed substantially since 2009 when the "Strategy for the Improvement of the Status of Roma" had been adopted, and to the fact that the said strategy did not achieve all the adopted strategic goals, and that it was therefore necessary to develop a new strategic document.

Following a public debate that included numerous representatives of the Roma community, the National Council of the Roma Ethnic Minority, and civil society organizations advocating the Roma rights, the "Baseline Study" was adopted by the Government's Council for the Improvement of Roma Status and Implementation of the Decade of Roma Inclusion. This way, a general consensus was achieved to direct the measures defined in the future strategic document towards the development of the public administration's full capacity to ensure the achievement of social equality for Roma and to eliminate the structural causes of their poverty through four interrelated public policies - education, housing, employment and health. The spirit of this approach and its corresponding measures are based on the human rights standards, respect for human dignity, and protection of the rights of citizens in our immediate environment, freedom from deprivation, gender equality, and protection and promotion of ethnic and cultural identity of Roma. In addition, since a large number of Roma men and women live in extremely unfavourable social-economic conditions and need various kinds of support, especially from their local governments, *social security* has been added as one of the strategic areas.

The *Strategy* is based on the existing strategic, legal and institutional resources - strategies and legal acts regulating issues of concern for the improvement of the Roma status, and also on the state's preparedness to develop programs aimed at the improvement of the position of Roma, as expressed in the Operative Conclusions from the "Social Inclusion of Roma in the Republic of Serbia (2015-2017)"⁴ Seminar, and in the Draft Action Plan for Chapter 23⁵. Institutional resources for the preparation and implementation of the Strategy are the following: the Serbian Government's Council for the Improvement of Roma Status and for Implementation of the Decade of Roma Inclusion, the Office for Human and Minority Rights, Social Inclusion and Poverty Reduction, the line ministries in charge of public policies of interest for the implementation of the defined strategic measures, and the Deputy Prime Minister of the Republic of Serbia and Minister of Construction, Transport and Infrastructure,

⁴ On September 9, 2015, Deputy Prime Minister professor Dr Zorana Mihajlovic requested the state bodies to implement the Operative Conclusions in the next 2 years.

⁵ Draft Action Plan of August 2015.

who coordinates the work of state bodies, local self-government bodies and public enterprises concerned with the improvement of the status of Roma⁶.

In response to certain oversights and shortcomings occurred in the implementation of the previous strategic document, and in line with the Operative Conclusions and Action Plan for Chapter 23, this *Strategy* foresees for the Roma Social Inclusion Coordination Body to coordinate the activities concerning Roma inclusion, as defined in the *Action Plan for the Implementation of the Strategy*, assisted by the Office for Human and Minority Rights and the Team for Social Inclusion and Poverty Reduction, and to ensure introduction of sustainable normative and institutional conditions for the implementation of the adopted strategic measures and Strategy management.

II. PRINCIPLES

The measures and activities that this *Strategy* proposes are based on the following principles:

Accountability of public authorities for the implementation of planned strategic goals and for raising social responsibility, solidarity and awareness about the fact that social exclusion represents a true loss in the country's social capital, and that the social empowerment of members of socially excluded groups means strengthening human security which will, in turn, lead to the overall economic growth and advancement of human rights.

An increase in public awareness about the need for a responsible citizen attitude towards the social inclusion of Roma depends solely on the implementing parties of public policies, who should create a favourable social and legal environment for social inclusion of Roma by adopting clear decisions and implementing measures against ethnic intolerance and prejudice.

The principle of inclusion that constitutes the basis of this strategic approach to improving the position of Roma in our society requires the environment's adjustment to the subjects of inclusive policy. Contrary to the integration measures that foresee for the members of the "vulnerable" social groups to be incorporated into the existing social system or in one of its subsystems and where progress is achieved with minimal systemic corrections, the concept of inclusion, on the other hand, requires the adjustment of the environment to the persons or groups in the state of cultural and/or social deprivation, who are suffering real damage as a result of social exclusion. Inclusion requires the restructuring of social environment, i.e. introduction of changes to create conditions for a lasting change in the social status of direct beneficiaries of the inclusion measures. However, in order for the inclusion to succeed, it is essential that the inclusion measures be directed to everyone, and that the permanent solution and elimination of problems that cause exclusion depend on all citizens. In this sense, an integrative policy in terms of early intervention represents the first step towards inclusion. In previous periods, different models of integration had been developed via public policies, whereas the present adoption of inclusion as the strategic objective indicates the system's readiness to provide different types of social and systemic support for the inclusion of Roma. Inclusion requires deeper changes within the social, educational and cultural system, that are already underway, consisting of adapting public policies to the needs of the "vulnerable" groups, accepting diversity as a permanent condition and not an exception to the rule, accepting different social styles, and accepting the fact that the inclusion is a comprehensive process and not just one segment of a particular public policy. A well-

⁶ Conclusion 05 No: 035-6254/2015 as of June 8, 2015.

developed capacity of public administration to implement the adopted strategy and create constitutional and legal provisions for it, is a pre-condition for the development of inclusive practices.

The *Strategy's* primary beneficiaries are the citizens of Roma ethnicity, but one should not ignore the fact that the strategic measures defined in it create room for a gradual yet safe and permanent elimination of social inequality and poverty as phenomena plaguing the political, economic, social and financial system. In addition, by building capacity of the system of public services and local self-governments for the implementation of Roma inclusion, the Strategy creates broader human, professional and infrastructural conditions for the development of wider-scope inclusion policies. Poverty represents a major threat to human dignity and freedom of personality, and is a stronghold of social deprivation both of the individual and the group. It destroys all aspects of human life (economic, social, political, cultural) and substantially endangers the exercise of human rights: to life, to equality and non-discrimination, to an adequate standard of living, to work, to education, to maintaining a high standard of physical and mental health. Longterm unfavourable social context has exposed all Serbian citizens to a risk of poverty, the Roma citizens being among the most vulnerable. A necessary precondition for exercising all other guaranteed human rights is the right to education, healthcare and social protection, adequate housing conditions and labour, which are specifically tackled by the Strategy hereof.

Human rights are universal, indivisible, inalienable and interrelated. They belong to all human beings by sole virtue of them being human beings. States have the obligation to ensure, by means of their bodies, institutions and agencies, full respect, protection (including judicial protection) and exercise of human rights. There is no hierarchy among the human rights, and no human right exists that would be more or less important than the others. Thus, the right to life is subject to other human rights, including the right to living in adequate conditions, right to adequate housing, health care and others. In this context, **the exercise of right to education, health and social security, adequate housing and work, which this Strategy particularly addresses, remains the *condition sine qua non* for the enjoyment of all other human rights guaranteed by law.**

Respect for human dignity entails recognition of rights of persons to freely and autonomously plan and design their future. Therefore, countries that are run by democratic values, freedom and human rights, and where the rule of law and social justice are consistently implemented in political, economic, social and other systems, continuously take measures, develop and improve the capacity to eliminate social deprivation and inequality.

Inclusion of the representatives of Roma community in the process of developing and implementing strategies for the social inclusion of Roma, is a prerequisite to achieve full, consistent respect for human rights. This request is not of a formal but of a substantive nature as it allows direct beneficiaries of strategic measures to effectively contribute to the design and implementation of strategic measures and to the long-lasting monitoring of their effects and results.

Division of responsibilities between national-level agencies and local self-governments with respect to the implementation of the Roma inclusion requires the identification of duties of the National Council of the Roma National Minority which, despite the fact that the law has already established its competence in relation to the cultural autonomy of Roma (education, official use of language, culture and information), should enhance its capacity to design and implement an inclusive cultural policy that ensures the preservation of ethnic and cultural identity of the Roma. In addition, the National Council of the Roma Minority should be extended powers to adequately develop resources based on which it could effectively participate, give opinions and propose changes related to the implementation of strategic measures. Amendments to the *National Minority Councils Act*,

planned for 2017 under the Action Plan for Chapter 23, represent the legal basis for a future expansion of the jurisdictions of the National Council of the Roma National Minority.

At the same time, it is necessary to empower the National Council to fully include the Roma community at all levels, through direct consultations, and similar activities. This strategic approach includes direct participation of Roma citizens and civil society organizations representing the interests and advocating for the rights of Roma in the decision-making process and in the implementation of measures to improve their status. It is possible to ensure this approach by creating an open, participatory model of management within the National Council. The involvement of the civil society organizations is necessary since the National Council, being a centralized body elected exclusively at the state level, has no institutional capability to effectively participate in the implementation and the monitoring of policy measures in over ninety local self-governments in Serbia where a significant presence of ethnic Roma exists.

It is of particular importance that as many different civil society organizations as possible participate in the process of implementation and monitoring of the strategies to ensure the protection of the rights of children, women, youth, elderly, persons with disabilities, LGBTI and other social groups who are in a particularly *vulnerable* position.

In order to achieve the substantial equality of Roma, it is necessary that a certain degree of social solidarity is created in addition to providing continuous institutional support for the inclusion of Roma and political will. **Anti-discrimination policy needs to be advanced, together with a policy of integrative multiculturalism and intercultural dialogue.** These policies should be implemented in all parts of society and inclusion and civic equality should be treated as crucial values and principles in them. In order to encourage social support to the measures of Roma inclusion, programs and activities need to be included in the public policies for education, culture, and information, based on which positive social attitude towards the protection of human rights, diversity, and interculturalism would be formed. In this process, the role of the state as the one who develops and directs public policies is essential, but not sufficient, and therefore the support needs to be spread further through activities of civil society, including not only civil society organizations but also religious communities, cultural and sports associations and other.

It is extremely important for the implementation of the Strategy, and also for the overall integrational capacity of the society, to identify which way society and institutions react to affirmative measures as to additional, institutional interventionism in public policies whereby support is given to Roma women and men to overcome obstacles in accessing their rights. Those public policies that successfully did this, included special (affirmative) measures whereby the state secures a more equitable position of Roma in the social play. Such measures ensure equal access to education and employment and are limited in time to the moment when their existence loses purpose, once the causes for which they were introduced are eliminated. Affirmative measures provide equal access to real people who, as a result of the long-term impact of unfavourable socio-economic factors, have found themselves in the position that is the source of their inequality and social exclusion. However, the design and implementation of affirmative measures for the inclusion of Roma requires capacity building in public administration for the management of inclusive policies. Public administration's capacity for the implementation of inclusive public policies should be strengthened, as the implementation process itself of individual legal acts and strategies has revealed that the state administration and local self-government system adapt slowly to the standards, requirements and regulations that recognize and ensure social inclusion of Roma and other vulnerable groups.

Measures and activities designed to achieve strategic objectives must in no way influence changes in the ethnic and cultural identity of Roma women and men. On the

contrary, public policies through which the *Strategy's* goals are achieved are, and should be, part of a comprehensive policy of multiculturalism that ensures preservation of ethnic and cultural identity of the Roma women and men. The potential of the Roma culture as part of a broader European and Serbian culture should be used within the existing legal and institutional conditions as a means of overcoming prejudice against Roma men and women, and also as a driving force in the cultural industries, in the (inter-) cultural context. Culture is an important means of strengthening social ties and eliminating discrimination and should be woven into all inclusion public policies.

Measures protecting and facilitating the exercise of rights of persons of different sexual orientation and gender identity and ensuring an improvement of the status of Roma women and gender equality constitute part of the strategic planning. The Roma community has maintained a patriarchal, traditional character that not only is an obstacle to the exercise of rights and equality for Roma women and the LGBTI community within the Roma community, but is also a source of discrimination. Often, Roma women are victims of domestic and intimate partner violence, they neglect their health because they lack education/awareness as well as financial means, have difficulty finding employment, tend to drop out of school early and establish their own families, and, ultimately, their life expectancy is shorter⁷. LGBTI persons who are ethnic Roma, in addition to prejudice and discrimination they face because of their sexual orientation and gender identity, also have problem protecting their identity within the Roma community. If these issues are ignored in public policies designed to achieve the *Strategy's* goals, the chances of a successful implementation of strategic measures would be significantly reduced.

Social inclusion of Roma is won in the local community. The exercise of the right to education, work, adequate housing, and health care, reflect the overall state of human rights and social equality (non-discrimination) in the local community and as such require the adoption of local community-specific measures if they are to achieve measurable, tangible progress. Implementation of the said measures from the national level, top-down, is carried out with a lot of difficulty: it is economically non-viable and requires additional human and material resources that the state does not have. A more rational approach would be to decentralize the activities related to the implementation of political inclusion of Roma women and men, and to delegate a greater part of tasks and responsibilities to local self-governments.

Local self-governments have mechanisms to manage and implement inclusive public policies, and, in addition, the *Local Self-Government Act* obliges them to provide for the respect of human and minority rights⁸. This is why strategic measures are to be aimed at individual persons and their immediate and broader environment. The immediate environment refers to the family, while the broader environment refers to the community the individual person lives in. Directing the strategic measures towards the individual enables better monitoring of the implementation of the Roma rights, and a true progress in the implementation of inclusive policies, primarily in the local community, and then in broader society. Local governments have statistical data at their disposal and can use them to identify the needs of Roma on their respective territories. Based on these statistical data and information, local governments can improve instruments and mechanisms through which to eliminate the causes of Roma women and men's poor access to their rights and the structural causes of poverty among Roma.

Local governments must prepare and adopt local action plans to this end, taking realistic general and local economic and social development into account. They should also

⁷ *Monitoring public policies: Effects of the Decade of Roma Inclusion on the position of Roma women in Serbia*, "Bibija", Belgrade, 2015.

⁸ Article 20, Paragraph 32 of the Local Self-Government Act, Official Gazette of RS, no. 129/07 and 83/14).

train professional teams in local self-government units to prepare, implement and manage local strategies for Roma social inclusion. It is necessary for the funds to be secured in local budgets for the implementation of social inclusion of Roma men and women and to ensure a consistently identified responsibility for the implementation of the pre-defined measures. Finally, it is necessary to establish a good coordination between the national and the local instruments and mechanisms of the implementation of Roma social inclusion policies. This coordination must necessarily be established by a national-level authority in charge of implementing the *Strategy* and monitoring thereof. Organization and implementation of activities concerning inclusion of Roma in the local community must be binding.

III. LEGAL AND STRATEGIC BASIS

3.1. International legal basis

3.1.1. United Nations

The United Nations human rights protection system consists of several mechanisms. Pacts and conventions that constitute the main body of the international law, together with the Contracting bodies that monitor the implementation of these documents, are one of the said mechanisms. The Universal Periodic Review of the UN Human Rights Council, and the work of the Special Procedures of the UNHR Council, constitute the remaining two mechanisms.

The implementation of the below mentioned UN instruments on human rights is monitored by the UN Committees. In a constructive dialogue with the UN Member States, they offer targeted recommendations on how to improve the human rights situation in the country⁹. Similar recommendations are proposed by other mechanisms of the UN, such as the UN Council for Human Rights - through its Universal Periodic Review¹⁰, and the so-called Special Procedures of the UN Human Rights that include Special Rapporteurs and Working Groups.

The measures defined by the *Strategy* and the action plans that will ensue, should be consistent with the recommendations these mechanisms gave to the Republic of Serbia. In November 2014, the Government of Serbia made the decision to form a Council for the Monitoring of the Implementation of Recommendations of UN Mechanisms for Human Rights¹¹. The constitutive meeting of the Council was held in March 2015.

The *Universal Declaration of Human Rights* (1948) obliges the states to respect, protect and observe human rights. Article 22 of the Universal Declaration stipulates that: "Each person, as a member of society, has the right to social security and is entitled to exercise their economic, social and cultural rights indispensable for their dignity and free development of their personality, with the aid of the state and through international cooperation, in accordance with the organizational structure and resources of each State."

Article 25 guarantees that "Each person has the right to a standard of living that ensures their personal health and well-being and that of their family, including food, clothing, housing and medical care and necessary social services, and the right to security insurance in

⁹ A review of the latest recommendations can be found on the website:

<http://www.ohchr.org/EN/countries/ENACARegion/Pages/RSIndex.aspx>

¹⁰ <http://www.ljudskaprava.gov.rs/index.php/yu/ljudska-prava/konvencije/63-upr-univerzalni-periodicni-pregled/89-upr-univerzalni-periodicni-pregled>

¹¹ <http://www.ljudskaprava.gov.rs/index.php/yu/vesti/1063-odluka-o-obrazovanju-saveta-za-pracenje-primene-preporuka-mehanizama-ujedinjenih-nacija-za-ljudska-prava>

the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond the control of that person."

The *International Covenant on Economic, Social and Cultural Rights* (1966)¹² guarantees each person the right to an adequate standard of living (11), and the right to work and to social security (9) based on their work (Articles 6-8), protection of family and children (10), right to education (13), and other. The *Pact* defines the obligation of the States to ensure the full fulfilment of economic, social and cultural rights by taking steps in line with their available resources, independently or through international cooperation, with the aim to gradually (progressively) achieve the full enjoyment of all guaranteed rights for all citizens. In the context of this *Strategy*, all steps towards the full realization of the guaranteed rights are defined as specific policy measures.

The progressive implementation of rights obligation, however, does not remove the state's obligation to ensure a certain minimum of economic, social and cultural rights that have to be made available immediately and without delay. This minimum content is defined by the UN Committee on Economic, Social and Cultural Rights in the General Comments¹³. Particularly important are the *International Covenant on Civil and Political Rights* (1966), the *United Nations Millennium Development Goals* (2000), the *United Nations Convention on the Rights of Persons with Disabilities* (2008) and the *Revised European Social Charter* (1999).

The *International Convention on the Elimination of All Forms of Racial Discrimination* (1965)¹⁴ is important for the definition of multiple affirmative measures (Article 1, Paragraph 4, Article 2, Paragraph 2), development of de-segregation practices (Article 3), exercising of human rights without any racial, ethnic or ethnic discrimination (Article 5), and consistent fight against all forms of discrimination (Article 7). Equally important are the *Convention on the Elimination of All Forms of Discrimination against Women* (1979)¹⁵ and the *Optional Protocol* adopted in 1999 which ensure the implementation of measures aimed to guarantee the fundamental equality of women in all spheres of life. It is important to mention the *UN Declaration on the Elimination of Violence against Women* (1933) and the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (2011).

The *Convention on the Rights of the Child*¹⁶ (1989) and the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography* to the *Convention on the Rights of the Child* (2000) protect the best interests of the child and represent a very important basis for the education of children and youth, while guaranteeing full social protection and safety. Of particular relevance is the *ILO Convention no. 182 on the Worst Forms of Child Labour* (1999), the *ILO Recommendation no. 190 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour* (1999) and the *Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* (2007).

The *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* (1992), in accordance with Article 27 of the *International Pact on Civil and Political Rights*, extends the protection of the rights of ethnic minorities in the sense that they are granted the right to preserve their cultural, national, ethnic, religious and linguistic identity individually or in community with others, in private or in public. The

¹² Ratification of the International Pact on Economic, Social, and Cultural Rights Act, "Official Journal of the Socialist Federal Republic of Yugoslavia", nr 7/71.

¹³ General Comment 18 E/C.12/GC/18 Right to Work; General Comment E/C.12/2000/4 Right to Health; General Comment 13 E/C.12/1999/10 Right to Education; General Comment on 4, Right to Adequate Housing.

¹⁴ "Official Journal of the Socialist Federal Republic of Yugoslavia", no. 31/67

¹⁵ "Official Journal of the Socialist Federal Republic of Yugoslavia – International contracts", no. 11/81.

¹⁶ "Official Journal of the Socialist Federal Republic of Yugoslavia – International contracts", no. 15/90 and "Official Journal of the Socialist Republic of Yugoslavia – International contracts", no. 4/96 and 2/97).

Declaration establishes the responsibilities the states must undertake to ensure the exercise of these rights without any discrimination based on personal characteristics.

3.1.2. Council of Europe

The *Convention on Protection of Human Rights and Fundamental Freedoms* (1951) is a document the principles of modern democracy in Europe are based on - the rule of law, and the uniform protection of human rights and individual freedoms. The spirit of this document is based on the exercise and protection of human rights, which are inalienable and recognized to all individuals without any distinction based on their personal characteristics. In this sense, the provision in the Article 14 of the Convention on the prohibition of discrimination, and Protocol 12 adopted together with the Convention, were adopted on 4 November 2000 in order to better regulate the prohibition of discrimination in the human rights protection system of the Council of Europe.

The *European Social Charter* of 1961 is also called the "Social Constitution" of the Council of Europe. The charter establishes that the states are obliged to create conditions for everyone to have the opportunity to exert professional occupations that they are free to choose, to receive a fair remuneration for their work without discrimination, the right to social and medical services, adequate housing, the right to protection from poverty and social exclusion.

The Council of Europe has adopted a number of recommendations, declarations and resolutions where particular attention is dedicated to the rights of Roma (education¹⁷, health¹⁸, housing¹⁹, employment and economic empowerment²⁰) and general policies proposed for the improvement of the position of Roma men and women²¹, their social inclusion²² and prevention of discrimination against them²³.

Equally significant are the recommendations made with respect to the elimination of racism and discrimination against Roma adopted by the ECRI²⁴ (European Commission against Racism and Intolerance) addressing issues concerning the exercise of the rights of Roma at local level CLRAE²⁵ (Congress of Local and Regional Authorities). Finally, as

¹⁷ Recommendation CM/Rec(2009)4 of the Committee of Ministers to member states on the education of Roma and Travellers in Europe; Recommendation No. R(2000) 4 of the Committee of Ministers on the education of Roma/Gypsy children in Europe.

¹⁸ Recommendation Rec(2006)10 of the Committee of Ministers on better access to health care for Roma and Travellers in Europe.

¹⁹ Recommendation Rec(2005)4 of the Committee of Ministers on improving the housing conditions of Roma and Travellers in Europe.

²⁰ Recommendation Rec(2001)17 of the Committee of Ministers on improving the economic and employment situation of Roma/Gypsies and Travellers.

²¹ Recommendation CM/Rec(2008)5 of the Committee of Ministers on policies for Roma and/or Travellers in Europe; Recommendation Rec(2004)14 of the Committee of Ministers on the movement and encampment of Travellers in Europe; Recommendation No. R(83)1 of the Committee of Ministers on stateless nomads and nomads of undetermined nationality; Resolution (75)13 of the Committee of Ministers on the social situation of nomads in Europe.

²² Recommendation CM/Rec(2012)9 of the Committee of Ministers to member States on mediation as an effective tool for promoting respect for human rights and social inclusion of Roma.

²³ Declaration of the Committee of Ministers on the Rise of Anti-Gypsyism and Racist Violence against Roma in Europe.

²⁴ ECRI General Policy Recommendation N°13 on combating anti-Gypsyism and discrimination against Roma; ECRI General Policy Recommendation N°3 on combating racism and intolerance against Roma/Gypsies.

²⁵ Recommendation 315 (2011) of the Congress of Local and Regional Authorities of the Council of Europe on the situation of Roma in Europe: a challenge for local and regional authorities; Resolution 333 (2011) of the Congress of Local and Regional Authorities of the Council of Europe on the situation of Roma in Europe: a challenge for local and regional authorities; Resolution 44 (1997) of the CLRAE on "Towards a Tolerant Europe: the contribution of Roma"; Resolution 16 (1995) of the CLRAE on "Towards a Tolerant Europe: the

concerns standards of the Council of Europe regarding improvement of the position of Roma, there are also documents that have been adopted by the Parliamentary Assembly²⁶.

In the *Strasbourg Declaration on Roma*²⁷ it is emphasized that anti-discrimination legislation and social inclusion are the main levers of improvement of the status of Roma. "The adoption and effective implementation of anti-discrimination legislation including anti-discrimination in employment, access to justice, access to goods and services including access to housing and key public services such as health and education" and "Adoption and effective implementation of criminal legislation against racially motivated crimes" are the basis of an active policy towards the Roma men and women. Social inclusion is, by the standards of this document, provided by granting effective and equal access to: a) the educational system; b) employment and vocational training; c) health care system; d) services concerning housing and accommodation, and other.

3.1.3. *Acquis Communautaire*²⁸

The *EU Framework for National Roma Integration Strategies up to 2020*²⁹, adopted in May 2011, aims to support countries in achieving tangible changes in the lives of Roma men and women by changing the approach to the social inclusion of the Roma community.

In this sense, the Framework clearly indicates that the EU law is not enough to combat discrimination and therefore individual member countries should design and implement an integrated and sustainable method which would combine efforts across different areas such as education, employment, health and housing.

With this document, the European Commission calls upon the member states to prepare new or revise their existing national strategies for the integration of Roma, in order to more efficiently meet the challenges of the inclusion of Roma, and improve their position. The Framework requires the national strategies for the integration of Roma (NIAS) to be compatible with the EU objectives of Roma integration, the General Basic Principles of Roma Inclusion, and, above all, compatible with the "Europe 2020" Strategy and national development and reform programs.

contribution of the Roma (Gypsies)"; Recommendation 11 (1995) of the CLRAE on "Towards a Tolerant Europe: the contribution of the Roma (Gypsies)"; Resolution 249(1993) of the CLRAE on Gypsies in Europe: the role and responsibility of local and regional authorities; Resolution 125(1981) of the CLRAE on the role and responsibility of local and regional authorities in regard to the cultural and social problems of populations of nomadic origin.

²⁶ Resolution 1768 (2010) of the Parliamentary Assembly on Roma asylum seekers in Europe; Recommendation 1941 (2010) of the Parliamentary Assembly on Roma asylum seekers in Europe; Resolution 1740(2010) of the Parliamentary Assembly on the situation of Roma in Europe and relevant activities of the Council of Europe; Recommendation 1924(2010) of the Parliamentary Assembly on the situation of Roma in Europe and relevant activities of the Council of Europe; Recommendation 1633 (2003) of the Parliamentary Assembly on Forced Returns of Roma from the former Federal Republic of Yugoslavia, including Kosovo, to Serbia and Montenegro from Council of Europe member States; Recommendation 1557 (2002) of the Parliamentary Assembly on the legal situation of Roma in Europe; Recommendation 1203 (1993) of the Parliamentary Assembly on Gypsies in Europe; Recommendation 563 (1969) of the Consultative Assembly on the situation of Gypsies and other travellers in Europe.

²⁷ CM(2010)133 final 20 Oct 2010.

²⁸ EU Roma integration goals and Council recommendations on effective measures of Roma integration in Member States are of key importance for the EU accession countries, especially since the Recommendation forms part of the *Acquis Communautaire*. Accordingly, the enlargement countries also need to align their existing strategies with the EU goals for Roma integration and to take targeted measures to bridge differences between Roma and the rest of the population's access to education, employment, health and housing, and to adopt intersectoral measures to regulate personal documents, strengthen the participation of local and regional authorities and enhance dialogue with civil society organizations.

²⁹ An EU Framework for National Roma Integration Strategies 2020 - Council Conclusions adopted by EPSCO on 19 May 2011.

In the *EU Framework for National Roma Integration Strategies up to 2020* (the Framework), the European Commission recommends to the states that, when developing national strategies, they should take into account the following:

a) map micro-regions or segregated neighbourhoods where the Roma communities are the most deprived, based on the existing socio-economic and geographical indicators; b) allow for sufficient budgetary allocations, supplemented by funding from international sources; c) define methodology for the monitoring and evaluation of the impact of measures aimed at Roma integration, and define mechanisms of Strategy revision; d) cooperate and continuously have dialogue with Roma civil society, regional and local authorities in all matters concerning the development, implementation and monitoring of the implementation of the national Strategy and e) determine a body authorized to coordinate the development and implementation of the Strategy.

This document that regulates the design, legal regulations and implementation of the Strategy for inclusion, stresses that it is important to establish a mechanism for the monitoring of results in order to ensure: a) identifying the concrete results achieved, based on measurable indicators; b) that the funds that had been earmarked for the integration of Roma do reach the end beneficiaries; c) that there is progress in achieving EU objectives in connection with the integration of Roma and d) that the national strategy for the integration of Roma men and women is put into practice.

The *Framework* defines the goals of the EU Roma integration in four priority areas: access to education, employment, health and housing.

Access to education implies: a) that all Roma children have access to quality education and are not subject to discrimination or segregation; b) they are ensured at least the completion of elementary school; c) access to quality early education is made more available; d) the number of students who drop out of high school is reduced and that the Roma students are motivated to pursue secondary and higher education.

Access to employment implies that the basic aim of reducing differences in the employment rate between the Roma and the rest of the population is achieved through: a) ensuring access to vocational training, labour market and funds and programs for self-employment, to the full extent and without discrimination; b) promoting access to micro-credits; c) special attention is dedicated to the employment of qualified Roma in the public sector; d) access is facilitated to Roma into the labour market through mediation and personalized services of public employment agencies.

Access to health means reducing the differences in general health condition between the Roma and the rest of the population through: a) the provision of quality health care to Roma, especially to children and women, of preventive care and social services under the same conditions under which they are available to the rest of the population; b) the inclusion of qualified Roma in health programs that affect their community, wherever possible;

Access to housing and basic services must concentrate on eliminating the differences between the share of Roma who have access to housing and public services (water, electricity, gas) and the rest of the population, and it implies: a) promoting access to housing, including social housing, without discrimination; b) implementing activities relative to housing through an integrated approach which includes measures for education, health, social protection, employment, security, and desegregation measures.

This document was given even greater political weight when the Conclusions of the European Council were adopted in June 2011, which urged the member States to prepare, improve or design new national strategies for the inclusion of Roma by the end of 2011, and develop an integrated set of measures within their national social protection policies to improve the position of Roma men and women.

The *Strategy for Intelligent, Sustainable and Inclusive Growth (Europe 2020)* is a document that does not relate directly to the European Commission's policy towards the Roma, but its importance lies in defining policies and legal solutions concerning the inclusion of Roma in member countries and countries that aspire to become members of the EU. The European Commission adopted the Strategy in 2010, and its objectives, among other, are to reduce poverty, increase the share of educated population and increase employment. The strategy clearly indicates the mutual relationship between the strategic goals, "increased levels of education, increased employability, increased employment rate, and poverty reduction".

The above Strategy stresses that, in addition to actions and measures that are to be undertaken by the European Commission, activities of the national states are indispensable in all strategic areas. When it comes to education for the future planning of the integration of vulnerable groups such as Roma, the fact that the European Commission invests efforts to increase the number of university-educated people aged between 25 and 34 from one-third to one-half is of importance in as much as it raises the general level of education and opens up opportunities for inclusion in the education of students from social groups to whom higher education had not been previously accessible.

EU members, and states seeking to become members, are expected to provide for the effective investment in the education system at all levels, and to improve educational outcomes for each period-level of education, from preschool to university, and thus prevent early school leaving. States are expected to increase the openness and relevance of education systems by building national qualification frameworks and better adjusting the learning outcomes to labour market needs; to facilitate the entry of young people into the labour market through integrated action, which should, among other, also cover guidance, counselling and apprenticeship".

Inclusive growth means empowering people by ensuring a high employment rate, investing in skills, fighting poverty and modernizing labour markets, training, introducing social protection systems designed to help people anticipate and manage change and build social cohesion. Changes in the policies for education and employment, together with the creation of a healthy commercial and economic core, will create conditions for a successful implementation of the European platform for fight against poverty and social exclusion, which should result in a raised awareness and fulfilment of basic human rights for the poor and socially excluded, and allow them to live in dignity and take an active role in society.

To achieve these objectives, the European Commission will strive to: a) transform the open method of coordination of social inclusion and social protection into a platform for co-operation, comparative analysis (peer review) and the exchange of good practices, and into an instrument of encouraging private and public actors' commitment to minimizing the social exclusion and to taking concrete actions, including targeted support from the structural funds, especially from the European Social Fund; b) design and implement programs that promote social innovation designed for the most vulnerable population groups, mainly by creating innovative opportunities for education, training and employment for the financially deprived communities, programs to combat discrimination and programs aimed at developing new plans for the integration of migrants, which should enable this group of the population to fully realize their potential; c) evaluate the adequacy and sustainability of social protection and pension systems, and identify ways to provide improved access to the health care system.

At the same time, at national level, Member States should: a) promote collective and individual responsibility in combating poverty and social exclusion; b) define and implement measures aimed at specific circumstances of groups at particular risk, including Roma; c)

fully develop retirement and social protection systems to ensure adequate support in areas of income and access to health care.³⁰

3.2. National legal basis

3.2.1. *The Constitution of the Republic of Serbia*

The Serbian *Constitution* defines Serbia as a state of the following fundamental values: Social justice, citizen democracy, human and minority rights (Article 1). National minorities enjoy special attention in order to achieve full equality (14), equality of men and women is guaranteed (15), discrimination is prohibited (21), inciting racial, national and religious hatred (49) are prohibited, children enjoy human rights (64). The Serbian Constitution guarantees minorities: a) the full exercise of individual and collective rights that allow them to decide, or participate in decisions, directly or through elected representatives (national council of national minority), on a number of issues in the field of education, culture, information and official use of language and alphabet (75); b) the full equality and prohibition of discrimination (76); c) equality in the managing of public affairs (77); prohibition of forced assimilation (78); the right to preservation of specificity, i.e. protection and preservation of cultural, ethnic, and linguistic identity (79); right to cooperate with their compatriots (80) and the development of the spirit of tolerance (81).

Articles in the Serbian Constitution guarantee human dignity and personal development (Article 23), encourage appreciation of difference (48), recognize the right to citizens to participate in the management of public affairs (53), the right to work (60), grant special protection to families, mothers, single parents and children (66), the right to health (68) and social protection (69), and education (71) are important for the inclusion of Roma.

Finally, from the standpoint of legal regulation of the implementation of Roma inclusion, it is important to mention that the Constitution divides jurisdiction over the implementation of public policies between the state bodies (97, 99, 123), the autonomous province bodies (183), and bodies of local self-government units (190).

3.2.2. *National strategies*

*Strategy for the Development of Education in Serbia 2020*³¹ stipulates that education is the basic "foundation for life, and for a knowledge-based development of every individual, society and state" and that the targets to achieve this mission are: quality education, coverage of the population at all levels of education, relevance and efficiency of education. The Strategy foresees that the system of social care for children in pre-school, and at all levels of education in general, should:

a) "contribute to the prevention of poverty and social exclusion by implementing inclusive education"; b) "permit equality since the very beginning of compulsory education by preparing children for primary school"; "Provide various forms of assistance to the families, according to their specific needs, in order to achieve conditions for full cooperation of the families with preschool institutions" and "empower the family, as early as from the child's birth, to establish healthy and safe conditions for the child's fully realized life and development in its family environment, and actively involve parents in the system's

³⁰ EUROPE 2020 A Strategy for Smart, Sustainable and Inclusive Growth, page 18.

³¹ Official Gazette of RS, no. 107/12.

functioning and development." The strategy specifically highlights the low coverage of Roma children in preschool education and encourages their intense inclusion (coverage).³²

The role of local self-government in the development of preschool institutions is important in this sense and, according to the Strategy, it should "develop and maintain inclusive education policy, be flexibly organized, apply interactive and active methods of educational activities aimed at children, be active in the exercise of children's rights, open to the local community, organize programs for children from the local community who are not covered by the mentioned institutions and promote intensive cooperation with parents and other social partners from the local community."

National Employment Strategy for the period 2011 - 2020³³ recognizes the Roma population as a particularly sensitive or vulnerable group on the labour market. The National Employment Action Plans, adopted annually, set out active labour policy measures aimed at advancing employability and encouraging employment of the members of the Roma national minority. Involvement of the Roma in active employment policy measures (in line with individual employment plans and based on an employability assessment), whether these are additional education and training programs (building competencies, knowledge and skills for a more competitive positioning in the labour market) or specific financial incentives for employment or self-employment, affect their employment and economic empowerment and contributes to an elimination of prejudices and awareness raising (within the local community) on the opportunities and real potentials of the Roma population.

The *Strategy for Public Health*³⁴ states that the most common diseases are directly related to social and economic health determinants, i.e., they are disproportionately more present among the poor. The *Strategy for continuous improvement of the quality of health care and patient safety*³⁵ specifically defines the obligation to improve cooperation between the Ministry of Health and Ministry of Labour, Employment, Veteran and Social Affairs in improving the availability and accessibility to health care to vulnerable groups including Roma, and to identify vulnerable groups in local governments.

The *National Strategy for Social Housing*³⁶ envisages the development of the housing sector by: a) strengthening the legal, financial and institutional social housing capacity; b) increasing the volume and diversity of available housing; c) increasing the affordability of housing for low and middle income families; d) restoring confidence in leased housing in all forms of ownership; e) setting legal standards for housing construction and improvement of existing housing units; establishing instruments for prevention and reduction of homelessness; f) improving living conditions of inhabitants of informal (substandard) settlements.

The *Strategy for Prevention and Protection against Discrimination*³⁷ represents a first national strategic document dedicated to anti-discrimination, which tackles discrimination comprehensively. The strategy foresees a system of measures and policy instruments aimed at prevention or reduction of all forms of discrimination, especially against persons or groups of persons based on their personal characteristics.

³² The problems that Roma children face in education are singled out in parts of the *Strategy* devoted to primary and secondary education and include planned strategic measures to overcome them - a greater coverage, better achievements/outcomes in learning, support, linking education with measures of active employment policy, etc.

³³ Official Gazette of RS, no. 37/11.

³⁴ Official Gazette of RS, no. 22/09.

³⁵ Official Gazette of RS, no. 15/09.

³⁶ Official Gazette of RS, no. 13/12.

³⁷ Official Gazette of RS, no. 60/13.

*The National Gender Equality Strategy 2016-2020*³⁸ recognizes Roma women as a vulnerable group of population specifically exposed to risk of discrimination on multiple grounds..

Furthermore, the Strategy relies on: *the National Youth Strategy, the Strategy for Combatting Human Trafficking, the General Protocol* and special protocols for protection of children against violence, *the General Protocol on Actions and Cooperation of Institutions, Bodies and Organizations in Situations of Domestic and Intimate Partner Violence against Women* and special protocols of the Ministry of Labour, Employment, Veteran and Social Affairs, the Ministry of Health, the Ministry of Justice and the Ministry of Interior on acting in cases of domestic and intimate partner violence against women.

3.2.3. National laws

The *Protection of Rights and Freedoms of National Minorities Act*³⁹ defines the status of 'national minority' and recognizes it as such, and states that public authorities may lay down legal acts and take action "in order to ensure full and effective equality between the persons belonging to national minorities and the majority population", and, in particular, to "improve the position of persons belonging to the Roma national minority"(Article 4).

The *National Councils of National Minorities Act*⁴⁰ enabled Roma men and women, and other ethnic minorities, to directly elect their ethnic minority self-government (National Council of the Roma National Minority) through which they can make decisions concerning their right to education, culture, information and official use of language and alphabet.

The *Prohibition of Discrimination Act*⁴¹ states a general prohibition of discrimination, and defines forms and cases of discrimination and methods of protection against them.

The *Social Care Act*⁴² stipulates that social protection is "an organized social activity of the public interest, aimed at providing assistance and empowerment to individuals and families for an independent and productive life in society and at preventing the creation of consequences of social exclusion and at elimination thereof" (Article 2) and that its goals, among other things, consist in achieving or maintaining minimum financial security and independence for individuals and families to be able meet their basic needs, ensuring the availability of services and exercise of the right to social protection, creating equal opportunities for independent living and promoting social inclusion (Article 3). The right to social security is the right of "every individual and family in need of help and support to overcome their social and existential difficulties and to create conditions to meet the basic necessities of life" (Article 4). Social care services consist of a number of activities aimed at providing support and assistance to individuals and families to improve or maintain their quality of life, eliminate or reduce the risk of adverse life circumstances, and at creating opportunities for them to live autonomously within society. The right to various types of financial support is granted in order to provide an existential minimum and to support the social inclusion of beneficiaries (Article 5). Article 7 of the Act states that institutions and other organizations that perform social care activities or provide social protection should cooperate with the institutions such as preschool, primary, secondary and higher education establishments, health centres, police, judiciary and other state bodies, bodies of territorial

³⁸ Official Gazette of RS, no. 04/16.

³⁹ "Official Journal of SR of Yugoslavia", no. 11/02, "Official Journal of Serbia and Montenegro", no. 1/03 - Constitutional Chart, and Official Gazette of RS, nr 72/09, and 97/13 - decision adopted by the Constitutional Court).

⁴⁰ Official Gazette of RS, no. 72/09, 20/14 - decision adopted by Constitutional Court, and 55/14.

⁴¹ Official Gazette of RS, no. 22/09.

⁴² Official Gazette of RS, no. 24/11.

autonomy and bodies of local self-government units, civil associations and other legal entities and individuals.

The *Financial Support to Families with Children Act*⁴³ foresees financial support for families with children that encompasses the following: an improvement of the conditions needed to meet the elementary needs of children; special incentives for pregnancy and support for financially vulnerable families with children, families with children with disabilities and children without parental care.

The *Fundamental Grounds of the Education System Act*⁴⁴; *Preschool Education Act*⁴⁵; *Textbooks and other Teaching Aids Act*⁴⁶; *Primary Education Act*⁴⁷; *Secondary Education Act*⁴⁸; *Higher Education Act*⁴⁹; *Standards for Elementary, High School and University Students Act*⁵⁰, and the *Textbooks and Teaching Aids Act*⁵¹ guarantee the development of inclusive education for Roma. The *Education System Act*, in a number of Articles (3, 4, 6 and others) clearly states the values, goals, and methods of achieving inclusion of Roma in education.

The *Employment and Insurance in Case of Unemployment Law*⁵² recognizes the category of a "difficult-to-employ unemployed person" who faces difficulty in finding employment due to health conditions, insufficient or inadequate education, socio-demographic characteristics, regional or professional mismatches between supply and demand on the labour market, or other such circumstances. The principle this legal instrument is based on is, among other, the principle of affirmative action with respect to not easily employable unemployed citizens. According to the Employment National Action Plan, which sets out specific active employment policy programs and measures to be implemented in the current year, hard-to-employ unemployed persons are given priority in being involved in active employment policy programs and measures or, for specific categories, special active employment policy programs and measures are created and implemented to improve employability and stimulate employment.

The *Protection of Rights and Freedoms of National Minorities Act* and the *State Administration Act*⁵³ guarantee equal access to jobs to citizens by prescribing that the employees in the state bodies should match to the fullest extent possible the ethnic composition, gender representation and the number of persons with disabilities the structure of the entire population.

In the *Spatial Planning in the Republic of Serbia 2010-2020 Act*⁵⁴, Roma settlements are singled out as the most vulnerable category of settlements and models for their social and economic integration and improvement of living conditions of their inhabitants are defined.

⁴³ Official Gazette of RS, no. 16/02, 115/05 and 107/09.

⁴⁴ Official Gazette of RS, no. 72/09, 52/11 and 55/13.

⁴⁵ Official Gazette of RS, no. 18/10

⁴⁶ Official Gazette of RS, no. 72/09.

⁴⁷ Official Gazette of RS, no. 55/13.

⁴⁸ Official Gazette of RS, no. 55/13.

⁴⁹ Official Gazette of RS, no. 76/05, 97/08, 44/10, 93/12, 89/13. Authentic interpretation - 100/07-4. Decision adopted by the Constitutional Court of RS, and issues nr 380/2005 - 53/2011-104.

⁵⁰ Official Gazette of RS no. 18/10 and 55/13.

⁵¹ Official Gazette of RS, no. 72/09.

⁵² Official Gazette of RS, no. 36/09, 88/10 and 38/15.

⁵³ Official Gazette of RS, no. 79/05, 101/07, 95/10 and 99/14.

⁵⁴ Official Gazette of RS, no. 88/10.

Spatial and urban planning, development and use of construction land and construction of buildings in Serbia are regulated by the *Planning and Construction Act*.⁵⁵

The *Social Housing Act*⁵⁶ specifically lists Roma as a particularly vulnerable group whose members are to have certain advantages in the procedure of granting social housing as housing of an adequate standard intended for households that, for a number of social, economic and other reasons, cannot afford appropriate apartment lease or ownership in the existing market conditions. The *Social Security Act* is the legal basis for local governments to provide the service of "Social housing under secure conditions."

The *Health Care Act*⁵⁷ guarantees social health care under equal conditions to all persons on the territory of the Republic of Serbia, including health care for Roma who, due to their traditional lifestyle, do not have permanent or temporary residence in the Republic of Serbia.

The *Health Insurance Act*⁵⁸ guarantees those persons of Roma ethnicity who, because of the traditional way of life, have no permanent residence or temporary residence in the Republic of Serbia, public health insurance if they do not qualify for the status of being insured on other grounds (an employed person, a retired person, a family member of an insured person).

The *Patient Rights Act*⁵⁹ guarantees patients access to health care, and the right to equal access to health services, without discrimination as to the financial ability, place of residence, type of disease, time of access to the health centre, or in relation to another difference that can be the cause of discrimination.

The *Public Health Act*⁶⁰ regulates the public interests concerning health, through activities aimed at preserving the physical and mental health of the population, preservation of the living and working environment, and health of vulnerable groups in particular. Institutes for Public Health cooperate with other participants in the system of public health in the adoption and implementation of health promotion programs and activities in health education.

The *Youth Law*⁶¹ regulates measures and activities undertaken by the Republic of Serbia, autonomous province and local government units, aimed at advancing the social status of youth and creating conditions for meeting the needs and interests of youth in all relevant areas.

The *Criminal Code*⁶² regulates the criminal-legal protection against domestic violence, abuse and neglect of the child, sexual abuse of the child, racial and other forms of discrimination, human trafficking, trade of children for adoption, enslavement, other criminal acts against specifically vulnerable persons, in particular children.

⁵⁵ Official Gazette of RS, no. 72/09, 81/09 - correction, 64/10 - decision adopted by the Constitutional Court, 24/11, 121/12, 42/13 - decision adopted by the Constitutional Court, 50/13 - decision adopted by the Constitutional Court, 98/13 - decision adopted by the Constitutional Court, 132/14 и 145/14.

⁵⁶ Official Gazette of RS, no. 72/09.

⁵⁷ Official Gazette of RS, no. 107/05, 72/09, 88/10, 99/10, 57/11, 119/12, 45/13 and 93/14.

⁵⁸ Official Gazette of RS, no. 107/05, 109/05- correction, 57/11, 110/12- decision adopted by the Constitutional Court, 119/12, 99/14, 123/14, 126/14- decision adopted by the Constitutional Court.

⁵⁹ Official Gazette of RS, no. 45/13.

⁶⁰ Official Gazette of RS, no. 72/09.

⁶¹ Official Gazette of RS, no. 50/11.

⁶² Official Gazette of RS, no. 85/05, 88/05-correction., 107/05-correction., 72/09, 111/09, 121/12, 104/13 and 108/14.

IV. DESCRIPTION OF THE CURRENT STATE OF AFFAIRS

In the 2011 census, there were 147,604 ethnic Roma registered in Serbia, composing 2.1% of the total population on the territory of Serbia⁶³ excluding Kosovo and Metohija. This is the reference number used in the planning of strategic measures⁶⁴.

According to methodologically verified reports and indicators, most Roma are faced with social exclusion and poverty and are exposed to some form of open, and, even more often, covert discrimination.⁶⁵

Data concerning the socio-economic status of Roma are scarce, outdated and unsystematic, usually collected only partially, using non-standardized and unverified methodology. Data on poverty in Serbia do exist and are collected and processed through the official statistical system, and are updated and regularly analytically interpreted by the Social Inclusion and Poverty Reduction Unit. However, they do not include information about the ethnic structure of the poor citizens in Serbia. For all these reasons, it is difficult to assess the real dimensions of Roma poverty,

Collecting data on the extent of exercise of economic, social and cultural rights, including the right to work, to housing, social care, education and to employment, is of crucial importance for the overall improvement of access to the said rights for all citizens, including for Roma men and women. The UN Committee for Economic and Social Rights has asked from the Republic of Serbia that the said information be regularly collected, compared to human rights indicators, and interpreted with respect to ethnic origin as well.

According to data collected in the Census of 2011, analysed in the study "Roma in Serbia", indicators of poverty among ethnic Roma are derived indirectly. Based on the aggregate data on the demographic characteristics of the population, and on the monitoring of the economic structure of population, differences have been observed "between the ethnic communities and the general national level in the development of economic structures, which ultimately determine the social status of the society as the whole and of individual ethnic communities in it."⁶⁶

In this sense, there are obvious differences between the economic activity of the Roma and that of the general population. Despite the fact that both among the Roma and in the overall population a decline is present in the percentage of active population and an increase in the percentage of inactive population, the economic dependency ratio (the ratio between the number of active, yet dependent, and persons who do have personal income) shows that the number of dependent persons in the inter-census period (2002 - 2011) was reduced by about 15.0% and that the number of persons with personal income rose by about 10.0%. At the same time, the number of dependent Roma increased by 69.1%, while the number of persons with personal income dropped by over one-half (51.0%). One can conclude that changes in the

⁶³ Census of the Population, Households and Apartments 2011. Book 1, *Nationality*, Serbian National Statistics Office, Belgrade, 2012.

⁶⁴ One must be cautious when citing numbers of Roma in Serbia and their spatial distribution. A growth in Roma population has been recorded compared with previous censi, (140,237 in 1991, while 108,193 in 2002),. However, this growth is not only due to natural multiplication of population, but to different census methodology, and to an increased number of Roma IDP from Kosovo and Metochy. This is why estimates of the Roma number in Serbia vary from 247,591 (Goran Basic, Bozidar Jaksic, *The Art of Survival – Where and How Roma Live in Serbia*, IFDT, Beograd, 2005) to 600,000 (Ana Popovic, Jelena Stankovic, Department of Economy, University of Nis, 2013 (<http://www.eknfak.ni.ac.rs/dl/FINALLY/Nacionalni-izvestaj-Srbija.pdf>), as well as due to ethnic camouflage and statistical neglect of the realistic number of Roma (Estimates and official numbers of Roma in Europe, Council of Europe (www.coe.int/en/web/portal/roma)).

⁶⁵ United Nations Economic and Social Council, *Concluding observations on the second periodic report of Serbia* (E/C.12/SRB/CO/2), 2014.

⁶⁶ Radovanovic, Knezevic. *Ibid.*, page 78

economic structure of the Roma population are not evolving in the same direction and with the same intensity as that of the total population. An increase in the share of inactive, primarily dependent population represents the negative component of economic prosperity, which also affects the determination of the social status of Roma. In this regard, it is worth mentioning that in 2011 there were 140 inactive for every 100 active persons in Serbia, while in the Roma population these numbers were 257 inactive (primarily dependent) persons for every 100 active.⁶⁷ As the active population includes both persons performing an occupation and unemployed persons (persons who used to be employed and persons seeking employment actively)⁶⁸, it should be noted that 59% of the total active Roma are not employed, which is significantly above the national average of 22.4%.

Grouping citizens by work occupation, one gains an insight into the professional structure of Roma men and women. A person's professional profile is the profile of their fundamental economic and personal characteristics, because it usually determines the amount of earnings, and consequently the economic and social status of a person. The most common occupations among the Roma population reveal the existing professional and social inferiority of Roma, directly conditioned by their educational structure. There is a marked gender difference among active Roma who perform a profession, where men make up 77.5% and women 22.5%, a significant difference compared to the general national level where men make up 57.9% and women 42.1% of the total active population performing an occupation.

In this regard, it should be noted that marriage, giving birth and taking maternity leave, as well as the general level of education, are significant factors in women's professional activity. These, and other characteristics of the position of women in society, represent one of the major causes of such large differences in level of economic activity among Roma women compared to other women in Serbian population.

Finally, according to data about the economic activity of Roma in the Republic of Serbia, it is evident that the percentage of employed Roma decreased significantly in the intercensus period, down to 5.95%. This is a statistically significant difference, indicating that the conditions of the Roma situation have worsened since the first Strategy on improving the position of Roma had been adopted and active employment policy measures for Roma planned.⁶⁹

The data that reveal their economic powerlessness are those indicating that more than one-quarter (27.6%) of Roma households earn their income receiving social assistance.

Social and health vulnerability of Roma, especially of children and women, is described in the Multiple Indicator Study on the position of women and children in Serbia, conducted in 2014 by the Serbian National Institute for Statistics, with the technical and financial support from the UNICEF:

The estimated rate of infant and child mortality in Roma settlements is 13 per thousand live births, twice higher than the national average rate; 10% of children in Roma settlements are underweight, and 19% are lagging behind in their development, which is about five times higher rate than among children from other ethnic groups.⁷⁰ As regards the coverage of children with the recommended vaccines, 13% of Roma children received all their vaccinations on time, i.e. before the end of the first year since their birth, while that coverage is 71% among children from the general population.

⁶⁷ Radovanovic, Knezevic. *Ibid.*, page 84

⁶⁸ Census of the Population, Households and Apartments 2011. Book 7, *Economic Activity*, Serbian National Statistics Office, Belgrade, 2013, p. 10-11.

⁶⁹ Valentina Sokolovska, *Social and Cultural Potential of Roma Community*, Novi Sad, 2014.

⁷⁰ *Multiple Indicator Cluster Survey of Women and Children in Serbia 2014* and *Multiple Indicator Cluster Survey of Women and Children in Roma Settlements in Serbia 2014*, Serbian National Institute for Statistics and UNICEF, 2014.

According to data provided by UNICEF⁷¹, of the total number of beneficiaries of services offered by social care centres, 45,050 users are Roma, which is almost a third of the total number of Roma registered in 2011. This means that the Roma share of beneficiaries of social security services is almost four times higher than that in the total population in Serbia. The age structure of Roma beneficiaries of the social care services is as follows: 47.2% are adults, 31.1% elderly and children, and 21.7% are young people. Children under 17 make up 27.6% of the beneficiaries of all social work centres. Together with the youth (18-26 years), who make up 9.8%, they represent a total of 37.3% of all beneficiaries of centres for social work, and are thus the second largest user group in the centres.

It often said that the most effective way for the Roma men and women to overcome the problem of poverty is through education. However, data from the above survey of multiple indicators of the status of women and children indicate that we still have not created the institutional conditions for this to start happening. For example, only 80% of children from Roma settlements who were enrolled in the first grade of elementary school had previously attended preschool preparatory program (in the general population, the coverage is 98%). Only 69% of Roma children started the first grade of primary school on time (in the general population the percentage is 97%). Only 64% of Roma children graduate from primary school (93% in the general population), and finally, only 22% Roma children go to high school (89% in the general population). Another specific problem represents the trend of Roma girls leaving school and starting families between 15 and 19 years of age. As many as 43% of Roma girls in this age group drop out of school to get married. In girls the same age in the general population, this percentage is 4%.

The consequences of exclusion from education impact the competitiveness of Roma in the labour market - the share of illiterate Roma in the total population aged over 9 is 15.1% and as such remains well above the national average of 2%. Data indicating the acquired degree of education are disconcerting: over 1/3 of Roma - 34.2% have not completed primary school, 1/3 Roma have completed their primary education, and the share of Roma with a high school diploma is 11.5 % and only 0.7% with a university degree.

The 2011 census included the homeless for the first time, and, according to the findings, there are 5,719 homeless Roma in Serbia, which is one third of the whole number of homeless people. In addition, attention should be paid to the fact that the surveyed 1,553 households live in spaces they entered in out of necessity. Members of these households in the 2011 census are treated as secondary homeless. The slight majority of the homeless are men (51.1%), and the most represented age category of these persons are children under the age of 14. Almost half of the total number of homeless people were registered in the Belgrade region (48.6%). In addition, uncontrolled migration inflow in Belgrade and generally difficult economic misery of the Roma has forced many to live in settlements of the favela and slum type.⁷²

Discrimination, together with poverty, remains the main obstacle to social inclusion of Roma. The Republic of Serbia is committed to a systematic establishment of an institutional and legal framework, as well as the anti-discrimination mechanisms. Taking into account that the Republic of Serbia has established and is implementing antidiscrimination policies and measures (the Anti-discrimination Law and the Strategy for the Prevention and Protection against Discrimination with the appending Action Plan have been adopted, the institution of the Commissioner for the Protection of Equality has been established). However, both direct

⁷¹Aleksandra Lakicevic Dobric, Additional support to students from vulnerable groups in pre-university education, *Annex 2: A Review of policies and measures in the social care sector for the support of educational needs of children from vulnerable groups*, UNICEF, The Team for Social Inclusion and Poverty Reduction, Belgrade, 2013.

⁷²Radovanovic, Knezevic, *Ibid.*, 84

and indirect discrimination against the Roma are still pronounced. Of the 124 complaints about discrimination on the basis of ethnicity submitted to the Commissioner for Equality in 2014, 40% refer to discrimination against Roma. In the regular annual report of the Commissioner for 2014, it is stated that during 2014, five criminal charges were filed for inciting national, racial and religious hatred and intolerance against the Roma minority, and that two strategic litigations were initiated. All this indicates that the anti-discrimination activities are needed for Roma and that they should be intensified in the future, through the already mentioned mechanisms, and through efforts to strengthen a culture of human rights and social solidarity.

Another problem is revealed in the fact that a small number of procedures concerning discrimination of Roma ever get processed in courts, which leads to impunity. On the other hand, the discrimination against them is expressed both in institutions and in public life, as well as in the private sphere.

The improvement of the position of Romani women and men is linked to their full access to human rights. Problems the Strategy deals with, touching on education, employment, health and social care, and housing, are essentially related to the access of Roma people to the human rights the content of which is defined by the international law on human rights through pacts and conventions ratified by the Republic of Serbia.

Human rights, including the right to adequate housing, health, education, employment and social security, are universal and inalienable, and mutually conditioned and interrelated. The exercise of each of the listed rights directly affects all other human rights guaranteed by laws, which is why an essential strategic and synchronized approach is absolutely necessary.

It is the state's duty to make these laws available, to protect them and to respect them. In the area of economic, social and cultural rights that are the essential part of this Strategy, the state has the obligation to undertake activities to ensure full realization of these rights in accordance with the available resources.

The *Strategy for the Improvement of Roma Status in the Republic of Serbia by 2025* was created using the methodology of the "human rights-based approach". This approach is based on normative standards and principles of human rights and is implemented respecting basic human rights principles, of which the principles of full participation of Roma men and women, accountability, and non-discrimination, are of particular importance.

The Strategy insists that the improvement of the position of Roma be viewed through the prism of their access to rights guaranteed by the ratified instruments of international law, the Constitution of the Republic of Serbia and national laws. Consistent implementation of the above principles implies that the Roma community be involved in a meaningful way in the definition and implementation of the said measures, that there be a clear system in place to determine the responsibility in case of not implementing the adopted measures, and that the prohibition of discrimination be strictly respected.

This is why measures foreseen in the *Strategy* and in the Action Plan for its implementation must be directed towards the institutions that are the holders of commitment to protection, respect and full exercise of human rights, in the sense that the measures should support both the institutions in meeting their obligations, and Roma as bearers of rights that need to be empowered in such way that they finally start demanding their rights, accessing them, and enjoying them.

As concerns lack of data and issues regarding identity problems of Roma that impact the exercise of their rights, no analysis of public policies to implement measures to improve their position has yet been done systematically, on the basis of verified methodology, and with empirically collected data a scientific explanation can be based on. In the humanities and social sciences in Serbia, contrary to the practice in other countries, the scientific research

dedicated to issues of inclusion, life style, customs, status, and ethnic identity of Roma, is unfortunately not encouraged.

4.1. EDUCATION

Education, in addition to being a human right, is a necessary precondition for the fulfilment of many other human rights. It is a condition not only to get out of poverty, recognized as the predominant problem of the Roma minority, but also for the full social inclusion of Roma men and women.

Primary education is compulsory and must be accessible to all without discrimination. Absence of children in compulsory education and the unjustifiably disproportionate presence and schooling of Roma children in the "schools for children with special needs" represents serious discrimination and violation of the right to quality education. According to international standards of human rights, education should aim at full development of personality and dignity, strengthen respect for human rights and enable all persons to fully participate in society.

It must be accessible to all, through the existence of an appropriate number of schools and equal distribution of children in them. Education should be accessible and economically affordable to all, therefore to the most vulnerable groups, too. Inclusive education, in addition, must be flexible so as to adapt to social changes and the needs of groups and individuals. It must especially adapt to the needs of students from different social and cultural backgrounds.

Lower quality education for Roma children, segregation in education, and irregular attendance of pre-school programs for a large number of Roma children, represent forms of violation of the right to education, and of discrimination against Roma children with respect to the rest of the population.

Current findings⁷³ suggest that the involvement of children and young people from the Roma community in the system of education is unsatisfactory, particularly in secondary and higher education. Thanks to a number of policies and measures that have been introduced some progress has been achieved in the past ten years. However, the existing data suggest that this is still a big problem and that the critical points for Roma children are: inclusion in pre-school education in order to be adequately prepared for elementary education, regular attendance, finishing elementary school education, and transition to high school which represents the most critical point because this is where the highest early school leaving rate is recorded.

The main reasons underlying the above-mentioned problems are:

Children from Roma communities face numerous difficulties in exercising their right to quality education. Members of the Roma community are often confronted with negative stereotypes and discrimination on behalf of schools themselves, which directly affects their access to education as an essential element of their human rights.

⁷³ The primary source of information when identifying key issues concerning education of Roma is the *Multiple Indicator Cluster Survey of Women and Children in Serbia 2014* and *Multiple Indicator Cluster Survey of Women and Children in Roma Settlements in Serbia 2014*, conducted by the Serbian National Statistics Office and UNICEF, 2014. (Multiple Indicator Cluster Survey-MICS) was conducted in 2014 and also in 2005. The Survey covers a wide spectrum of indicators on a representative sample of general population and of Roma population in the settlements. The fact that studies on Roma education in Serbia face the lack of systematically collected data that would allow the monitoring of the exercise of right to quality education for Roma children in itself reveals that the solving of the problems concerning Roma in education still does not have a priority place in the reforms currently underway in Serbia.

Roma children under the age of 5.5 are far less involved in pre-school education.

While the coverage of children aged 3 to 5.5 in preschool education amounts to about 50% in the general population, the same rate in the Roma population is only 6%. At the same time, the need for Roma children for these programs is higher, because a significant number of them live in conditions of poverty lacking sufficient incentive for early development and early learning within their family environment.

Roma children are not fully covered by the mandatory Preparatory Preschool Program (PPP), or if they do attend it, they attend it irregularly and over a shorter period of time. The scope of the compulsory PPP program in the general population is nearly 100% (about 98%), in contrast to the Roma community where only 63% attend the PPP. Moreover, the percentage of children from the Roma community living in conditions of poverty who attend the preschool program is even lower (46%). Finally, children from the Roma community who do attend pre-school, do not attend it regularly and attend it for a shorter period of time than prescribed. Bearing in mind that the main purpose of the Preparatory Preschool Program is to prepare children for elementary school and thus act as a prevention from failure in primary education, it becomes obvious that pre-schools are not sufficiently prepared for and/or do not have enough capacity to adapt to the needs of the children from the Roma community. As the result, a large number of Roma children do not get sufficiently prepared for elementary school which is an important factor in their later failure in education.

Lack of incentives for early development of children in the Roma community is the result of four adverse circumstances. **First**, a significant number of children live in poor housing conditions, in conditions of poverty, or with parents who have low level of education and are not employed. Due to these circumstances, parents are unable to provide their children with the same incentives for early development and learning as other parents (developmentally stimulating toys and books, developmentally stimulating activities).

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

The main reasons for this are manifold. The key reasons concerning pre-schools are the following: a) the capacity of the preschool are limited which is why the competition for enrolment is big, or the preschool is situated far away from the Roma settlement, b) discrimination against Roma children on behalf of the preschool when exercising their right to priority enrolment, c) the pre-school's reluctance or lack of capacity to adapt to the educational and cultural needs of Roma children, d) the local self-government's and centres for social policy failure to ensure additional forms of support (financial or otherwise) to Roma families so as allow them to cover the costs of regular attendance of their children at preschool programs, e) the procedure for exercising the right to preferential inscription and other forms of support is complex and sometimes implies certain costs, and f) an insufficient number of Roma Teaching Assistants and/or Roma Mediators in local self-government units to provide support to Roma families in exercising their rights. To all the above listed reasons one must add that, some parents from the Roma community, just like some parents in the general population, believe that children who have someone in the family who can be with them during the day do not need pre-school, and are not sufficiently aware of the importance of preschool programs to encourage early development and learning in children. Preschool

institutions and local government do little to raise the awareness and motivate parents to enrol their children in preschool institutions.

Lower coverage of Roma children in elementary schools and lower graduation rates. Primary education is compulsory and should have universal coverage. In the general population, the coverage of children in elementary schools is almost 100 percent, while in the Roma community it is about 85% for which there is no justification. As a result of insufficient preparation for school, only about 30% of Roma children enrol in the first grade on time (they usually do with a one-year delay). This is more present in the case of boys and Roma children in rural areas and those living in conditions of poverty.

Due to the difficulties they face during elementary school (discrimination, lack of adequate additional support, poverty, etc.) only 64% of Roma children complete their primary education. This is nonetheless a significant increase compared to 2005 when only 28% of the children graduated from elementary school, but is still significantly lower than the rate in the general population which amounts to 93%. In addition, the graduation rate in primary education among children from the Roma community living in conditions of extreme poverty is now even lower than before, which indicates that these Roma children face additional problems in addition to those faced by other Roma children.

Critical points in the education of children and young people from the Roma community are: enrolment in elementary school, transition to fifth grade and pursuing their education after graduating from elementary school. About 30% of Roma children enrol elementary school with at least one-year delay. Only about 10% of boys and girls do not continue their education after the fourth grade, while about 40% of those who complete primary school do not continue their education in high school, which is especially the case with girls and young Roma who live in conditions of poverty.

The main reasons in the education system for the low coverage in regular schools, the high rate of early school leaving and the low quality of pre-university education provided for children and young people from the Roma community are the following: a) the lack of preparedness and professional skills among teachers to adapt to the educational needs of students from the Roma community, especially to those who are not sufficiently prepared for primary education because they failed to attend preschool education and, if they did, it was insufficiently individualized and adapted to the needs of the child and the family, b) the fact that a significant number of children and youth from the Roma community fail to exercise their rights to additional support to have regular and quality education (support from teaching assistants, individualized education and adequate individual education plans, exercise of the right to financial and non-financial forms of support from the social protection system, etc.), c) negative stereotypes about Roma that are widespread in society and among the employees in education make the children and youth from the Roma community subjects to various forms of direct and indirect discrimination (the "condensed curriculum", low expectations and requirements, lower level of support for learning, exclusion of Roma students in curricular and extracurricular activities, labelling, exposure to violence, unjustified transfer to "special education schools", placing Roma children in segregated classes or 'satellite' classes in schools, etc.), and there is often no will nor capacity to work on preventing discrimination, d) the lack of preparedness and capacity of the school to implement prevention activities with Roma children at risk of early school leaving through individual classes, additional support in learning, and support in providing other forms of support from the social care system, and lack of systematic mechanisms to provide to provide support for continuation of education to children and youth who leave school before completing their secondary education and e) the affirmative measures for enrolment in high schools are insufficient with regard to the number of Roma students who leave education after graduating from elementary school, and the implementation itself of affirmative action measures is not monitored enough nor are there

other conditions for regular and successful completion of secondary education (accommodation, scholarships) in place.

All this suggests that primary education⁷⁴ is neither available nor economically accessible, nor exercised without discrimination for students of Roma ethnicity.

Many children do not sufficiently command the language in which they receive education (Serbian, Hungarian or another language of their environment). The introduction of pre-school preparation program has tried to solve this problem but did not succeed as children often attended it irregularly or went to segregated groups. The educational system is not sensitive to, and teachers are not trained in the specifics of working with children learning in another language. Poor knowledge of the language results in the low achievement of children and loss of motivation for further education.

The lower quality of elementary education and lower educational achievements
The existing data on Roma children's educational achievements show that they receive lower-quality elementary education than their peers. These findings suggest that the lower educational achievement is only in small part the result of unfavourable socio-economic conditions the Roma children live in, and that it is largely due to the fact that the quality of education Roma children and youth receive is lower compared to other children.

The main reasons why elementary schools fail to provide adequate quality of education to students from the Roma community are a result of direct discrimination and widespread negative stereotypes, and inadequate practices of teachers and schools (who shorten the program for Roma children, lower their expectations, tend to include Roma children less in learning and extracurricular activities and tolerate absence, etc.).

The fact that not one case was identified where the responsibility of schools or teaching staff was named for the clear violation of the Roma children's right to education is of particular concern, and contributes to the suspicion that this malpractice is probably continued. Another related problem is the failure of the education system to provide Roma children appropriate forms of additional support for their education. As the result, even those Roma children who do complete their primary education, have significantly lower average grades which limits them in terms of continuing their education in high school.

Insufficient support for the learning of Romani language in school and the development of cultural identity in compulsory primary education. Although the Constitution and other laws defend the right to education in the child's native language or in bilingual classes, despite the fact that a great number of Roma parents wish their children to attend the *Roma language with elements of national culture* class, very few children have the opportunity to actually attend it because many schools fail to provide the necessary conditions for the creation of the said class.

In addition, Roma children are faced with the presence of negative stereotypes about Roma that appear in school curricula and textbooks in other subjects, which may have adverse effects on the development of their cultural identity, and send a message to Roma children that school, and ultimately the society in general, is not a place where they can express, promote and further develop their identity.

The low coverage of Roma in secondary education and a high early school leaving rate. While in the general population the coverage of young people in high schools is around 90%, it is about 22% among young Roma. The coverage among boys is slightly higher than among girls (28% vs.15%), which points to the gender dimension of the problem. In addition, the coverage of young people from the Roma community living in conditions of extreme poverty is only 5% indicating that they face additional difficulties in inclusion in high

⁷⁴ In line with the General Comment 13 of the UN Committee for Economic, Social and Cultural Rights.

schools compared to those who do not live in conditions of extreme poverty. Finally, the drop-out rate among children and youth from the Roma community reaches 80%, while that in the general population is much lower, 8%. Although the coverage of young people from the Roma community in high schools is better now than in the past (In 2005 it was only 10%), it is still far lower than in the general population, which in itself testifies of all the difficulties and barriers that children from the Roma community had to face in their previous education.

In accordance with international human rights standards, high school education should be made affordable and accessible to everyone, using all appropriate means. The fact that the poorest Roma girls and boys attend high schools in very low numbers indicates that it is essential that the secondary education becomes more accessible and more affordable.

Discrimination of Roma children - enrolment in the "special education" schools and segregation of Roma students. A significant number of Roma children get enrolled in the schools for children with special needs on no justifiable grounds. This type of discrimination is a form of serious human rights violation, and also reveals the unwillingness and/or lack of capacity of elementary schools to meet the educational needs of Roma children.

Although in the past period some progress has been achieved, the share of Roma children in special education schools is still far too high (about 30% of children in special schools are Roma, while their representation in the general population is about 3-4%). In addition, there is still a practice of transferring Roma children from ordinary schools to special education schools, whereas it is very rare that a Roma child gets returned from a 'special education' to a regular school. Finally, the "special education schools" still exist where 70% of pupils are from the Roma community. This high a representation of Roma children in the "special education" schools is the result of inadequate registration, and of the practice of transferring Roma children from ordinary to "special education schools". The existing legal option for children to be transferred from a "special education" to an ordinary school under certain circumstances is, on the contrary, significantly less used.

Exposure to various forms of discrimination has a very negative impact on the education of Roma children, youth and adults. Discrimination is one of the main reasons for the lower availability and affordability of education for members of Roma communities, for the lack of preparedness and lack of capacity of schools to adapt to their educational needs, and for the low acceptance of education among the Roma if they are not allowed to learn Romani language and culture in school, or in another dignified manner express and affirm their identity within the education system. Thus, various forms of discrimination in education are the main factor that threatens the rights of members of the Roma community in the field of education.

Segregation of home classes and schools is not that frequent, but what causes concern is that there is a trend of its increase while there are no preventive measures in place, or desegregation measures for schools where segregation already occurred, nor measures to determine individual responsibility for the resulting state.⁷⁵ An increased inclusion of Roma in education in some cases leads to the formation of segregated preschool groups, and schools/home classes where the majority are Roma, particularly in schools near Roma settlements. In cases like this, segregation is increased by a tendency among other parents to avoid to have their children educated in "Roma schools". Problems the segregated schools with large numbers of Roma have to cope with are: poor working conditions, low quality of educational work, other students leaving the school, low status the teaching staff in these schools enjoy among their colleagues and members of the local community, lack of support

⁷⁵ From the human rights standpoint, the failure to identify responsibility, and the impunity for discrimination, represent a large problem.

from other schools and local governments, all of which significantly reduces the quality of education for Roma children.

Low coverage of Roma youth in higher education and the lack of skilled personnel in the Roma community for the implementation of measures of support for the education of Roma. Low number of young people from the Roma community manage to get into colleges or universities (less than 2%), despite all affirmative enrolment measures that have been introduced for Roma students in higher education.

One of the reasons for the low number of Roma students in colleges/universities is the lack of adequate measures and additional support for Roma in high schools and lack of preparation for enrolment at universities. Absence of highly educated professionals in the Roma community is also a hindrance in the implementation of many of the incentives to improve education for children and young people from the Roma community. Namely, many of the introduced measures require university educated experts from the Roma community. In addition, the creation of conditions for equal education will require a growing number of educators, teachers and professional associates who are members of the Roma community to ensure that Roma children and youth are convinced that the education system does hold a place for Roma.

Low level of adult literacy among Roma and low employment rate. The educational structure of the adult Roma community is considerably worse than that in the general population - about 53% of adult Roma have received no education at all or have not completed their primary education, 33% have completed their primary education, 12% have graduated from high school, and less than 1% have a college or university degree. These numbers indicate that a large number of adults in the Roma community have a need for compensatory education programs to enable them to acquire at least their elementary education degree and then some form of additional professional qualification.

The issue of unfavourable educational structure of the adult Roma community has a strong gender dimension, since it affects the female members of the Roma community in an even greater measure. Due to the unfavourable educational structure among Roma, the result of many obstacles and difficulties the members of the Roma community face during their education, the rate of economically active members of the Roma community who are actually employed amounts to only 41%, significantly lower than that in the general population where the level is at 78%.

4.1.1. Analysis of Public Policies and Measures in Education

An increased number of policies and measures have been introduced and applied in the system of education in the past decade, aiming to increase Roma children, youth and adults' access to education, make education accessible to members of the Roma community, and to increase the educational system's adaptability to the specific educational and cultural needs of the Roma community.

While, owing to these policies and measures, certain progress has been made, recent data indicate that the problem of Roma in education remains pronounced and that the main critical points are: the inclusion of Roma in pre-school education, regular attendance in elementary school, completion of primary education, and transition to secondary education (high school).

4.1.1.1. Preschool education (PE)

Priority enrolment in pre-school education. According to the Pre-School Education Act, children from vulnerable groups have the right to priority enrolment, and the *Regulations*

*on conditions of gaining priority for the enrolment of children in preschool*⁷⁶ define the criteria for priority enrolment, including ‘belonging to socially vulnerable groups - children from socially non-stimulating environments’.⁷⁷

Despite the mentioned measures, the inclusion of Roma children has not been increased and even a negative trend has been recorded and a lower percentage than the one recorded in the previous period. The reason is partly in the legal basis itself: the priority groups are too broadly defined - almost every child could be detected in them, priority depends on the ability of the school, and parents and caregivers must apply for it (assistance is not provided to them in this matter, nor are they informed of the relevance of early entry). Implementation of these measures is not monitored at the national level, and there are no guidelines for applying. There is no single database on the use of information on the number of users. There are no sanctions for those local governments and preschool institutions which fail to implement these measures.

Diversified preschool programs. To increase the coverage of children, there is a possibility of organizing separate and specialized programs⁷⁸. Preschools determine in their annual workplan the time, place, manner and users of these free programs for children. Unfortunately, the school and the local government unit are not obliged to organize these types of work and it is estimated that only one third of schools implement some form of work for vulnerable children who are not covered by preschool programs, and that the number of Roma children who are covered by them is low. Additional training is needed and support to schools and local government units for planning and implementation of these programs, and for their registry and evaluation.

The introduction of the compulsory Pre-school Preparatory Program (PPP). The preschool preparatory program is mandatory and is created to ensure that all children are prepared to go to elementary school. The local government notifies the institution that implements the PPP, and parents of children who are old enough to attend it. The school has the obligation to notify parents and local government about the children who were not enrolled, who do not attend regularly, or have stopped attending the preschool program. The law provides punitive measures for the Teaching Assistants who do not register the child and the parent who without reasonable excuse fails to register children in the Preschool preparatory program, or if a child is absent without justification. The school has an obligation to enrol every child into the PPP regardless of the parents’ place of residence, but the competent institution does not explicitly define if a child can be enrolled without proper documentation as is the case with the enrolment in primary school.

Although the law provides for a specific role of educational institutions and local government units in enrolment, these seem not to be enough because it comes down to distributing information and applying punitive measures rather than providing measures of support. School and local government units bear no responsibility if parents fail to enrol their children; however, since local government units do not dispose of precise statistical numbers, preschool institutions can get involved in identifying children and families to provide support for the enrolment of children in preschool education. Enrolment is carried out late in some areas and the program lasts shorter, and sometimes segregated groups are formed. Certificates of attendance of Preparatory program for the enrolment in the first grade do not state the

⁷⁶ Official Gazette of RS, no. 44/11.

⁷⁷ According to the Financial Support to Families with Children from Financially Vulnerable Families Act they are entitled to a refund of costs of the child’s attendance in pre-school, from the local budget.

⁷⁸ These programs are regulated by the Pre-School Education Act, Regulations on types and modalities of financing special programs and services provided by pre-school institutions (Official Gazette of RS, nr 26/13) and the Regulations on standards for the right to access to special programs in pre-school education (Official Gazette of RS, no. 61/12).

length and regularity of attendance, and are not a guarantee that the children have been sufficiently prepared for elementary school.

4.1.1.2. Primary education

Facilitated enrolment in elementary school. Under current regulations, children have the right to receive **compulsory, free and quality elementary education** in public schools, use books, school material, transportation, food and accommodation when necessary. Nonetheless, despite this legal obligation, all Roma children are not enrolled in primary school education, many of them are late in enrolling, and 30% of pupils enrolled special needs schools are Roma. Testing for enrolment in the first grade is not performed in the native language as legal advisors do not speak Romani. There is a positive trend expressed in the fact that the test is attended by pedagogical assistants who speak Romani. Fines for parents who do not enrol children in compulsory primary education is a measure that persists in public policy for education despite years of its ineffectiveness.

The low coverage and low elementary school graduation rate. The coverage of children from the general population in primary education is almost 100 percent, while in the Roma community it is about 85%. Lacking preparation for school, about 30% of Roma children enrol in the first grade with a delay, to a somewhat greater extent in the case of boys and Roma children living in rural areas and in conditions of poverty.

Due to discrimination, lack of adequate support, poverty and other related problems, only 64% of Roma children finish elementary school. This is a certain improvement compared to the situation as it was, for example, in 2005, when only 28% of the Roma children completed their primary education, but the problem of the low rate of Roma children in primary education remains present, because it is still significantly lower than the rate in the general population that amounts to 93%. In addition, the elementary school graduation rate among those children from the Roma community who live in conditions of extreme poverty is even lower.

4.1.1.3. Secondary education

Low coverage of Roma students in secondary education and a high risk of early school leaving. While the coverage of youth in high schools in the general population is around 90%, it is about 22% among the young Roma. Coverage of Roma boys is slightly higher than of Roma girls (28% vs.15%), which indicates the gender dimension of this problem. In addition, the coverage of Roma youth living in conditions of extreme poverty in high schools is only 5%. Finally, the early school leaving rate among Roma children and youth reaches 80%, while that in the general population is much lower. Although the coverage of young people from the Roma community in secondary education is better now than in the past (in 2005 it was only 10%), it is still far below that of the youth in general population.

4.1.1.4. Affirmative measures of enrolment in secondary and higher education

The Constitution foresees introduction of special by-laws and measures designed to achieve full equality between ethnic minorities and the citizens of the majority population, if deemed necessary to eliminate extremely unfavourable living conditions that particularly affect minorities. The aforementioned provision is defined in the *Protection of Rights and Freedoms of National Minorities Act*, the *State Administration Act* and the *Fundamentals of the System of Education Act*.

The Ministry of Education, Science and Technological Development is implementing measures to support enrolment in secondary schools in cooperation with the National Council of the Roma National Minority and the Office for Human and Minority Rights. Measures of affirmative action for admission of Roma students in colleges and universities are conducted in cooperation with the concerned higher education institutions. In the case of affirmative enrolment, the student acquires the status of the 'student financed from the state budget'. Colleges and universities founded by the state are required to enrol 1% of Roma students of the total number of students financed from the state budget.

There are no exact data on the number of enrolled high school and university students and their academic achievements, as their education was not officially followed. The analysis of public policies promoting education among Roma students points to the need for the implementation of measures designed to further precise the enrolment criteria, better inform the potential beneficiaries, provide support to Roma in their exercise of affirmative action rights, and also to finance the enrolment of Roma students from the state budget based on affirmative action. It is necessary to pair the said measures with mentoring and support programs, in line with the adopted student standards, and the regular monitoring of achieved results. It is necessary to increase the quota of Roma students in the enrolment in those colleges/university departments that are important for the Roma community.

4.1.1.5. Teaching assistants

In the previous strategic period, the legal basis was created for the definition of the status, recruitment, training and funding of teaching assistants⁷⁹, which allowed for their introduction in the educational system. Their work has largely contributed to an increased number of Roma children in primary and secondary schools in Serbia. Still, despite the fact that the teaching assistants are considered the most important measure of support for Roma children in education, their status within the schools has, after six years, still not been clearly defined, and neither has their role and opportunity for career advancement. The introduction of teaching assistants in education should represent one step towards the adaptation of the schools and teachers themselves to the educational needs of children and youth from the Roma community, and should ultimately bring the educational institutions closer to Roma communities and families. However, this is not always the case, as the schools often transfer this responsibility to the assistants. Only a small number of teaching assistants are employed in preschools and in the preschool preparatory program, and elementary schools need to increase the number of assistants.

4.1.1.6. Individualized education plan

The *Fundamentals of the System of Education Act* introduced a series of measures of support for the successful inclusion of children in pre-university education. Educators, teachers and expert advisors have the duty to continuously monitor the development and progress of the child from the time of registration in pre-school or preschool preparatory program, through elementary and high school. Psychologists and educators, in cooperation with pre-school teachers, teachers and parents, assess whether the child needs adjustment in terms of modality and contents of school work or need individual work in a particular field, and to what extent. This is done when the monitoring reveals that a child is struggling to achieve the expected outcomes. If the individualized approach fails to yield the desired results in the development of the child, the next step is to create the *individual educational plan* for the child, as regulated under the Law on Foundations of the Education System and other

⁷⁹ "Official Gazette of RS – *Journal of Education*", no. 11/2010

special laws and bylaws, including the *Regulations on additional educational, health and social support for children and students*⁸⁰, and *Regulations on detailed conditions for the exercise of right to individual educational plan*⁸¹.

Procedures for the monitoring of the progress of children need to be developed, and conduct the training of experts for the implementation thereof. The primary causes of the inadequate use of measures of individualized education and individualized educational plan are either the negative stereotypes towards Roma children and youth, or the fact that preschool teachers and teaching staff have not been trained to perform individualized work and an inclusive approach.

4.1.1.7. Measures of anti-discrimination, desegregation and protection from violence, abuse and neglect

The prohibition of discrimination is regulated unequivocally by law (*Anti-Discrimination Act, Law on the Foundations of the Education System*, individual laws concerning education⁸²). The law identifies various forms and cases of discrimination and prescribes methods of protection against discrimination. Additional support and affirmative action measures are not considered discrimination because their aim is to ensure access and equal exercise of rights. The *Regulations on detailed criteria to recognize forms of discrimination by an employee, child, student, and third parties in an institution*. The *Rulebook on the Protocol for Acting in the Institution when Responding to Violence, Abuse and Neglect* obliges state institutions to adopt the *Program of protection of children from violence*, and form their *Team for protection of children from violence* and implement the measures of prevention and procedures for combating all forms of violence.

Problems arise at the implementation level: employees are not sufficiently informed or trained and do not recognize discrimination in their own work, and they justify some subtle forms of discrimination by working conditions or the need to help the children. The children are exposed daily to violence by their peers, staff and parents of other children. Those who violate children's rights and the law do not suffer consequences, even when they do it publicly and intentionally. Children and parents are so accustomed to some discriminatory behaviour that they accept it as "normal" and inevitable. Parents do not know their rights and lack the capacity to take actions to protect their child from discrimination, except in cases when they are given legal assistance by the civil society organizations.

4.1.1.8. Involvement of Roma parents in the work of educational institutions

The *Law on the Foundations of the Education System* supports greater parent participation, and additionally highlights it in the laws that govern various levels of education. In addition to participating in the work of the School Board, the Preschool Managing Board, and the Council of Parents, parents should be involved in the work of the individual teams formed in each school. Involvement of parents from minority communities in the school's bodies and various teams are expected in the schools attended by their children, but it is regulated as non-binding. The school, educator/teacher and expert advisors create together an annual plan of cooperation with the family.

The cooperation of educational institutions with Roma parents is very reduced. The existing forms of cooperation are not adapted to their needs and abilities and they do not feel welcome. There are no data on the number of parents from the Roma community who are

⁸⁰ Official Gazette of RS, no. 63/10

⁸¹ Official Gazette of RS, no. 76/10

⁸² Official Gazette of RS, no. 22/09

members of bodies and teams in schools, but, according to information from the field, their participation is minimal. On the one hand, this may be due to the (pre-)school's closedness, and on the other hand, Roma parents are often not well informed, motivated or active. Teaching assistants who should contribute to a better communication of the school with parents, are often the only school's representatives that actually exercise this cooperation.

4.1.1.9. Education in Roma language, study of Roma language and cultivation of Roma identity and culture

The Constitution and the National Minorities Act guarantee minorities in Serbia the right to "exercise, cultivate, develop and publicly express their individual national, ethnic, cultural, and religious characteristics" and "use their language and alphabet," and "receive education in their language in state-founded institutions". In the previous strategy period, certain pre-conditions have been achieved for the exercise of these rights: the Roma Minority Council adopted the decision on standardizing the Romani language, the Ministry of Education adopted the curriculum for the "Romani language and elements of Roma culture" school subject taught from the first to the eighth grade, a study program was launched at the Teacher Training College in Vrsac, Serbia, the Department for the Romani Language has been established at the Belgrade University's Faculty of Philology, while the training of teachers to teach the "Romani language with elements of the Roma culture" course is organized within the Lifelong Learning Centre. Although, according to a survey conducted by the Roma Minority Council, about 8,600 parents expressed desire for their children to attend the "Romani language with elements of Roma culture" course, only a small number of students have been given the opportunity to attend this course. A total of 978 students in 39 schools in the 2014-15 academic year at the territory of the AP Vojvodina attended the elective course entitled "Romani language with elements of the Roma culture".

4.1.1.10. Additional educational, health and social assistance

Since 2010, a series of measures have been introduced in Serbia designed to provide additional educational, health and social assistance to children in order to help them regularly and successfully attend pre-university education. This measure is regulated by the Law on the Foundations of the Education System and the *Regulations on additional educational, health and social assistance for children and school students*⁸³. Rules governing the assessment of a child's need for additional forms of support are created on the basis of a comprehensive individualized approach based on equal opportunities and taking the needs of the child into consideration, by a cross-sector Commission operating at the local government level. The Regulations stipulate that this additional support be given to each child or school student from socially vulnerable groups without discrimination on any grounds, who, due to social deprivation, developmental disorders, disabilities, learning difficulties and other reasons, need additional support in education, health or social care.

The concept of additional support is regulated in a non-discriminatory way, based on the Rights of the Child and inclusive values. Still, only a small number of children receive the additional support they need, because the regulations are ambiguous, the procedures unclear and complicated, the staff not sufficiently competent nor trained in their implementation, and a general lack of professional human resources and additional sources of financing. For this reason, a more substantial revision of planning and financing of additional support is needed.

4.1.1.11. Prevention of early school leaving

⁸³ Official Gazette of RS, no. 63/10

Significant number of Roma students leave primary school before finishing it. The *Law on the Foundations of the Education System* gives the National Education Council and the Council for Vocational and Adult Education the mandate to monitor, analyse and make recommendations in order to reduce the drop-out rate among the students from the system of education, and proposes measures for the continuing of education. Elementary schools are required to inform the unit of local self-government of a student who does not regularly attend or has stopped attending classes, and define dropout prevention measures within their school development plans. Schools, however, do not have a set of indicators measuring the risk of early school leaving on the basis of which they might react preventively and provide appropriate support to the students. Their advisory work consists only in trying to convince parents/guardians to ensure the child's regular school attendance and in justifying the child's absences from classes, measures most often used when the child has already left school.

Teaching assistants play a very positive role in the prevention of early school leaving. However, no dropout prevention teams are defined at the school level to conduct activities in case of a child that seems as if it might drop out of school. Rather, school employees are involved on an *ad-hoc* basis, usually at their own personal initiative. If counselling does not lead to the child's regular school attendance, the Centre for Social Work and local government units get informed. The cooperation between schools and Centres for Social Work has been clearly defined by law.

In conclusion, over the past few years, the system did set the basis for the solution of the problem of early school leaving, but the actual practice in schools and Centres for Social Work is still often not sufficiently effective, both when it comes to preventing as to when it comes to responding to early school leaving.

4.1.1.12. Student standard - scholarships, loans and student residences.

The *School and University Student Standard Act*⁸⁴ defines the conditions of the right to assistance for various groups of users and explicitly lists Roma national minority. The Act defines the right to housing, food, student loans, scholarships, scholarships for highly talented students, rest and recovery, as well as cultural, artistic, sporting and recreational activities and access to information. The *Regulations on student loans and scholarships*⁸⁵ states that the school and university students from vulnerable groups can exercise their right to scholarship and loan through means of affirmative action. The Ministry of Education, Science and Technological Development foresees that of total loans and scholarships 10% must be granted for students from vulnerable social groups, who are to be ranked using less restrictive criteria in terms of academic success and regardless of the socio-economic status of the family. Credits are provided for the study of professions in deficit in the labour market. The socio-economic status is taken slightly more into account when assessing the right to a place in state-subsidized student residences than in the case of scholarships.

The current system of student standard is not sufficiently used as an instrument to support children and youth from the Roma community. The current system is adapted to the needs of the general population and only under special circumstances a limited number of children and young people from the Roma community benefit from these measures. It is necessary to redefine the criteria and procedures to exercise these rights. This is especially important for high school students and college/university students, as data on the inclusion of Roma in secondary school education reveal that their coverage is extremely low.

⁸⁴ Official Gazette of RS, no. 18/10 and 55/13

⁸⁵ Official Gazette of RS, no. 46/10, 47/11, 56/2012 and 75/13

4.1.1.13. Free textbooks

The provision in the Constitution that states that primary education is compulsory and free serves as the basis for the free textbooks to students measure. Starting from the 2009/10 academic year, modalities have been looked for to give free textbooks, first in Vojvodina and its local self-governments, and then in the whole country. The intervention was launched as a project activity of providing free textbooks to Roma children. As of the next year, the measure has been financed from the budget of the Republic of Serbia – first textbooks, then workbooks, for all children of the first four grades irrespective of their socio-economic status; in the end students returned the textbooks they used for the next generation to use.

As of the school year 2015/16, the year this measure is directed at students of all grades who fall into one of the clearly stated 11 groups. Although belonging to the Roma minority is not explicitly mentioned in the criteria, children and families from the Roma community can exercise their right to free textbooks on various grounds. If a family applies for them on more than one ground, it will be granted their rights on the basis of the one that is the most favourable for the family.

At the moment no analyses exist based on which the effects of these changes in the free textbooks policy can be determined, nor what are the numbers of children from the Roma community who received support for their textbooks.

4.1.1.14. Functional Primary Education for Adults, secondary education for adults and adult education assistants

A large number of adult Roma have not completed their primary school education. Introduction of an effective system of adult primary education and the possibility to acquire minimum qualifications are of utmost importance to them. The Ministry of Education, Science and Technological Development calls the enrolment in the Functional Primary Education for Adults program under the same procedure and within the deadlines specified for extra-curriculum students for persons over 17, and according to criteria for candidates from vulnerable social groups for students under 17 years of age. Only those elementary and high schools possessing relevant accreditations issued by the Ministry of Education, Science and Technological Development can organize adult education classes. The Government approves the Annual Plan for Adult Education and provides financial resources for its implementation. Adult education assistants are appointed by the *Law on the Foundations of the Education System*, the *Adult Education Act* and the *Regulations on the requirements regarding premises, equipment, teaching materials and the degree and type of education for teachers and adult education assistants necessary for the teaching of the primary adult education curriculum*⁸⁶.

The Functional Primary Education for Adults program, together with the additional training programs implemented by the National Employment Service, can significantly help reduce the existing educational gap and increase the chances of adult Roma men and women for employment. However, the coverage by these programs is not sufficient given the size of the gap (if every year about 1,000 adult Roma would complete their primary education through the existing Functional Primary Education for Adults programs, it would take 30 years for the adult Roma population to reach the same percentage of persons with the completed primary education that exists in the general population in Serbia).

4.1.1.15. Measures of support for child education offered by social care centres

⁸⁶ “Official Gazette of RS – *Journal of Education*“ no.13/13 and 18/2013

Child benefits are intended for children who live in conditions of poverty. Children and young people under 19 are eligible to exercise this right as long as they regularly attend school. This form of assistance is acquired at local government level, funded from the national budget. According to the earlier described MICS survey 60% of Roma children receive child allowances compared to 27% of children in the general population (72% among children aged 7-14 and 29% among youth 15-18). The financial social assistance is intended for families without income or with insufficient income and aims to ensure the maintenance of a minimum of the standard of living. Centre for Social Work can conclude and activate an individual plan of assistance with users, under which the users are obliged to, among other, participate in programs for adult education, vocational training and retraining, which is

The *Financial Support to Families with Children Act* foresees reimbursement of preschool attendance expenses for children from disadvantaged families, but the fact that there is a very small number of such children in preschools indicates that there seem to be problems with the implementation of these measures. The measures that the Centres for Social Work have the mandate to implement relating to the prevention of early school leaving, such as counselling, monitoring the parents and their exercise of parental rights, and, in particular, providing support to parents to access financial and non-financial forms of support for the education of their children (e.g. school supply donations) represent an important instrument of prevention of early school leaving.

Analyses of these measures have revealed what the main difficulties in their implementation are: problems in selecting beneficiaries for various measures of support - resulting in a significant number of children not enjoying their rights, poor administration at local self-government level, inadequate access to information due to which many potential users are not familiar with their rights, the fact that applying for the support entails certain costs, and the exercise of the rights requires following complex administrative procedures.

4.2. HOUSING

There is a significant difference existing between the housing conditions the Roma live in and those of the general population.⁸⁷ Studies have shown that about 37% of households in Roma settlements do not have adequate access to drinking water compared to 8% of households in the general population without adequate access to drinking water.⁸⁸

About 67% of Roma households live in homes that have no connection to the sewage system, as opposed to 37% of such households in the majority population. A significant difference exists in terms of having connection to the electrical energy grid. 11% of Roma households do not have electricity in their homes, compared to 0.1% in the general population. This difference is also reflected in the physical characteristics of Roma housing units and in the lower level of comfort in them.⁸⁹ The average number of rooms per household in Roma is 0.63, almost two times less compared to 1.13 in the general population. Moreover, 79% of Roma households, compared with 61% of households in the general population, are forced to reduce the heating in their apartments due to insufficient income. While 88% of Roma households and 72% of general population do use wood as an the source of energy for apartment heating, the situation is significantly different when it comes to using wood for cooking, which is the case in 49% of Roma households as opposed to 12% of the general

⁸⁷ Government of Serbia, *Second report on social inclusion and poverty reduction*, 2014.

⁸⁸ Bodewig and Sethi. *Poverty, social exclusion and ethnicity in Serbia and Montenegro: Case of Roma*. Belgrade: World Bank, 2005.

⁸⁹ UNDP, *The Housing Situation of Roma Communities: Regional Roma Survey 2011*. Bratislava, 2012.

population. In addition, 39% of Roma households live in poor housing and disorderly neighbourhoods, compared to 10% of households in the general population.

Roma settlements are urban or extra-urban (rural and suburban) spaces inhabited predominantly by members of the Roma minority, and are often seen as the places of spatial and social segregation of Roma. According to expert estimations, about 70% of Roma in Serbia live in Roma settlements. The survey of 2002 registered 593 Roma settlements in Serbia with more than 100 inhabitants⁹⁰, of which 58% were formed prior to 1945 and this number includes 47% that were formed even before the beginning of the twentieth century.

A survey from 2015⁹¹ mapped 583⁹² "substandard" Roma settlements, of which a substantial part was created more than 45 years ago. For example, in the Vojvodina region 65% of the settlements are over 45 years old, in southern and eastern Serbia this is the case of 61% of the settlements, in the region of Šumadija and Western Serbia 53%, and in the region of Belgrade this percentage is the lowest - 33%.

Differences exist between the housing conditions of Roma and other vulnerable groups as well. The quality of residential buildings inhabited by Roma internally displaced persons is significantly worse compared to the quality of housing inhabited by other internally displaced persons. A comparison of housing conditions shows that about 73% of Roma have less than 10 m² per household member compared to about 26% of non-Roma, and that almost 54% of Roma households do not have a bathroom in their house, as opposed to a little less than 10% of non-Roma households not having a bathroom in their house.⁹³

Roma men and women who live dispersed among the general population, outside of Roma settlements, face poor housing conditions, too. Multigenerational poverty, very low income and underemployment are additional obstacles for Roma to be able to independently work on the improvement of their living conditions, while the costs of their housing (including costs in social housing) are often so high that they threaten the satisfaction of other basic needs or lead to high debts for electricity, utilities, heating, etc. Poor housing conditions and the non-existence of basic infrastructure negatively affect the health of all household members, especially children. Once again it should be emphasized that appropriate quality housing conditions and the economic affordability of housing solutions are the basic postulates of the right to adequate housing.

All this results in the segregation of Roma settlements, among other things, their poor appearance, poor infrastructure, lack of urban development plans, unregulated ownership status of land and housing units, substandard housing units, present threat of forced eviction, inadequate treatment and violation of human rights during displacement of inhabitants of informal Roma settlements, and other.

The most pressing problems related to housing that Roma face are:

No urban-planning documentation exists for Roma settlements in the local government units as a baseline to start their improvement from. Half of the registered Roma settlements in Serbia, about 290 of them, are included only in the physical plans of the municipalities they are in, 19% are included in the general urban plan, 21% of the settlements are included in the general regulation plans of their respective municipalities, and only 10% are included in plans of detailed regulation. For those settlements covered by their municipalities' spatial plans or by a general spatial development plan, there is a possibility of

⁹⁰ Jaksic and Basic, *Art of Survival: Roma in Serbia*, 2005.

⁹¹ OSCE, *Basic characteristics of substandard Roma settlements in Serbia*. Belgrade: OSCE Mission to Serbia, 2015, <http://www.osce.org/sr/serbia/159746?download=true>

⁹² The difference in the numbers is the result of different methodologies used in the two surveys.

⁹³ UNHCHR and the Serbian Commissariat for Refugees, *Assessment of the needs of internally displaced persons in Serbia*, Belgrade, 2011.

direct implementation by applying the Book of Regulations on the General Rules of the Land Regulation, Land Sub-Division and Construction⁹⁴, but this is only valid for settlements that are not densely built (whether in urban or rural areas), and only if the foreseen purpose is - for housing. Lack of proper urban planning documentation represents a significant obstacle in the process of legalization of housing units, which further deepens the problem because even in cases where the offered housing solutions are considered adequate in other aspects, the fact that a house cannot be legalized questions the legal security of ownership as an essential element of the right to adequate housing.

Also, a part of the adopted urban plans include removal of Roma settlements from the current location, not their improvement. This is in direct contravention to international law that stipulates that the removal of the settlements is a measure that should be used only exceptionally, when absolutely necessary. The participation of Roma in the process of urban development plans is very low, due to an underdeveloped practice of participatory planning in Serbia, and, in the case when the desired result of the planning is to remove the Roma settlement, this represents another form of violation of international human rights law.

The unresolved legal ownership status on land and housing units is seen as the most common cause of other problems that Roma men and women face in exercising their right to adequate housing. Common are situations where those who have built the house are not at the same time the registered owners on the plot on which the house is built, or the houses they built are built on publicly owned plots or plots owned by another entity (a privatized or public enterprise, etc.).

In addition, owners who do have proof of ownership of their house or land, typically did not seek a construction permit for subsequent renovation, enlargement, or replacement of their old house with a new one, and the actual situation differs significantly from the one reported in the cadastre. There are no data on how many Roma filed applications for legalization of houses constructed without permit, because local governments do not keep records according to ethnicity. Certain data exist in the survey conducted in 2015 according to which, in 80% of Roma settlements in Serbia, less than 30% of the housing is in the process of legalization.

The situation is further aggravated by the fact that the deadlines for legalization of constructed houses and facilities have expired. Additional problems the Roma face are the complex procedure of legalization of buildings, the estimate of the building and technical characteristics for houses that entails costs that are too high for the poorest groups of population who inhabit them, and the high costs of legalization (one needs to pay for technical documentation, for the surveying services, administrative/registration fees and the like.) which many Roma families cannot afford to pay on their own.

Lack of adequate equipment in substandard Roma settlements including adequate communal utilities infrastructure and other services has resulted in a sizeable percentage of facilities not being connected to the municipal infrastructure. With a view to a future implementation of GIS software in the Ministry of Construction, Transport and Infrastructure, as of the year 2015, data are collected on all substandard Roma settlements on the territory of the Republic of Serbia. For the first time a record of the number and geographical position of informal settlements in Serbia has been created, which gives the ability to directly allocate the funds to address these issues (the adoption of this regulation was awaited for many years). According to the data collected in Serbian municipalities, there are 593 sub-standard informal Roma settlements in Serbia. Poor infrastructure in the settlements, irregular removal of solid waste from the settlements, specific problems with high ground waters, flooding risks due to unregulated river flows, etc. threaten to cause

⁹⁴ Official Gazette of RS, no. 22/15.

serious health problems among the residents. In 38% of Roma settlements no single housing unit is connected to the water supply system, 32% of housing units are only partly connected, while in 30% of settlements more than two thirds of the housing units are connected to the water supply pipes. In 74% of the settlements not one single house/housing unit is connected to a sewage system or a septic tank. Only in 10% of the settlements over two-thirds of buildings are connected to the sewage network. The situation regarding electricity seems to be the least alarming, as in 68% of towns over two thirds of the buildings are connected to the electrical power grid. It must be said that this study did not reveal any data about the quality of the existing networks, their capacities and amortization. The question of connecting the houses to the infrastructure concerns quality of construction, as well as the legality, of the already constructed houses and networks, which serve as the basis for all subsequent registration of executed works to the relevant utility companies. The prerequisite for the implementation of these measures is that urban planning documentation is duly created and ownership and legal status over the land on which infrastructure works are to be carried out is regulated. Another problem when connecting houses to community infrastructure are high duty fees for connections, the fact that poor households lack resources to start paying bills once connected, and lack of adequate internal installations inside their homes.

The poor quality of existing housing units, their physical lack of safety and low comfort. In Serbia, about 40% of the buildings in Roma settlements are made of cheap materials, unsuitable for construction. In the region of Vojvodina, this percentage is much higher, 63% of the houses are made of such materials, although one should bear in mind that this statistical number includes the houses built with traditional materials which are not necessarily of poor quality. According to data from the 2011 census, a little over 6,300 housing units registered to a person of Roma nationality in Serbia are built of poor quality materials, which is about 20% of the total number of households registered to a Roma person. In addition, the lack of internal installations, toilets and bathrooms, an insufficient number of rooms and overcrowding, all contribute to poor housing conditions. Poor quality construction material is a major obstacle in the process of legalization.

Also, the procedure for obtaining permits for construction and/or refurbishment of sanitary facilities and/or premises (rooms) of modest dimensions, is very complex, time consuming, expensive and identical to the procedure required to build a new house, so people tend not to seek permission for the execution of such works at all, but rather perform works themselves or carry them out under a housing support program. From the standpoint of international human rights law, a housing unit, in order to be considered adequate, must provide good protection from cold, damp, heat, rain, wind or other threats to human health.

Lack of proper organization and a number of other shortcomings of social housing. The number of housing programs and projects aimed at meeting the housing needs of the Roma who live in inadequate and unsafe housing or settlements that can not be improved is low. Inclusion of Roma in social housing programs is most common in Belgrade and has been granted mainly to families forcibly displaced from the large informal settlements of "Gazela Bridge" and "Belville". Both settlements were evicted under large development projects funded by the European Union. However, there aren't enough elaborated strategic approaches to the solution of the housing problems of Roma through social housing programs that are not of the reactive type. There are also no initiatives to provide adequate housing for persons and families (seasonal workers and their families) who occasionally come to larger cities for economic reasons.

In addition, the existing forms of social housing are not accessible to households with low incomes, including Roma households. It is estimated that approximately 5% of Roma in Serbia live in publically owned apartments. The number of Roma who have moved into the social housing units that were built in the last decade is worryingly low, due to the fact that

the criteria for the exercise of this right were set in such manner that they remained unattainable for the poor Roma families. In the city of Belgrade, about 90 Roma families who had previously been accommodated in container settlements were relocated into the city's social housing units. However, some of these families could not afford the housing costs that are too high for their income, and, having accumulated debts, are now under constant threat of eviction from the apartments. Roma internally displaced persons, who are usually settled in collective centres, have a slightly easier access to the program of social housing in a supportive environment and make up 7.7% (a total of 55 Roma families and 204 persons) of users of these apartments in various cities in Serbia. On the other hand, the Roma internally displaced persons living in informal settlements are very poorly covered by the housing programs implemented by the Commissariat for Refugees and Migration.

It should be also noted that the United Nations Committee for Economic, Social and Cultural Rights asked of the Republic of Serbia in 2014 to expand its social housing capacity for people with low income⁹⁵, and to implement measures for Roma men and women to access adequate and affordable housing. Options that the UN Committee recommended in this respect are to improve the conditions in existing settlements and to construct new housing units for social housing purposes. The United Nations Committee for the Elimination of Racial Discrimination recommended Serbia in 2011 to develop social housing programs for Roma and also to intensify its efforts in the fight against spatial segregation of Roma in housing.

Relocation of informal Roma settlements is conducted through forced evictions. Reports of local and international institutions and organizations insist on the inadequacy of the procedures that have been applied during the displacement of informal settlements - no notice was given to the tenants, no accommodation was provided for the evicted inhabitants or they were given housing that is inadequate, placed in non-residential metal containers in segregated container settlements where no access was ensured to basic services, nor have they been given support to encourage social inclusion. A significant and growing problem is also the existence of stereotypes and negative public opinion turned against the displacement of Roma in terms of refusal of the majority population to accept that Roma be moved into their neighbourhood.

There is a general ignorance of human rights standards present among the local governments implementing displacement and eviction of Roma settlements. Typically, they are unaware that the resettlement as a measure that may only be used in exceptional circumstances when no other solution is possible, and that a solution should be sought primarily in the improvement of existing settlements to the extent that the international law considers adequate. The United Nations Committee on the Elimination of Racial Discrimination ordered the Republic of Serbia in 2011, to ensure, among other, that all future displacements are conducted without forced evictions.

4.2.1. Analysis of public policies and measures in housing

The implementation of measures planned under national or local documents and action plans regarding improvement of housing conditions for Roma has been rather weak, fragmented and uncoordinated. Underdeveloped institutions for the implementation of strategic measures have contributed to this, their failure to accept and own the role of relevant institutions and to implement, at all levels of government, measures for which they are responsible and tackle the issues of improving the housing conditions for Roma. As the result of such attitude, the funds for the implementation of adopted measures allocated in national and local budgets were restricted and were not fully utilized.

⁹⁵ E/C.12/SRB/CO/2 Paragraph 31.

For example, funds of about 200 million dinars earmarked for the period 2007-2010 by the relevant ministry for housing for the financing of urban development plans as the first step for regional regulation of Roma settlements and legalization of their housing units, have been used only in part (about 68%). The reason for this are: insufficient capacity of individual local government units for the development of plans, lack of proper methodology for plan rehabilitation and consolidation, a number of legislative changes that have influenced the change in planning procedures and competences, as well as loss of motivation, because a continuation of the implementation of plans through programs of infrastructure construction lacked the funds in local budgets.

In addition, representatives of local governments are very poorly informed about the measures for the improvement of housing of Roma identified in national documents. According to a research by the Ombudsman Office, about 80% of the examined Roma had no knowledge of the possibility to solve their housing problem in their place of residence.

According to the Social Housing Act⁹⁶ the Serbian National Housing Agency was formed in 2011 to strengthen the institutional framework for sustainable development of social housing. Programs of social housing implemented in the past period have been few and apart, with the criteria and the eligibility scoring system for the selection of the occupiers set in such way that they were unavailable to poor families, particularly Roma.

Long-term housing programs for internally displaced persons are being implemented in Serbia by the Commissariat for internally displaced persons and Migrations thanks to the significant assistance from the international community. At the local government level, housing issues of the Roma population were dealt with by different departments, mainly those for social affairs, and to a much lesser extent, by the Department of Urban Planning and Housing Affairs, Directorate for Construction, Housing agencies, etc. Another major problem is the displacement of informal Roma settlements and eviction of individual families, often accompanied by forced eviction. Reports of domestic and foreign institutions and organizations highlights the inadequacy of the procedures that are applied for eviction, and the lack of implementation of the commitments undertaken by ratified international documents concerning respect of human rights. Particularly problematic is the discriminatory practice of placing the displaced Roma in the so-called "mobile units", that are actually non-residential metal containers.

In the previous period, no systematic monitoring was conducted of the housing condition and housing needs of Roma in Serbia, although it had been planned under the previous Strategy for the improvement of the status of Roma. There were sporadic studies that a variety of domestic and international institutions have carried out on representative or random samples. More comprehensive research on substandard Roma settlements in Serbia, has been conducted in early 2015, which has allowed the creation of a starting-point database and the launching of the Geographic Information System for substandard Roma settlements. The database is situated in the Ministry of Construction, Transport and Infrastructure - Department for housing law, and will continue to be regularly updated with fresh data, with the connectivity to other public databases (such as real estate cadastre databases of the National Geodetic Institute and the National Statistics Office, and other), and continuously monitor the situation of Roma settlements and prepare periodical reports. Some of the data that are relevant to the planning of strategic measures in the area of housing are not covered by the conducted research, such as the data on Roma settlements located in rural areas, or the data on the housing conditions of the poor Roma who live dispersed among the general population in individual apartments or small residential groups.

⁹⁶ Official Gazette of RS, no. 72/09

Furthermore, Serbia still lacks precise data on the housing needs of both Roma individuals as well as households, nor on the number of beneficiaries of various forms of subsidies for housing for Roma, and this applies to the entire poor population in Serbia. There are no targeted researches on discrimination of Roma in realization of housing rights.

The main reasons lie in underdeveloped, often weak local institutions that are supposed to deal specifically with housing issues and monitor the housing needs of the poorest population. In the period from 2009 until today, 17 local housing agencies were formed that were supposed to deal with this issue, but often had insufficient capacity. Moreover, local government departments in charge of housing did not have their legal obligations for the introduction and implementation of housing policies clearly defined, and, accordingly, the obligation to allocate the funds in local budgets for the solving of housing issues of the poor. It is obvious that the situation in the field of housing for Roma population is significantly more difficult than for the rest of the population. It is also known that the Roma are the predominant residents of informal settlements, and that thus far implemented programs for Roma housing have had an absolutely inadequate response to the previously identified problems.

4.3. EMPLOYMENT

The national strategic and legislative framework of the employment policy has been improved in the previous period, which is reflected in the compliance with the international and EU standards and the state of play, trends and characteristics of the national labour market indicators. However, due to the unfavourable demographic and migratory flows, multi-year transition of the economy and mismatch between supply and demand on the labour market (both in terms of the relationship between the contingent of the unemployed and the number of vacancies⁹⁷ and the quality of human capital⁹⁸), it is necessary to develop and implement effective measures and activities in order to improve affirmative action and integration in the socio-economic trends particularly for the group which is at a disadvantage compared to the general population because of subjective or objective factors.

A large number of unemployed people are faced with a difficult access to the labour market and unstable employment since the work process has modernised and they lack the knowledge and skills necessitated by the development and transfer of new technologies (which substantially influenced the change in the structure of demand for labour force). Preventing exclusion and encouraging inclusion and integration in the labour market (and by promoting employability, investing in knowledge, skills, competencies, motivation and mobility in the labour market), are of vital importance for combating poverty and reducing social deprivation in the Republic of Serbia.

The overall environment and support of the socially responsible community represent an added value, if their measures are supposed to activate, i.e. integrate or reintegrate into the world of work persons who, due to health conditions, insufficient or inadequate education,

⁹⁷ The employment rate of the population aged 15-64 in the third quarter of 2015 amounted to 53.2%. The total number of employed persons was 2,615,221, and the greatest number of employees (15+) was in the service sector – 1,455,041 persons. The unemployment rate of the population aged 15-64 in the third quarter of 2015 amounted to 17.3%, with the highest rate in Southern and Eastern Serbia, and the lowest in the region of Vojvodina. The total number of unemployed working-age people is 524,744. According to the administrative data on the registered unemployment rate of the National Employment Service (NES), at the end of November 2015, there were 717,324 registered unemployed persons, 370,188 of whom were women, which is a decrease of 21,720 people compared to the same period last year.

⁹⁸ Unemployment is the most prevalent among people with secondary education qualifications, since about two-thirds of the unemployed completed secondary school, or 344,014 persons in the third quarter of 2015 (15+). Labour Force Survey, Statistical Office of the Republic of Serbia.

socio-demographic characteristics, regional or professional mismatch between supply and demand on the labour market or other objective circumstances, have difficulties in accessing and staying in the labour market as a precondition for achieving full social participation and proclaimed human rights.

In this sense, the field of labour and employment for Roma population are of particular importance, bearing in mind that on one hand the work (which is remunerative) raises economic independence and personal and family standards, and on the other, employment, affects the socialization of Roma men and women in a particular way and considerably increases their social participation in comparison to a person who, by virtue of not being employed, is deprived of an opportunity to participate in social life through work, by stimulating individual initiative and responsibility. At the same time, the inclusion of the Roma national minority in the process of work and the work environment itself changes the attitudes of the environment convincing it in the economic feasibility of the inclusion i.e. the promotion of good practices prevents further emergence of prejudice and stereotypes. The aforementioned gains particular importance in the case of subcategories of Roma population vulnerable on multiple levels (Roma women, residents of informal settlements, internally displaced persons, families with a large number of members and children ...). It should be noted that the extent of the vulnerability increases with the number of vulnerable groups to which a person can belong.

Greater integration of Roma men and women into the world of work is hampered by the following factors, which also represent the key problems/obstacles that should be mitigated and/or eliminated in the next ten years:

Low share of able-bodied members of the Roma national minority in the formal labour market

There are no precise data on the unemployment rate among members of the Roma national minority in Serbia. According to the publication '*Data on Vulnerability of Roma*'⁹⁹, the unemployment rate of the Roma population (aged 15-64) in the Republic of Serbia in 2011 amounted to 49%. Some of the data are further elaborated in the publication '*Roma Poverty from a Human Development Perspective*'¹⁰⁰, which analysed the differences in unemployment between Roma and non-Roma population (including gender aspects), as well as the characteristics and factors affecting the disadvantaged position of the Roma population (especially Roma women) in the labour market. Currently, in the Republic of Serbia, the only valid and available data relate to the registered unemployment rate of the Roma national minority, i.e. the data about persons registered as unemployed at the NES. Bearing in mind the legal provisions on the prohibition of discrimination in job search and employment, declaration of nationality or ethnicity is not mandatory, i.e. it is just one of the personal data that is recorded on the basis of the person's statement (Article 5 of the Rulebook on the content of the data and manner of keeping records in the field of employment). In the NES¹⁰¹ register of the unemployed, there are 22,513 members of the Roma national minority, 10,495 of whom are women.

If we compare the estimated figure (as the actual number of working-age Roma people who are not in the formal labour market is missing) and the available data, the first question that arises refers to the reasons for the low participation of the Roma minority in the formal labour market. One reason may be the lack of right or sufficient information, ignorance of regulations, rights and incentives that are available (with the exception of the social protection and family care system), especially in the case of residents of informal settlements that are among the most vulnerable subcategories of the Roma population. According to the research

⁹⁹ UNDP, WB and EC, 2011.

¹⁰⁰ UNDP, 2014. The estimated rate of informal employment in 2011 was as high as 73%, while the so-called. jobless rate was the most pronounced among Roma women, amounting to 83%.

¹⁰¹ State of play as at 30 September 2015.

conducted by the NGO Praxis in 2012¹⁰², which included 377 people, some respondents had never heard of the NES, i.e. during the interview, they found out for the first time that they had the right to register as unemployed. In addition¹⁰³, there was a low level of awareness of the active employment policy measures implemented by the NES.

The Roma population is faced with the problem of not possessing identity documents, which they need in order to apply for the register of the unemployed and to fulfil their rights in other systems.

Passivity and multi-generational dependency on social welfare system benefits, combined with the work in the informal economy, reduce the motivation of Roma men and women to become active in the labour market. The pronounced mobility and decades-long exclusion from the life of 'ordinary' community are reasons why people are not familiar with the cultural identity and heritage of the Roma population and why they form prejudices, stereotypes and stigma.

However, if there are no reliable data on the number of able-bodied members of the Roma national minority who are outside the formal labour market, it is not possible to form a reliable and evidence-based approach to analysing the reasons and characteristics of the low rate of economic activity. Therefore, in the future, it is necessary to systematically identify and analyse the problem, which should be a starting point for creating and implementing measures and activities that will prevent, mitigate and eliminate it.

Functional illiteracy, early abandonment of formal education and low levels of acquired qualifications

According to the Census of Population, Households and Housing Units¹⁰⁴, 147,604 residents of the Republic of Serbia declared themselves to belong to the Roma national minority, accounting for 2.1% of the total population. Literacy, as a basic indicator of the attained level of education (although the share of illiterate Roma in the total population aged over 10 was reduced to 15.1%) is still above the national average of 2%. Furthermore, over a third of Roma (34.2%) has not completed compulsory primary education, a third has acquired primary education, 11.5% of Roma has secondary education, and the percentage of Roma population with a college and university degree is only 0.7%.

According to data on the registered unemployed Roma men and women (observed by educational structure), the majority are persons without qualifications and with low qualifications – 19,961 (88.66% of the total number of the registered Roma men and women), followed by persons with secondary education diploma – 2,426, college degree – 82 people, and with university degree – 44 (0.2%), which shows that this educational structure is much worse than the general educational structure of the unemployed¹⁰⁵.

A part of the Roma population is faced with the problem of not speaking or not having sufficient knowledge of the Serbian language. Most often this refers to internally displaced persons, readmissions, but also members of the Roma community who were not covered by primary education system or have abandoned it early. The language barrier makes it difficult for Roma to exercise their right to work, access and receive information on time.

One of the reasons for the high rate of early school leaving among Roma is the fact that Roma children, mostly boys from families with pronounced social needs, often drop out of school to earn by working in the informal economy (as collectors of recyclable materials,

¹⁰² The survey was conducted from February to August 2012.

¹⁰³ According to the Ombudsman's data from 2011, as many as 57.4% respondents did not have information on the availability and manner of applying for NES employment subsidies.

¹⁰⁴ Statistical Office of the Republic of Serbia, 2011.

¹⁰⁵ Out of the total number of the unemployed, 31.15% have no or low qualifications, 53.77% have secondary education qualifications, 6.32% have a college degree and 8.75% have a university degree. The total number of unemployed people without work experience is 249,634, while the number of long-term unemployed people is 492,862 (67% of the total number of registered unemployed persons), NES, as at 30 September 2015.

sellers at flea markets, street vendors, car washers) or become beggars, which is a form of economic exploitation. On the other hand, girls usually drop out of school to assist in maintaining the household and take care of younger children. These reasons directly affect the proportion of the Roma population in various forms of juvenile delinquency and social-pathological behaviour.

Functional illiteracy and low level of qualifications acquired through formal education system account for a high proportion of unemployed Roma men and women in the programmes and measures of the additional education system for adults (in order to acquire basic functional literacy), their primary orientation towards vocational training programmes, i.e. programmes for acquiring skills necessary for specific jobs and tasks (e.g. programme for acquiring practical knowledge), and low participation in the programmes for acquiring work experience for persons who have completed at least secondary education (e.g. practical vocational training programme).

The lack of formal qualifications has a direct impact on their inability to upgrade, i.e. acquire additional knowledge, skills and competencies that are in demand in the labour market (e.g. training according to the demand of the labour market) and determines a mass involvement in programmes of short-term activities and work engagement (public works) and limited access to quality jobs. According to the research conducted by Praxis¹⁰⁶, Roma men and women usually find formal employment in public utilities as street sweepers or street washers or they perform physical labour in construction companies, that is when it comes to jobs in the informal economy, they most often work as collectors of secondary raw materials.

Low education level affects the performance, sustainability and the growth of good individual business ideas. The development of entrepreneurship is supported through grants, credit support, subsidies, training and services from the support system¹⁰⁷. However, in order to encourage entrepreneurial spirit and self-employment, it is necessary to provide stronger support to prospective or newly established Roma entrepreneurs, in order to reduce the number of failed entrepreneurial ventures. Also, a significant number of good ideas are never implemented as the conditions relating to the required collateral cannot be fulfilled.

Given the above, measures and activities aimed at improving the quality of human capital of the Roma population and encouraging more active and better participation in the formal labour market, namely the development of a stimulating environment and services that are missing in the support system, are essential for achieving competitiveness in the labour market, economic empowerment and independence, which leads to a higher level of socio-economic participation, but also to the development of high-quality social and working capital

¹⁰⁶ *Analysis of the Main Problems and Obstacles in Access of Roma to Rights to Work and Employment*, Praxis, 2013.

¹⁰⁷ In the context of the employment policy, specific calls for proposals/tenders are carried out annually for awarding subsidies for the self-employment of the Roma national minority. Unemployed persons who want to start their own business receive training in the development of entrepreneurship in the NES business centres, and persons who exercise their right to a self-employment subsidy are entitled to mentoring services and participation in specialised trainings organised by the NES in the first year of their work. In addition, support is available within the system of economic development policy, and there is a significant number of programme and project activities (funded from the international development aid system) within which financial support is provided for the development of entrepreneurship. For example, within the framework of the Project 'Strengthening Social Cohesion in the Labour Market through Support to Disadvantaged and Vulnerable Groups' implemented by the United Nations Office for Project Services (in cooperation with the International Labour Organization, UN Women, International Organization for Migration, Office of the High Commissioner for Human Rights and the City of Belgrade), in the period from 1 February to 31 July 2015, financial support was provided for the self-employment of 44 Roma beneficiaries.

for the future, particularly in the context of a favourable age structure of the Roma population¹⁰⁸.

The lack of willingness of employers to hire or engage Roma men and women

In order to eliminate prejudices about the real abilities and employment potential of Roma men and women and increase employment and economic independence which improves the living conditions and standards, the financial measures are created and implemented within the employment policy system that should stimulate the employment of the Roma national minority. Bearing in mind the above discussed characteristics/factors that affect the position of Roma men and women in the labour market (which is much worse compared to the general population), and the necessity of providing additional systemic assistance and support, members of the Roma national minority, as a category of less employable persons, have priority in taking part in active employment policy measures, or fall into one of the established categories of the unemployed for whom employers can obtain certain incentives (subsidies for employing persons from the category of unemployed people with low employability).

In addition, funds from the system of international development assistance provide additional incentives which have positive effects on the employment of Roma men and women, but the amounts of these funds are significantly higher than those that can be provided from the national budget or budget of local self-government units¹⁰⁹.

However, the data indicate that the existing measures do not produce the desired effects, and the available system incentives are under-utilised by employers. Through a subsidy for hiring unemployed persons from the category of less employable, 50 Roma (28 Roma women) were employed, accounting for only 2.8% of the total number of subsidised employments.

The reasons for the lack of interest of employers to employ Roma men and women (with or without state subsidies¹¹⁰) are the subject of discussions, analysis and debates of various interest groups and must be viewed in the context of the previously discussed problems and obstacles, but also challenges in terms of work demand (the level of investment and economic activity as the main factors for increasing vacancies, completed restructuring of socially owned business entities, i.e. beginning of the rationalization of the public sector) or in terms of labour supply (lack of competitiveness of the Roma population in terms of qualifications, additional knowledge, skills and competences which are in demand in the labour market).

¹⁰⁸ According to the registered unemployment rate in terms of age structure, young Roma men and women (up to 30 years of age) make up 31.75% of the total number of unemployed members of the Roma national minority (NES data, as of 30 September 2015).

¹⁰⁹ The project '*We are Here Together - European Support For Roma Inclusion*', which is financed from IPA 2012 programme cycle, and implemented by the OSCE Mission in Serbia, provides for the implementation of technical assistance and support to the establishment of new and development of existing enterprises, with the aim of creating opportunities for employment, social mobilisation and improved inclusion of Roma. Having completed the process of mapping examples of good practice in employing Roma men and women, i.e. the selection procedure, the Selection Committee of the OSCE Mission decided to support 18 enterprises/initiatives, 14 of which are owned by Roma (as many as 8 of whom are women). The elected 18 companies/initiatives will employ 67 Roma men and women (target was 50).

¹¹⁰ During the first 9 months of 2015, a total of 174,741 employments were registered with the NES. Out of the total number of registered employments, 1,334 are Roma people, 507 of whom are women, while 517 are young Roma men/women (under 30 years of age). A total of 24,909 persons got employed through the NES, 348 (1.4%) of whom are persons of Roma ethnicity.

Bearing in mind the findings of the UN Committee for the Elimination of Racial Discrimination that Roma men and women, regardless of the efforts of the Republic of Serbia to improve their position, are still exposed to discrimination, prejudices and stereotypes, especially in the areas of employment, and the findings of the Human Rights Committee, which expressed its concern over the unsatisfactory representation of minorities in state administration and local self-government, special emphasis should be given to the consistent implementation of anti-discriminative legislation.

The legislation of the Republic of Serbia guarantees all persons the right to work, free choice of profession and access to employment under equal opportunities and conditions. To what extent these principles of positive legislation are applied when it comes to Roma population, or whether and to what extent direct or indirect discrimination is present in employment, promotion or maintenance of employment, is of great importance for the process of changing the Republic of Serbia an inclusive society which provides equal opportunities for all.

Citizens of the Republic of Serbia rarely use judicial methods of resolving disputes related to discrimination in employment (including Roma population). Practical experience of non-governmental organizations and clinics for providing free legal aid suggests that the reason why Roma men and women do not turn to judicial bodies is a lack of funds, distrust in the institutions of the system, duration of disputes, as well as the uncertainty of their outcome. When it comes to extra-judicial means of settling disputes, there are no data of the Republic Agency for Peaceful Settlement of Labour Disputes on the share of Roma population in the submitted requests for initiating proceedings concerning discrimination. This situation is further aggravated by the fact that the Republic of Serbia still lacks a law that would regulate the provision of free legal aid.

Under-representation of Roma men and women in employment policies and economic development at the local level

Noting the need to ‘modernise’ the employment policy and align it with the needs of the local labour market, the adoption of the Law on Employment and Unemployment Insurance initiated the process of decentralizing the employment policy, and created opportunities for involving local self-governments in the creation and implementation of local employment policy measures (as a system of organised activities) in order to enhance the effects of the provided services and implemented measures taking into account the specifics, needs and opportunities of the local labour market. Taking into account that unemployment and social exclusion are consequences of wider social and economic problems that require integrated and / or combined solutions and engagement of a wider range of stakeholders, a special role and importance is given to local employment councils that represent ‘partnerships based on the community needs’ and forums for identifying and analysing problems and opportunities of the local labour market, i.e. defining ways to enhance the effectiveness of the employment policy and achieve social cohesion through a combination of approaches that are distinguished by a greater joint participation.

However, the integration of the Roma population in the local employment policy measures that are implemented on the basis of local employment action plans (whose implementation can be supported through resources from the national budget¹¹¹) is extremely low. The most common reasons why planning and implementation of the local employment

¹¹¹ The introduction of co-financing programmes or active employment policy measures using funds from the national budget, which is envisaged by local employment action plans is an innovative approach in creating and implementing employment policies through the cooperation of relevant social actors at the local level who have the knowledge, interests and capacity to perceive the unemployment as a multidimensional issue and implement activities that are effective and sustainable in the local context. In 2015, funds from the budget of the Republic of Serbia were approved for co-financing 113 local employment action plans in the amount of RSD 374,723,120.31.

policy for Roma men and women is not at the required level are the lack of a systematic approach to the problems of the Roma population at the local level, lack of cooperation with civil society organisations that advocate improving the situation of Roma, lack of formal monitoring and methodology for monitoring the implementation of measures at the local level, as well as insufficient financial resources.

All problems that prevent greater inclusion and engagement of the Roma population in the formal labour market are part of a broader, multidimensional and unfavourable social status of the Roma community in the Republic of Serbia. In this sense, the segments of employment and economic empowerment should be seen as contributors to the overall improvement of the situation of Roma men and women in the Republic of Serbia, which is of crucial importance for the achieving complete inclusiveness, participation and democracy in modern society.

4.3.1. Analysis of public policies in the field of employment

The adoption of the *'Strategy for the Improvement of the Status of Roma in the Republic of Serbia'* has significantly improved the understanding of the position of the Roma community and identification of systemic solutions, i.e. measures and activities that should enable greater inclusion of the community in the socio-economic trends. According to the general recommendations it is necessary to include Roma households in the Survey of Living Standards, implement national employment action plans more consistently, empower local self-governments and local NES branches for creating and drafting programmes for Roma men and women, support the employment of Roma men and women by international organisations through programme and project activities, engage the Roma population in the development, implementation and monitoring of programmes and projects at all levels (especially with regard to the adoption of long-term development plans of local self-governments), sanction legal and natural persons who discriminate in employment, as well as raise the stakeholders' awareness of the running programmes and their outcomes.

Special recommendations stressed the necessity to increase the employability and employment rate of members of the Roma community in the state institutions, as well as to continue the programme of public work and implementation of the affirmative activities aimed at the Roma community.

In terms of the employment policy, the key strategic document is the National Employment Strategy for the period 2011-2020, which defined the basic objective of the employment policy in the Republic of Serbia by 2020: establishment of an efficient, stable and sustainable employment growth and full harmonisation of the employment policy and labour market institutions with the EU acquis. Priority activities are aimed at increasing the employment rate through investments in human capital and greater social inclusion.

In the National Employment Strategy for the period 2011-2020 the Roma minority is recognised as a vulnerable category of persons in the labour market which requires additional help and support in order to increase its competitiveness in the labour market. National employment action plans identify specific programmes and measures of active employment policy to be implemented in the course of the year, but also develop special affirmative measures aimed at increasing employability and encouraging the employment of less employable categories (including members of the Roma minority). In this respect, training programmes, functional primary education of adults and trainings in line with the labour market demands, should be present to a greater extent. However, the status of the Roma population can be expected to improve only after the education system is reformed, especially after the certification system is developed for skills acquired through informal education and accreditation systems of educational programmes and institutions. At the same time, it should be noted that the scope and type of programmes or measures which include Roma men and

women (as well as other categories of unemployed persons), depend on the level of interest in the use of active employment policy measures shown by both employers and the unemployed, as well as the available financial funds for these purposes.

Improving the position of Roma men and women in the labour market is one of key objectives of the action and reform processes in the area of labour supply, established with '*Employment and Social Policy Reform Programme*', which will be the primary document i.e. a platform for dialogue and monitoring the achieved results in public policies which are relevant for the accession to the family of European countries.

Particularly vulnerable are children who live and work on the street. This frequently and multiply marginalised group of children lives in severe poverty and is exposed daily to multiple risks to life, health and proper growth and development. The ombudsman in his annual reports indicated that the position of the children living and working on the streets had not changed and no strategic activity had been taken to prevent child labour and life on the streets, improve their situation and reduce and eliminate risk factors affecting children who live and work on the streets.

4.4. HEALTH

Assessments of the health status of the Roma population in Serbia are deficient and they are not carried out based on systematized data collected in a planned manner. Researches have demonstrated a causative link between the quality of life and health of Roma men and women, who live in considerably worse housing conditions than the rest of the population in Serbia.

According to international human rights standards, the right to health is not limited solely to the human right to health care. It encompasses as well all the socioeconomic factors which are necessary for a person to be able to lead a healthy life. Under the international law, those factors are viewed as socioeconomic determinants of health and comprise housing, access to nutritious foods, drinking water and adequate sanitation, occupational health and safety and living in an unpolluted environment. Therefore, in order to improve the health of Roma men and women, efforts must be made to improve these socioeconomic determinants as well, which is one of the Strategy's tasks.

In general, demographic data indicate that the Roma population is a young population, since more than 50 percent of them are under 25, whereas mortality rates in this population are higher than in other ethnic groups – their average life span is twelve years shorter than the average life span in Serbia.¹¹²

Major disparities have been observed between the mortality rates, nutritional status and education among Roma children and other children. The mortality rate among Roma infants and children under five years of age is nearly two times the average mortality rate in Serbia. The infant mortality rate has been estimated to reach 13 in one thousand live births, while the probability of death in children under five is around 14 in one thousand live births.¹¹³

¹¹² Mirosinka Dinkic, Kosovka Ognjenovic, Siobhan McClelland, *Impact Analysis of Health Policies on Accessibility of Healthcare for Roma Population in Serbia*, Republic of Serbia Government, Poverty Reduction Strategy Implementation Focal Point, Belgrade, 2009.

¹¹³ *Multiple Indicator Cluster Survey on the situation of women and children in Serbia/ Multiple Indicator Cluster Survey on the situation of women and children in Roma settlements in Serbia*, MICS (1996, 2000, 2005, 2010 and 2014), Final Results, Belgrade and Serbia: Statistical Office of the Republic of Serbia and UNICEF, 2014, <http://webzrzs.stat.gov.rs/WebSite/userFiles/file/MICS/MICS%20GLAVNI%20NALAZI%20srp.pdf>

Immunization coverage among Roma children is nearly the same as the coverage among children from the general population only in respect of BSG vaccine administered prior to one year of age: 94.3 percent in the Roma population and 98 percent in general population. However, a reduction in vaccination coverage rates related to special vaccines is observed in older infants, which results in the fact only 61 percent of inoculated children between 12 and 23 months have received their third dose of OPV vaccine and 64.5 percent of them have received DTP vaccine. At the same time, 63.3 percent of children between 24 and 35 months have received MMR1 vaccine before their second birthday, which represents a considerable disparity, since 93.4 percent of general population has been immunized against measles, mumps and rubella. Available data indicates that there is a gross disparity in the full vaccination coverage of all children, considering that only 12.7 percent of Roma children have received all recommended vaccines during first year (MMR vaccine before they are three years old), whereas this number in general population amounts to 70.5 percent.

A survey of women's reproductive health in Serbia has revealed that the fertility rate in Roma women is 3.1 percent, accompanied by a high birth rate prevalent in adolescent girls and amounting to 157, whereas the birth rate among the majority of girls age 15 to 19 is 22%. Thirty point six percent of women have had an abortion during their reproductive years, from 15 to 49 years of age, and the same applies to 14.6 percent of the majority of the population. As regards contraception, traditional methods for prevention of unwanted pregnancy are used more than the modern ones and only 1.2 percent of Roma women take birth control pills. According to recent data, 99% of women from the Roma population who have just given birth have done so in a health care institution. A high rate of early marriage is taken as a negative indicator, which affects the state of reproductive health. Sixteen point nine percent of girls from Roma settlements enter into marriage before reaching 15 years of age and this also applies to 57 percent of girls from said category under 18 years of age. On the other hand, only 0.8 percent of girls from the majority of the population are married before reaching 15 years of age and 7 percent of them enter into marriage before they are 18 years old.¹¹⁴

When looking at the entire adult population of Serbia, it can be seen that cardiovascular diseases, malignant tumours, diabetes, obstructive pulmonary disease and other illnesses have been prevalent in the national pathology for many years. In 2011, the structure of leading causes of death in the Roma population was almost identical to the average structure in Serbia. Higher percentage rates can be seen only in respect of the chronic obstructive pulmonary disease, which is significantly higher in the Roma population than in the general population (6.4 percent). Nevertheless, illnesses occurring most frequently among the adult Roma population include cardiovascular diseases (10.47%), diabetes (3.03%), asthma (1.92%), malignant diseases (0.72%), and addictive disorders (1.20%)¹¹⁵.

A recent survey showed that a greater number of Roma (31%) assessed the status of their health as worse than the rest of the population (12%). Roma men and women (18%) had also used primary health care services more often than the rest of the population (11%). The surveyed Roma men and women (30%) used preventive services at health centres less frequently than the general population (39%). On the contrary, as opposed to other survey respondents (33%), Roma women (38%) used the service of gynaecologists at health centres less frequently. In the process of monitoring the health of pregnancy, visiting nurse services from health centres visited Roma women less frequently (32%) than other pregnant women (56%), while health centre services also visited Roma women less frequently (81%) than they did other pregnant women (96%) in the postpartum period. The portion of the survey related

¹¹⁴ http://webzrs.stat.gov.rs/WebSite/userFiles/file/MICS/MICS%20GLAVNI%20NALAZI_srp.pdf; <http://www.care.rs/wp-content/uploads/2010/05/Socijalna-analiza.pdf>

¹¹⁵ RS Ministry of Health, http://www.romadecade.org/cms/upload/file/9785_file4_dragan-djordjevic--romske-zdravstvene-medijatorke-%255Bcompatibility-mode%255D.pdf

to the level of information has shown that Roma were more frequently unaware of the possibilities for the protection of patients' rights. Fifty-two percent of Roma respondents and 73 percent of other respondents said that they knew they could file complaints by placing them in a box designated for that purpose at their health centre.

A survey into the protection of patients' rights was conducted in 2012, encompassing questions about the level of discrimination against Roma patients within the health care system. The survey revealed that doctors referred Roma patients to private health centres and discriminated against them based on their surnames from health insurance cards. Communication problems between health care workers and Roma patients were also identified.¹¹⁶

The majority of Roma population (93.4%) as well as their families (94.1) have health insurance. Considering the fact that this issue has been examined more closely in residential areas where female health mediators are active, it could be assumed that the percentage of Roma men and women covered by health insurance is still lower than indicated by the above data. The majority of the Roma are insured on the grounds of their unemployment or unfavourable social status, while Roma men and women insured based on rights arising from their employment or pension are in the minority. Only a negligible number of Roma men and women have exercised their right to health insurance based on a statement that they are a member of the Roma population, *i.e.* pursuant to an affirmative action measure (as provided for under Article 22, paragraph 1 of the Health Insurance Act). Roma patients can access health care services most easily at health centres. Nearly 80 percent of all the respondents have received medical treatment at their local health centres; according to information they supplied, home health care services as well as visiting nurses come to their residential area when such need arises. Considerably fewer respondents, namely 38.9 percent of them, have taken advantage of treatment at hospitals, while the services of tertiary health care, mineral-water cures and medical aids have been available to 6.7 percent of respondents in total. The majority of the respondents could not afford buying prescribed medicines if they were not on the list of medicines to which co-payment is not applied. Nevertheless, despite such an unfavourable situation in which Roma patients found themselves for various reasons, no complaints have been made to any of the NHF branches or to the Fund Directorate. The same applies to health centres.¹¹⁷

Results achieved regarding partial improvement of the health among Roma and availability of health care and health insurance coincide with the introduction of female health mediators, who managed to undertake 37,502 initial visits to Roma families in the period from January 1, 2009 to May 31, 2014. During those visits, they registered 140,408 Roma citizens – 46,453 women, 43,201 men and 50,754 children; over two hundred thousand visits were paid to families who needed assistance in obtaining identity documents, exercising health insurance rights, integrating into the health care system (gynaecological examinations, selection of general practitioners, vaccination of children, selection of paediatricians), enrolling children into school, receiving various types of support (lump-sum benefits, Red Cross humanitarian assistance, child benefit, scholarships, etc.). They undertook another 170,278 visits to families or family members in order to implement the health education program by conducting semi-structured conversations with them. Information obtained from the Health Ministry reveals that health mediators managed to obtain identity documents and health insurance cards for 16,330 citizens; they provided help to 28,003 citizens of Roma nationality in selecting their general practitioners; they played a part in increasing the number of inoculated children (30,018) and adults (2,719) and improving health monitoring for 4,500

¹¹⁶ *Protection of Patients' Rights – Equal Treatment of All Patients*, Legal Scanner, Belgrade, 2012.

¹¹⁷ See: *The Ombudsman's Report on Implementation...*, 2013; *Analysis of Main Obstacles and Problems in Access of Roma to Rights to Health and Health Care*, PRAXIS, Belgrade, 2011.

pregnant women and women who have just given birth; also, as a result of their activities, 11,177 women selected their gynaecologist and 12,617 women underwent a general health check.¹¹⁸

The activities of health mediators related to health education of Roma men and women have proven the most successful measure undertaken as part of public policies implemented following the adoption of the 2009 – 2015 Strategy for Improvement of the Roma Status..

Issues related to Roma men and women's exercise of right to health care are the result of a number of causes. The Roma do not take advantage of mechanisms available for demanding protection of their rights – they do not make complaints to protectors of patients' rights, the Commissioner for Protection of Equality or the Protector of Citizens nor do they initiate proceedings before courts. Reasons behind this are a lack of knowledge among Roma men and women about the competences of the above-mentioned bodies and the fact that those bodies are not adequately present in Roma settlements; however, the main obstacle is posed by Roma people's distrust in the system's willingness to protect them from discrimination and other obstacles to their access to rights. In such circumstances, it would be necessary to take simultaneous steps and deal with the causes by empowering the Roma community and strengthening their capabilities, as well as by consistently applying the accountability principle to the institutions which are obligated to facilitate access to such rights.

4.4.1. Analysis of public policies in health care

Even though the majority of goals established by the Strategy for Improvement of the Status of Roma have not been attained, some progress has been made in connection with the state's concern for the health of Roma men and women. This can be observed based on the following indicators: the life expectancy of Roma has improved, while the mortality rates among the new-borns have decreased; vaccination coverage among children has been increased and the majority of Roma men and women have been covered by mandatory health insurance.

As mentioned previously, the introduction of health mediators to work with Roma population has been the most successful measure taken as part of public policies pursued since 2009. It is beyond doubt that by spreading knowledge among the Roma, health mediators have made a considerable contribution not only to the availability of health care but also to the improvement of the status of health in this segment of the population. The same applies to the exercise of their rights from the fields of social security, obtaining of identity documents, etc. Even though there is a need for health mediators, their professional development and institutional inclusion into the health care system, not a single primary health care institution in Serbia has included a health mediator in their job classification list, since relevant statutory conditions are lacking due to the fact that this profession is not described in the Health Care Act.

Over 90 percent of Roma men and women exercise the right to mandatory health insurance. This is a result of affirmative action measures introduced under the Health Insurance Act, which allowed the branches of the Compulsory Health Insurance Fund to grant this right to persons of Roma ethnicity without any identity documents and based on a statement by two witnesses.

¹¹⁸ Program *Implementation of Roma Health Care Action Plan* 1802 Project 0006, Health Mediators Performance Results in Settlements from January 1, 2009 to May 31, 2014, website of the RS Ministry of Health with data as of June 25, 2014, <http://www.zdravljegov.rs/showpage.php?id=73>

4.5. SOCIAL SECURITY

Every person has the right to survival and human dignity, which rests on the right to minimum material support for those living in deprivation and poverty and facing challenges to meet their basic needs. Inability to provide subsistence represents an obstacle to exercising other rights, such as the rights to education, health or employment.

Under Article 69 of the Constitution of the Republic of Serbia, citizens and families that require welfare are guaranteed the right to social protection based on the principles of social justice, humanity and respect for human dignity. Said provision has been put into operation by the Social Security Act which governs the allocation of appropriations crucial to the poorest of families and thus to many Roma families. Another important act is the Financial Support to Families with Children Act, since it governs the issue of child benefits.

Residents of informal settlements without an officially registered place of permanent residence used to encounter obstacles to exercising the right to financial assistance. Amendments to the Non-Contentious Procedure Act and the adoption of accompanying secondary legislation have resulted in removing those formal and statutory obstacles to a certain extent,¹¹⁹ since such persons are thus allowed to register their temporary residence at the address of centres for social work if all the other grounds for registration are lacking. However, due to the ineffectiveness of centres for social work and services of the Ministry of the Interior, **many of the poorest Roma are still not in the position to access financial assistance.** Roma living in informal settlements and rural areas usually lack basic information about procedures for exercising those rights. Administrative procedures are complicated and documents which need to be collected in order to initiate the procedure for receiving financial assistance require certain knowledge of the social security system and minimum level of education, which applicants from this target group are most often deficient in. They also lack the necessary financial resources.

Since the field of free legal aid has not yet been regulated in Serbia, no necessary support to the poorest families can be provided when it comes to initiating prescribed support procedures in the social security system, most often related to welfare payments, custodial care and child benefits. A sizable portion of the poorest Roma families are withheld access to financial assistance, which constitutes a violation of their fundamental rights and the restriction of access to education, health care and other rights.

Data from the MICS survey indicate that more than 95 percent of residents living in Roma settlements know about main financial assistance allocation schemes (social welfare payments, child benefits, custodial care benefits and lump-sum benefits). At the same time, **the data show that there are still many people who cannot exercise their rights to financial relief even though faced with severe poverty.** Forty-nine percent of households located in Roma settlements received social welfare payments. This percentage varied depending on the level of education of the person in whose name the household was registered and their socioeconomic status. Welfare payments were received by 65 percent of households in which the person in whose name the household was registered had no education as opposed to 32 percent of households in which the person in whose name the household was registered had completed secondary school or had higher education. Similarly, welfare payments were received by 64 percent of households from the poorest quintile as opposed to 28 percent from the wealthiest quintile.

¹¹⁹ *Analysis of Late Birth Registration Procedures*, PRAXIS, 2015.

The majority of those who had not applied for welfare (32%) had not done so because they believed they did not meet the requirements or the competent authorities from centres for social work had informed them verbally that they did not fulfil the requirements.

Sixty percent of children from Roma settlements receive child benefits, while 56 percent of them had received it for at least twelve months. Differences can be observed in respect of the level of education of both parents, which means higher coverage among children whose parents are better educated. Child benefits are received by 53 percent of children whose mothers have no education as opposed to 68 percent of children whose mothers have completed secondary school or have higher education. Despite the fact that child benefits are a means-tested type of public assistance and intended for the poorest, the coverage rates are the lowest in the poorest quintile of the well-being index (45%). Eighteen percent of the people from the bottom three well-being quintiles stated that complex administrative procedures were the reason why they had not applied. Child benefit coverage rates are lowest among the oldest group of children age 15 to 18 (29%), which can be accounted for by low school attendance rates among children of such age, since this type of assistance is conditional on regular school attendance. **Life in absolute poverty further increases the risk of dropping out of school, thus leading to the risk of unemployment.** Particularly vulnerable are children working and living in the street. This group of children, often discriminated against on multiple grounds and extremely marginalized, living in deep poverty, is exposed to multiple risks for their life, health and appropriate growth and development on a daily basis. The Ombudsman has indicated in his annual reports that the status of children living and working in the street has not changed and that no strategic activity has been undertaken to prevent and combat the living and working of children in the street, to advance their status and reduce and eliminate the factors of risk for the life and work of children in the street.

Another area which carries significant weight in the improvement of the situation concerning the exercise of rights and social inclusion of Roma in Serbia pertains to support services provided by the social security system. **An excessive number of Roma children are placed in restrictive types of care facilities, such as residential institutions for children.** Similarly, the number of Roma children placed in foster care is also higher than in general population. MICS data indicate that extreme poverty in conjunction with other types of vulnerability and discrimination (disability, Romani origin) leads to an increase in the risk of child neglect. Therefore, it would be important to develop preventive support services for families facing multiple deprivation, which has not been done in an adequate manner when the Roma family is concerned. This can also be observed in respect of community day care programs, such as day care centres for children with developmental disabilities already facing a large discrepancy between supply and demand, which is why it happens that this type of support is not available to Roma children. Most often, reasons behind such a state of the affairs include a lack of transportation means, a lack of proactive measures designed to include the most disadvantaged families and very often neglect and discrimination. There are some pilot services conceived in such a manner as to entail work with families facing multiple deprivation and a risk of removing a child from their care in Serbia, but they are not part of the formal system of social security.

An important role in increasing the inclusion level of the Roma population should be played by caseworkers at centres for social work. It is pivotal that they should be linked into a professional network and fulfil their role as coordinators when working to achieve social integration of the isolated Roma family. Mechanisms for managing such cases, in particular the institute of case conference, ensure that community stakeholders will take a proactive approach to supporting excluded families and individuals. This role of centres for social work is particularly important and represents a reasonable manner of improving cooperation with

the NES and other players who can improve the status of Roma in the labour market. What is especially important is that social workers have an obligation to provide support to parents so that their children could attend school regularly and thus exercise their recognized rights (child benefit, home to school transport).

Finally, the improvement of the status of Roma men and women in the system of social security and their social inclusion is directly associated with the collection of relevant data as well as with regular monitoring of the progress of their social inclusion, neither of which is not done officially.

4.5.1. Analysis of public policies in social security

Full implementation of the measures prescribed by the *Social Security Act* and other regulations is a prerequisite for taking other strategic measures because many Roma men and women live below the poverty line. As a result, they are completely excluded from societal trends and in need of incentives and support to be included in the education system, employed and able to exercise other rights. According to its role in the system, social security allows for such type of support, since its activities permeate all the strategic areas, such as education, housing, employment and health care.

Under the Act, the main objectives of social security comprise as follows: reaching or maintaining minimum financial security and independence of individuals and families with regard to providing subsistence; ensuring the availability of services and exercise of rights related to social security; creating equal opportunities for independent life and encouraging social integration; sustaining and strengthening family relationships; fostering family, gender and inter-generation solidarity; preventing abuse, neglect and exploitation, etc.

Those objectives can be achieved by providing financial support to individuals or families which need it and by providing social security services. Social security measures serve to mitigate the consequences of social exclusion. By providing social security services, beneficiaries are assisted in becoming involved in social activities as well as in contributing to the promotion of their own and their family's well-being through their own labour or activities. Social security services are also designed to help beneficiaries connect with people from their own community and influence the development of a supportive and helpful environment. These services are a contributing factor to the inclusion of their beneficiaries or in other words, they help them develop patterns of behaviour which can improve their relationships with others and overcome life's hardships and enable them to acquire positive social values and norms.

Social security rights are exercised before and through centres for social work whose experts need to identify difficulties a person has in performing everyday activities and managing their life; finally, they refer the beneficiary to specific social security services based on their assessment. Therefore, centres for social work need to develop their resources in order to efficiently provide services to persons of Roma ethnicity as well as to develop measures related to the achievement of strategic objectives by local self-government authorities. Aside from centres for social work, an important factor in the exercise of social security rights are local self-government units in charge of creating conditions for the provision of support services.

By taking advantage of resources available to the social security system and the Ministry of Labour, Employment, Veteran and Social Affairs, the role of social security in enhancing the effectiveness of strategic measures is to provide "vulnerable" members of the Roma ethnic community and their families with the following:

- an increased availability of rights to financial assistance, services and programs from the system of social security itself,

- an increased availability of services and programs from other systems related to education, housing, employment and health care.

The above-mentioned objectives may be achieved only through direct participation of the institutions in charge of social security in the work and activities of teams which are within local government units responsible for implementation of the Strategy and by opening centres for social work to beneficiaries of social security measures and services coming from the Roma community—direct work at Roma settlements, providing accurate information and appropriate assistance in exercising rights, direct cooperation with civil society organizations, etc.

The system of social security services is open and new services and programs can be incorporated, while the existing ones are intended for beneficiaries with different characteristics and needs. The system of social security services and programs can be expanded by developing new ones that suit the needs of members of the Roma ethnic community and their families. The processes of developing new services and their implementation are based on a proactive role of centres for social work and their cooperation with institutions in charge of other types of public policies in local communities.

The Social Security Act defines the competences of the Republic of Serbia and local self-government in meeting citizens' social needs. Pursuant to the Local Self-Government Act, units of local self-government are responsible for adopting social security development programs, setting up institutions, overseeing and ensuring their operation. They are also in charge of bringing in regulations governing social security rights, establishing normative provisions and standards for the performance of activities at institutions which they founded, providing and funding a number of social security services, etc. Roma beneficiaries of social security service are frequently denied complete information about their current rights and roles; they lack financial resources to obtain numerous documents and initiate necessary procedures for exercising their rights at centres for social work and they are often faced with various forms of discrimination by professional staff members at those centres. Inadequate communication, withholding of information or provision of incomplete information, nonfeasance (omissions) or failure to take prescribed actions are only some instances of discriminatory treatment of Roma men and women.

Local self-government authorities can form legal aid services¹²⁰ to deal with the above-mentioned difficulties more efficiently; however, this institute has not been set up in an appropriate and efficient manner in local self-government units and it does not safeguard citizens' interests too well, in particular of those who, such as Roma men and women, are completely unknowledgeable about legal matters.

By promoting cooperation with local "Roma coordinators" and local Roma civil society organizations advocating the interests of the Roma population, efficient action could be taken in the local community both with the aim of increasing the quality of currently provided services and identifying which new services and programs targeting Roma are needed.

The Social Security Act provides that services funded from the budget of local self-government units are as follows: daily services in the community, independent living support services, with the exception of housing service with the support for disabled persons, therapy, counselling and socio-educational services, other social security services according to the needs of each local self-government unit, lump-sum benefits and other types of benefit, social security improvement programs within local self-government units, innovation services, etc. Nevertheless, local self-government authorities seldom pay attention to citizens' needs. When

¹²⁰ Local-Self Government Act, Official Gazette of RS, no. 129/07 and 83/14 and other acts, II Local Self-Government Unit, paragraph 2.1.1, Art. 20, item 31.

services in a community are underdeveloped, citizens are forced to take advantage of the existing ones which are often inadequate and irrational and thus they can only partly fulfil their needs. Services which would fully suit the needs of citizens in need of welfare do not exist in the majority of local self-government units. Measures specifically tailored to resolve the problems of Roma men and women are rather rare.

The adoption of the Rules on Organization, Norms and Standards of Operation at Centres for Social Work¹²¹ has provided a more specific definition of the role played by such centres in the assessment of all petitions and applications by citizens, potential beneficiaries of services, which is carried out as part of the receipt procedure. Such assessment serves to identify the level of priority to be given to cases handled by caseworkers (pressing, urgent or regular), the intensity and order of steps to be taken by the centre as well as the speed and time schedule for involving representatives from other systems in charge of helping children, adults and older people. Since mechanisms enabling the Roma population to be integrated into the social support system to a higher degree need to be improved, it would be necessary to promote the family as the best framework for ensuring the protection of this vulnerable group. Highly disadvantaged families, consisting of persons without identity papers, persons with unresolved housing problems and persons without income or assets, who in addition have many members of various generations could be a criterion for making urgent interventions. Such interventions could be made in the form of financial assistance (increased or lump-sum financial support, support in kind, heating fuels during winter, construction materials to improve housing conditions, etc.). Similarly, the fact that children, teenagers, women, victims of domestic violence are involved could also constitute grounds for making urgent interventions, such as providing urgent care, initiating appropriate proceedings before court, increasing the resources of shelters for children, youth, adults and older people, founding more safe houses, developing services at day centres, etc.

Centres for social work formally cooperate with all the national and local mechanisms. While cooperation with some of the systems has not been that good, it has been more effective with others. In order to avoid such a situation, it would be necessary to connect all the systems active in the local community into a single network by creating a detailed protocol for managing cases with the aim of clearly identifying the roles, obligations and responsibilities of each participant. This would lead to improvements in the efficacy, timeliness and the process of taking joint actions with regard to beneficiaries in need of welfare. It should also be highlighted that protocols on cooperation between authorities in charge of public policies on social inclusion of Roma men and women at the national level need to be formulated.

Successful cooperation between the centre and the NES in connection with providing integrated social services to Roma men and women who are welfare beneficiaries even though they are fit for work promotes their employment. A more efficient cooperation between centres for social work and police stations would result in a simplified and accelerated procedure for registering temporary residence by Roma individuals pursuant to Article 11, paragraph 2 of the Permanent and Temporary Residence Act at the address of the centre for social work.

It needs to be mentioned that centres for social work do not keep special records on ethnic origin of their beneficiaries, but experience shows that Roma men and women are an easily recognizable group whose members live in unfavourable socioeconomic circumstances. In that context, the Ministry of Labour, Employment, Veteran and Social Affairs in cooperation with the Commissioner for Information of Public Importance and Personal Data

¹²¹ Rules on Organization, Norms and Standards of Operation at Centres for Social Work, Official Gazette of RS, no. 59/08, 37/10, 39/11 – another Rules and 1/12 – another Rules.

Protection should consider the proposal that beneficiaries could declare their ethnic affiliation in order to arrive at thorough understanding of the needs of Roma beneficiaries. Based on that, appropriate programs should then be developed to provide centres with a starting point for developing services to meet the needs of this marginalized group of beneficiaries.

In addition to an insufficient number of professional staff members at the centres and a need for more employees in the area of social security in general, the staff needs to be sensitized to the problems faced by the Roma ethnic minority; they also need to receive additional training and education to be able to work with vulnerable groups, acquire negotiation and representation skills and undergo specialized training for working under pressure and in stressful situations. In addition, it would be necessary to introduce anti-discrimination training programs in order to raise awareness among employees of the problems faced by the Roma ethnic minority and adopt rules on procedure for managing discrimination cases.

The Ministry of Labour, Employment, Veteran and Social Affairs should continuously oversee the activities of centres for social work and take appropriate measures in a timely manner, provide assistance with their work and draw attention to omissions. All these measures together with affirmative actions taken in the field of other public policies would lead to the improvement of the status of Roma men and women.

V. OBJECTIVES AND MEASURES

The overall objective of the Strategy for Social Inclusion of Roma from 2016 to 2025 is the improvement of the socio-economic status of the Roma ethnic minority in the Republic of Serbia, and, at the same time, to ensure full enjoyment of all minority rights, eliminate discrimination and achieve a greater social inclusion of Roma men and women into all segments of society.

The Strategy sets five special objectives in key areas which can contribute to the attainment of the overall objective, namely education, housing, employment, health care and social care:

- **Special objective 1:** Ensuring full inclusion of children and youth from the Roma community in quality preschool, primary and secondary education, greater coverage of Roma men and women in the student population and provision of support to the education of youth and adults who have not attended school or have dropped out, along with the introduction of effective and efficient mechanisms to combat discrimination and creation of conditions in which Roma can exercise all minority rights in the education system.
- **Special objective 2:** Improving housing conditions for Roma men and women in Serbia by ensuring legal certainty of their housing situation, availability of services, materials, facilities, infrastructure, affordability, adequate habitability and accessibility, suitable location and cultural adequacy as defined under international standards governing the right to adequate housing ratified by the Republic of Serbia.
- **Special objective 3:** Encouraging the involvement of able-bodied members of the Roma national minority in the formal labour market, improving their employability, employment and economic empowerment, especially of those Roma men and women who belong to categories of unemployed persons who are hard to employ on multiple grounds.

- **Special objective 4:** Improving the health of the Roma population, advance access to healthcare services and facilitate full exercise of the right to health in the health care system of the Republic of Serbia.
- **Special objective 5:** Improving access to social security services and availability of financial aid for the purpose of reducing poverty and increasing social involvement of Roma men and women in the local community.

These special objectives shall be met by accomplishing operational objectives and taking measures and actions towards achieving the expected outcomes by 2015.

5.1. EDUCATION

Special objective 1: Ensuring full inclusion of children and youth from the Roma community in quality preschool, primary and secondary education, greater coverage of Roma men and women in the student population and provision of support to the education of youth and adults who have not attended school or have dropped out, together with the introduction of effective and efficient mechanisms to combat discrimination and creation of conditions in which Roma can exercise all minority rights in the education system.

Operational objective 1: Ensuring that children from the Roma community have equal opportunities for early development and study, as early as from their birth, and that they are prepared to be included in compulsory education.

Measures:

- Ensuring programs for parents and children under age of three in the family, community and preschool institution aimed at encouraging child development and learning and the development of parenting skills;
- Increasing the availability of quality preschool programs (full-day, half-day) for children from age of three to four years and six months;
- Ensuring that all Roma children from the age of four years and six months to five years and six months are covered by quality preschool education, primarily through full-day and four-hour programs;
- Ensuring that all children regularly attend a quality preschool preparatory program;
- Implement different activities in the local community and preschool institutions to promote the relevance of early involvement in preschool education programs, as well as support for the family in exercising the right;
- Introduce an obligation that preschool institutions should organize half-day programs for children from the age of four years, six months to five years, six months, which would be funded by local government units, while insufficiently developed local government units would receive support from national institutions;
- Allowing interested individuals to study the Romani language and culture and learn the language of schooling they will use during preschool programs in mixed groups and without segregation and discrimination;
- Improving and increasing the resources of preschool institutions, the quality of programs and the competencies of teachers so that they could answer educational, development and

cultural needs of Roma children and thus provide them with adequate incentives for early development and learning as well as be prepare them for primary school; providing support to preschool institutions by organizing training and horizontal learning programs, facilitating networking and creating professional learning resources;

- Ensuring that development and educational needs of children are identified as well as parents' needs for various types of support in encouraging early development and learning with the aim of developing appropriate types of support by preschool institutions;
- Work with children should be individualized; they should be provided with additional educational, social and health support and referred to the inter-departmental committee if it is assessed that they require support they cannot receive at a preschool institution;
- Regulating the role of teaching assistants who provide support to Roma children and hiring an adequate number of teaching assistants. Assistants would provide support to Roma families during enrolment and the adaptation process for children of relevant age and they would also provide support to preschool institutions in adjusting to educational and cultural needs; individualized approach in working with children should be applied;
- Ensuring social security for children receiving preschool education in accordance with the current regulations and through cooperation with centres for social work; in this process, relevant authorities should adopt a program for all types of associates' work aimed towards improving social security in preschool institutions;
- Ensuring higher level of participation from parents in educational institutions attended by their children and improving their competences for creating a stimulating family environment for early development and learning and positive parenting;
- Providing support to Roma parents in the processes of enrolment in preschool institutions and exercise of their rights to preschool education;
- Promoting the importance of preschool education among parents and decision-makers at local level;
- Providing an effective mapping system for Roma children not attending preschool, carrying out an analysis of children's and parents' needs and preparing a strategy for inclusion of children into various programs according to their needs;
- Regulating and undertaking measures of priority enrolment into full-day preschool institutions for poverty-stricken Roma children; ensuring oversight of the implementation of these measures and introducing repercussions for local government units in which they are not implemented;
- Regulate non-segregated enrolment of children into groups together with their peers and take prompt action when segregated groups for Roma children are opened up or emerge over time;
- Ensure that Roma children living in poverty are included into preschool programs free of charge and provide support for creating additional conditions related to attending preschool programs;
- Provide financial support for local self-government units belonging to group four according to the level of development and/or to devastated areas, in which there are many Roma children.

Outcomes by 2025:

- Preschool curriculum prepared according to development and educational needs of children from the Roma community;

- A continuous rise in quality preschool programs coverage rates among Roma children from the age of four years and six months to five years and six months (both full-day and diversified);
- Regular attendance of quality preschool preparatory program in non-segregated groups;
- A continuous increase in the resources of preschool institutions and in the competence of their staff for providing quality preschool education and preschool preparatory programs for children coming from the Roma community.

Operational objective 2: Ensuring quality primary and secondary education for children and youth from the Roma community, effective school dropout prevention and various types of additional support before the completion of secondary school.

Measures:

- Ensuring effective implementation of the existing regulations governing child enrolment into primary school to facilitate timely start of regular primary school and prevent unjustified placement of Roma children into ‘special education’ primary schools, in particular children living in Roma settlements and poverty (*e.g.* by implementing proactive measures of providing information, ensuring adequate legal or other support in exercising rights, conducting objective and valid interviews with such children before they start school, as needed in the mother tongue Romani language, in order to identify their educational needs and adapting schools and teachers to meet the needs of such children, laying down clear criteria and requirements for enrolment into special education schools, etc.);
- Making sure that educational institutions are prepared and have professional capacities needed to respond adequately to educational needs of Roma children and provide them with equal opportunities for learning and progress, the completion of primary school and receiving secondary education (raising awareness among parents, the local community and teaching staff of the rights of Roma children and difficulties and obstacles hindering regular school attendance, learning and advancement; improving relevant professional competences of the teaching staff);
- Adopting a relevant legal act governing the process of identifying various forms of discrimination against Roma children/students in the field of education and monitor its implementation. Said act should define a framework for designing measures aimed at desegregation of classes and schools;
- Providing financial and other resources necessary so that a variety of additional types of support to education of Roma children could be available to all Roma children entitled to them and thus create conditions for regular education, advancement and academic success (various school teams, teaching assistants, individualized instruction, individualized education programs, other types of additional support as determined by the inter-departmental committee and various types of support coming from the social security sector);
- Providing effective and efficient mechanisms to prevent and preclude early school leaving by Roma children and youth as well as educational institutions’ capacities to implement those mechanisms either independently or in cooperation with local government units and other relevant institutions from the health care and social security sectors; start mentoring and scholarship programs based on previously obtained survey results and an analysis of the causes of early school leaving;

- Ensuring regular school attendance and advancement among Roma children, girls in particular, especially children transitioning from fourth to fifth grade and from primary to secondary school by defining school responsibilities to monitor and respond to such cases in cooperation with parents and relevant social services centre;
- Improving the planning and implementation of the individualized instruction measure according to the educational needs of Roma children by defining clear criteria which will prevent unreasonable use of individualized education plan in cases when the individualization itself is sufficient, as well as by improving teachers' professional competences for implementing the individualization measure;
- Improving the preparation and use of individualized education plans by drawing up professional guidelines on preparation and application of individualized education plans and improving professional competences of teachers for implementing this measure;
- Providing adequate forms of educational support to Roma children who have left primary school, children who have returned to Serbia pursuant to readmission agreements and to children who often change their place of residence in order to allow for their (re)integration into the regular education system or receiving at least primary education, in particular in the form of programs for learning Serbian as the second language and support in learning during summer holidays;
- Introducing measures of affirmative action in admissions into secondary schools for all Roma pupils who have completed primary school and fulfilled requirements for continuing their education in secondary school and ensuring forms of support required for their regular advancement, study and completion of secondary education. Adopting Rulebook on the admission of Roma students into high schools through the implementation of the affirmative action measure. The Rulebook should also define the manners of monitoring the effects of the affirmative action measures on the education of the Roma population.
- Improving the performance of teaching assistants: define criteria for hiring TAs; ensure that there are sufficient number of teaching assistants and further expand the network of teaching assistants, regulate and provide their financing; improve the status of teaching assistants in educational institutions; provide a description of their job and duties, ensure professional development and advancement, including gender equality and antidiscrimination prevention and protection issues;
- Adopting secondary legislation to govern as follows: the field of work of teaching assistants with their specific tasks, performance quality standards, continuous building of their competences and the manner of their engagement before the end of 2016;
- Ensuring more efficient functioning of the inter-departmental committee by strengthening the competences of its members to define appropriate forms of additional support (lay down professional guidelines, identify examples of good practice, etc.) and create conditions in which local government units can provide Roma children with the forms of support proposed by the inter-departmental committee;
- Imposing an obligation on educational institutions to monitor the progress of Roma students in order to be able to improve their own practices as well as to report regularly to the relevant local government unit and board of education;
- Ensuring better cooperation between educational institutions and Roma parents by informing parents about their rights and including them into the operation and management of schools; furthermore, provide them support in gaining other rights from the field of education, health and social security as well as humanitarian aid;

- Developing new educational programs and organizational forms to respond to the needs of children and youth from particularly vulnerable groups who are frequently not included into the education system and/or are at the greatest risk of dropping out of school (e.g. Roma children living in severe poverty, married teenagers and/or teenage parents); building capacities of educational institutions to carry out such programs;
- Girls should receive special support in their education and additional efforts should be directed towards their parents in view of raising awareness on the relevance of further schooling;
- Ensuring equal participation of Roma students in extracurricular activities, clubs, school excursions and field trips, and their participation in the student parliament;
- Ensuring that Roma children receive support in preparations for the final examination, career guidance and enrolment into secondary school;
- Affirmative action measures aimed at enrolment into and completion of secondary school should be regulated and consistently implemented by adopting Rules governing the issues of rights, beneficiaries, procedures and the support package (scholarships, student standard, mentorship); Roma students and their families must be informed of those measures;
- Roma children in primary and secondary schools as well as their parents should be provided with support in respect of exercising rights to social security and additional types of support to which they are entitled;
- Ensuring effective and efficient cooperation between the education system and the labour market, local government units and a wider social environment in order to connect individual and social interests in the education process, in particular by implementing affirmative action measures;
- Ensuring cooperation between all the existing mechanisms for Roma inclusion at the local level, including inter-departmental committees, so that they could take joint steps towards advancing Roma educational status primarily by supporting their enrolment into school and preventing early school leaving. The Ministry of Education, Science and Technological Development shall ensure that all Roma children are enrolled into preschool preparatory programs and regular schools. The reduced number of children who attend school irregularly and leave early preschool program and education should contribute to increasing the number of children who enrol into and complete primary and secondary school, which should also lead to a decrease in early school leaving rates. Civil society will oversee the implementation of those activities and warn about potential deficiencies of the system;
- Creating a monitoring and evaluation system aimed at improving the efficiency and quality of the education system, including as well higher education. For the purpose of obtaining the most accurate statistical data on education attendance, the Ministry of Education, Science and Technological Development shall cooperate with educational institutions to produce and submit reports.

Outcomes by 2025:

- A decrease in the share of Roma youth aged 18 to 24 who have left school early (have not achieved ISCED 3B level of education¹²² and are not included in any educational program or training) - progress is measured based on annual results;

¹²² International Standard Classification of Education

- An increase in the number of youth from the Roma community who have completed secondary education;
- Continuous improvement of the academic achievement of Roma youth (girls and boys) at the end of secondary education (their progress is monitored and measured annually).

Operational objective 3: Ensuring effective and efficient mechanisms for identifying various types of discrimination against members of the Roma community, their prevention and steps to be taken in case of discrimination.

Measures:

- Each educational institution should be developed as an inclusive, intercultural, non-discriminatory and safe environment for Roma (and all other) children by developing an inclusive educational environment based on respect for difference, promotion of equality and children's and human rights;
- Adopt bylaws to regulate the issues of prevention, recognition and reaction to cases of open and covert discrimination in education institutions;
- Ensuring that every preschool institution and primary and secondary school adopts a program for protection from discrimination and violence, abuse and neglect by defining prevention and intervention activities, responsible persons and implementation timeline, in accordance with regulations;
- Adopting secondary legislation to govern the issues of prevention, identification and reaction to cases of direct and indirect discrimination occurring at educational institutions;
- Providing support to children, youth, Roma parents and teaching staff in recognizing different types of discrimination and in protecting the children's and their own rights established by current regulations;
- Educate people employed with the education system (teachers, headmasters, professional associates, education advisors and education inspectors) of different types of discrimination and ethnically based violence; strengthening their competences for recognizing discrimination and applying adopted protocols;
- Educate people employed within the education system (teachers, headmasters, professional associates, education advisors and education inspectors) of the specificities of working with children receiving education in non-mother tongue, on the need to know elementary phrases in the Romani language to facilitate the adaptation of children and establish initial communication, on the Romani culture, language and tradition and how stereotypes and discrimination can be overcome and raising intercultural awareness;
- Ensuring efficient and effective application of current regulations to employees, students and their parents practicing any type of discrimination against members of the Roma minority within the education system;
- All contents perpetuating negative stereotypes about members of the Roma community should be removed from the curriculum and it should be ensured that the Romani language, culture, history and tradition are portrayed in a positive light in various subjects' curricula and that elements of intercultural education are included therein;
- Providing efficient measures for abolishing segregated forms of education such as disproportionate and unjustified enrolment into "special education schools", segregated regular schools, formation of "Roma preschool programme groups/Roma classes" in regular preschool institutions and schools;

- Making sure that competent authorities specified in the action plan for the preparation of the Strategy should carry out systematic monitoring and submit reports about discrimination against the Roma and their exposure to different types of violence in education, with special focus on gender-based violence, domestic and intimate partner violence.

Outcomes by 2025:

- Efficient identification and prosecution of cases of discrimination against children, youth and adults from the Roma community in respect of their access to quality services in the field of education;
- Institutions providing services from the domain of education possess developed and effective mechanisms for preventing discrimination against members of the Roma community.

Operational objective 4: Creating conditions for expressing identity, cultivating the language, fostering the culture and exercising all the minority rights of the Roma people in the education system.

Measures:

- Ensuring the implementation of measures aimed at strengthening and preserving the Romani language and identity as well as the inclusion of Roma into society as opposed to their assimilation (ensure a greater visibility of the Romani language, a better understanding of the Roma identity by the general public, making the culture and history of the Roma community easier to understand and portraying them in a positive light);
- Organize, by complying with standards for scientific research papers, research projects devoted to the language, culture, customs and identity of the Roma people;
- Media promotion of the Roma language and culture, the contribution of their community to the cultural heritage of Serbia, as well as of their traditional and contemporary Roma creative endeavours;
- Organizing Romani studies as elective courses offered in colleges and universities;
- Ensuring effective implementation of the existing guidelines for educational institutions on surveying the interests of Roma parents in having their children take up the subject “Romani language and elements of Roma culture” and conditions which the institution has to create for organizing such course (due to specific problems the Roma community is confronted with, an annex to the guidelines should be drawn up containing more detailed instructions for implementing the existing guidelines in respect of the Roma community);
- Ensuring the commencement of the Romani language course at the Faculty of Philology, University in Belgrade, for the purpose of educating teachers and researchers who would work as Romani language teachers and scientific researchers;
- Providing textbooks and teaching resources for the “Romani language and elements of Roma culture” subject;
- Providing a sufficient number of teachers to teach subjects/courses in educational institutions in which there are adequate conditions for teaching such subjects/courses; existing teachers should be provided professional development opportunities in the field of pedagogy, psychology and methodics;

- Providing information to Roma parents that their children can under specified conditions take the subject “Romani language and elements of Roma culture”;
- Regulating the process of foundation and operation of bilingual preschool groups and enrolment of children – preparing programs and manuals for bilingual education; regulating and providing initial and continuous training for professional staff – preschool teachers and assistants fluent both in the Romani language and the language of the local community;
- Ensure that teaching staff (preschool teachers, primary and secondary school teachers, teaching assistants and those teaching the *Romani language and elements of Roma culture* subject) receive education about the Romani language in higher education institutions by establishing Departments for Romani Language in Serbian universities;
- Introducing teaching units on Roma ethnic minority on various subjects;
- Developing and promoting the publication of books in Romani language and bilingual books to be used in preschool and primary and secondary schools, such as textbooks, resources, required reading, etc.

Outcomes by 2025:

- Meeting of prerequisites for teaching classes in the Romani language (statutory basis, curricula, education and professional development of the staff, textbooks and teaching/learning resources, etc.);
- All children and youth from the Roma community wanting to take the subject “Roma language and elements of Roma culture” and attending school in the institutions in which statutory prerequisites for teaching this subject have been met will have been taking this subject;
- An increase by 50 percent in the share of the population with positive attitude towards the language, culture and traditions of the Roma community and the Roma contribution to the cultural heritage of Serbia.

Operational objective 5: Ensuring greater percentage of Roma in the student population as well as providing education for Roma experts in the fields relevant to the Roma community and implementation of the Strategy.

Measures:

- Ensuring support in preparations for admission to college and as well as career guidance and further education to Roma youth who successfully complete four-year secondary school;
- Improving the existing criteria and procedures for implementing affirmative action measures for admission to higher education in order to allow for admission of Roma students who have not been admitted following regular procedure and to reduce the possibility of the misuse of affirmative action measures;
- Providing for a scholarship program for Roma students who opt for professions of special interest to the Roma community and implementation of the Strategy;
- Roma individuals who could not pursue their studies successfully without some form of additional support are to be provided with support in their studies (state-funded studies, giving them priorities when allocating places in halls of residence, as well as continuous support over the course of their studies – scholarships, mentoring and peer support, etc.);

- Giving scholarships to the most successful Roma students completing their master studies so that they could enrol to doctoral studies in the fields which take priority for the Roma community and implementation of the Strategy;
- Introduce affirmative action measures when employing Roma professionals in the education, health care and social security systems necessary for successful and culturally adapted implementation of the strategic measures.

Outcomes 2025

- Members of the Roma community will have been employed proportionally to their number in the community in the education, health care and social security sectors as well as in the sector in charge of implementing the employment measures based on the affirmative action principle according to statutory requirements.
- A continuous increase in the number of people from the Roma community among those employed at the positions relevant to the implementation of public policies aimed at the achievement of social equality of Roma men and women.

Operational objective 6: Ensuring quality primary and secondary education for Roma youth and adults who did not go to school or have dropped out and providing various types of additional support so that they can receive secondary education and acquire professional qualifications.

Measures:

- Regulating and improving primary and secondary education of the youth and adults who did not go to school or have dropped out (expand the network of primary and secondary schools organizing primary and secondary education programs for adults to make them available to Roma men and women in places where they live; improve professional competencies of the teaching staff through standardized and quality training; regulate the role of adult education teaching assistants, their training and job description and hire a sufficient number of adult education teaching assistants);
- Ensuring enrolment into school and its completion by as many as possible youth and adults through media promotion and by launching campaigns, providing scholarships and other types of support for regular school attendance and academic success;
- Developing special measures aimed at providing support and work organization suitable for women, in particular young mothers, by organizing child care, free of charge transport to school, work at Roma settlements;
- Including youth and adults into informal re-training and additional training programs ensuring the development of key competences and employability, with a special focus on women;
- Regulating and providing for accreditation programs and institutions; also, providing mechanisms for ensuring their quality;
- Adopting an annual adult education plan based on experiences from the IPA project Second Chance to allow enrolment into school and its completion by as many as possible youth and adults, with a special focus on women.

Outcomes 2025

- A reduction in the percentage of adult Roma men and women who have not completed some type of secondary education (including as well accredited adult education and professional qualifications programs).

5.2. HOUSING

Special objective 2: Improving housing conditions for Roma men and women in Serbia by ensuring legal certainty of their housing situation, availability of services, materials, facilities, infrastructure, affordability, adequate habitability and accessibility, suitable location and cultural adequacy as defined under international standards governing the right to adequate housing ratified by the Republic of Serbia.

Operational objective 1: Ensuring programme and information-related preconditions for improving housing conditions for Roma men and women

Measures:

- Drafting and adopting local action plans on the improvement of housing conditions of Roma men and women. In their action plans for the inclusion of Roma, local self-government authorities shall in particular work out conditions for improving the housing circumstance of Roma in their jurisdiction and clearly define the main authority in charge of implementing the action plan (housing agency, directorate of construction, etc.), along with information about residents of informal settlements and specific authorities in charge of implementing individual measures from the action plan; facilitate efficient coordination between competent institutions and strengthen their resources to allow them to implement the measures from the plan and respond to the housing needs of Roma men and women;
- Providing education to associations who advocate for improving the position of the Roma about discrimination in the field of housing, the manners of exercising rights in that field and provision of free legal aid to the residents of (informal) settlements. Local self-government authorities should ensure full participation from the Roma and civil society in the process of drafting and implementing local action plans;
- The line ministry shall, in cooperation with the body/authority in charge of managing the Strategy, maintain a spatial database for tracking Roma settlements, while local government units shall submit information about actions taken in respect of spatial planning and improvement of settlements and legalization of illegal structures built in such settlements;
- The line ministry shall provide expert and financial support for poor local government units in the process of drafting and implementing local action plans in the field of Roma housing; they shall cooperate with a body responsible for managing the Strategy to provide direct financial support for the implementation of local action plans from national and international institutions. The line ministry will maintain a public database of all action plans aimed at the improvement of housing conditions of the Roma population.

Outcomes by 2025:

- Adoption of measures based on which activities intended to improve the housing conditions of Roma men and women in 50 percent of local government units.
- Public awareness raised and mechanisms for resolving housing issues of the Roma population set up in 50 percent of local government units.

- A creation and regular update of a database on Roma settlements containing information about the state of housing facilities in such settlements (categorized).

Operational objective 2: Create spatial-planning preconditions to improve housing conditions in sustainable Roma settlements.

Measures:

- Local government authorities shall allocate funds from the budget and draft or update their urban development plans for areas in which Roma settlements are located, starting from the concept of how to improve each settlement and updated data on its residents. These urban development plans are to contain detailed development and levelling data, provisions to allow for immediate implementation of the plan (development and construction rules) and an allotment or re-allotment of land plan conforming to the as-is state and its improvement;
- Urban development plans shall form an integral part of local action plans for overall development and improvement of Roma settlements or be one of the first stages in the implementation of action plans. If the existing spatial and urban development plans (detailed or general) can serve as a basis for issuing construction permits and/or legalizing illegal structures or infrastructure, no new plans need to be adopted;
- Local government units shall re-examine urban development plans foreseeing the relocation of Roma settlements and review them or prove that the planned relocation is justifiable;
- Local government units shall make sure that entities in charge of drawing up urban development plans undertake an obligation to ensure early participation from the people residing at Roma settlements as well as their full participation in the process of drafting such plans by setting tender requirements to that effect or signing a financing contract with relevant provisions;
- Information about prepared and updated urban development plans for Roma settlements so that they could be registered in the existing GIS databases and continuously tracked shall be submitted regularly to the relevant Ministry;
- The relevant Ministry shall cooperate with the body/authority in charge of managing and coordinating the Strategy, as well as with other legal persons to provide expert and financial support to poor local government units for preparing related planning documentation for Roma settlements.

Outcomes by 2025:

- Urban development plans for Roma settlements completed in 50 percent of local government units.
- Urban development plans form an integral part of local action plans for the overall development and improvement of Roma settlements in 50 percent of local government units.
- Reviews and opportunity studies on relocation of Roma settlements completed in all local government units.
- Regular submission of information by local government units for its registration in the GIS database.

- Expert and financial support provided to insufficiently developed or devastated local government units with related planning documentation prepared for Roma settlements.

Operational objective 3: Create normative preconditions for resolving property-legal status of lots and facilities in sustainable Roma settlements, with a final aim of legalization and improving housing facilities in these settlements.

Measures:

- Local government units shall include the regulation of legal issues related to the ownership of plots and structures into local action plans on the improvement of housing conditions of Roma men and women and secure finances from the budget to implement these measures. Planned measures should also specify the accurate number and type of applications submitted by Roma. local government units shall undertake all measures to find out if there are any possibilities to legalize the existing residential structures in sustainable informal settlements;
- Each local government unit shall initiate procedures and regulate ownership issues in cases when many or all of the plots in a Roma settlement are public property based on an urban development plan for the territory of that Roma settlement; this task will be done with expert assistance from the competent ministries and other authorities in the field of property management;
- Local government units shall provide legal, technical and financial support for Roma men and women so that they can regulate ownership issues related to their structures and plots and legalize their structures in the process of registering title deeds in the land registers and updating information from the land registry through organized and financially supported engagement of free legal aid municipal offices, local housing agencies and competent local self-government authorities, civil society organizations, law firms, etc. In the process of regulating those issues, in particular when registering title deeds, it will be necessary to ensure that Roma women can exercise equal rights, which could be compromised due to traditional family relations;
- The relevant Ministry shall take measures and steps, including as well making amendments to current regulations or adopting new ones, to ensure more efficient development and rehabilitation of such settlements, while at the same time avoiding as much as possible the tearing down of the existing structures, ensuring the certainty of the legal status of structures and land and increasing the sustainability of traditional Roma settlements;
- The relevant Ministry shall initiate the process for amending the corresponding legal act to define subsequent registration of structures, simplify procedures for legalizing structures and in cooperation with local government units, cut costs of the registration process for structures built by disadvantaged Roma families;
- The Government and municipal authorities shall make efforts to regulate by the law the existing substandard and sustainable Roma settlements or ensure locations for their relocation in accordance with international and national legislation and standards. In cases when the relocation is necessary, it shall take place only after the residents have been previously consulted and notified sufficiently in advance, while showing full respect for their human rights and complying with international standards. The Government shall draw up a binding legal act defining the actions of competent authorities in cases of informal settlements' relocation and inform local authorities accordingly.

- The Government and local government units, supported by international partners, shall implement programs for the improvement of infrastructure in substandard settlements as well as carry out the relocation into adequate social housing residential building in local government jurisdictions.

Outcomes by 2025:

- Completion or initiation of a procedure for regulating the legal status of plots and structures in Roma settlements located in local government units.
- Development of legal and technical support to Roma men and women in local government units for the purpose of regulating property and legal issues related to illegal structures.
- Adoption of measures and regulations allowing for spatial planning and rehabilitation of such settlements, provided that the tearing down of the existing structures is reduced to a minimum.

Operational objective 4: Improvement of public infrastructure in Roma settlements.

Measures:

- Local government units shall include measures for building public infrastructure in Roma settlements into their local action plans on the inclusion of Roma and provide funding from the budget for implementing those measures;
- Local government units and their utility companies shall build necessary infrastructure and structure connections while obtaining relevant construction permits and certificates of occupancy. Public utility networks and their connections must be entered into registers and included into the public system and structures, thereby ensuring their regular maintenance, repair, and building of annexes by competent utility companies.
- Local government units shall provide financial support to a civil society organizations in charge of organizing and carrying out activities related to fostering awareness and informing the residents of Roma settlements about the possibility of exercising rights related to the increased availability of utilities and services, the importance of public infrastructure development for such settlements, environmental planning and preservation, reasons why they should pay their utility bills regularly and possibilities and ways of receiving subsidies on utility costs.
- The line ministry shall provide support for financing or co-financing the building of infrastructure network and connections to the network for structures in Roma settlements in local government units which have previously prepared necessary technical documents for such works funded from their own budgets or using financial resources they have obtained themselves.

Outcomes by 2025:

- Development of public infrastructure and available services in 60 percent of Roma settlements registered in the GIS database.
- Securing financial support for public infrastructure development.

Operational objective 5: Improving housing standards.

Measures:

- Local government units shall include measures for improving the existing structures whose occupants are Roma men and women into their local action plans on inclusion of Roma and shall provide secure finances from the budget for their implementation. Those improvement measures will encompass the areas of spatial planning, functional planning, sanitation, construction, heating and power, as well as other areas, depending on the local situation;
- Through their institutions and companies, local government units shall provide legal, engineering, material and financial support to Roma men and women in the process of obtaining and preparing legal and technical documentation and performance of construction work to build annexes to or repair residential buildings;
- Local government units shall provide support in founding construction companies and housing cooperatives in which Roma people from the local communities shall be employed and allow them equal participation in the performance of works to improve the housing conditions of the Roma community for the purpose of advancing the economic empowerment of families and women;
- The line ministry shall develop various housing programs aimed at the improvement of the housing capacities already existing in Roma settlements, provide technical and financial support to local government units so that they could either independently or in cooperation with civil society organizations, cooperatives and companies work towards the improvement of structures that already exist in Roma settlements. Such housing programs should be linked to the existing and projected national and local initiatives to improve the energy efficiency of residential buildings;
- The competent Ministry shall initiate the process of making amendments to the Planning and Construction Act, which would lead to recognizing self-built structures as a legal form of structures; also, the Ministry shall include sanitation facilities (bathrooms, toilets) and housing units annexed to the existing structures for the purpose of improving housing conditions in the section of the Act dealing with special types of structures for which it is not necessary to obtain a construction permit.

Outcomes 2025

- Action Plans adopted in 70 percent of local government units in which the development of public, road and other infrastructures has been planned in Roma settlements.
- A system of legal and technical support for Roma men and women to obtain legal and technical documentation set up by local government units.
- Housing cooperatives and construction companies employing Roma people founded in 20 percent of local governments.
- Development of housing programs to improve the existing housing capacities.
- Adoption of amendments to the Planning and Construction Act in which self-built structures are recognized as legally built structures.

Operational objective 6: Implement social housing units construction programs.

Measures:

- In accordance with its competences, the line ministry shall develop special housing programs and social housing programs which will satisfy the specific needs of vulnerable groups of the population, including the Roma, as well as determine the scope of the required resources and secure finances for the implementation of the program. When

planning the housing programs, different modalities of support for affordable housing suitable for vulnerable groups of the population should be used, such as: regulated and assisted self-built, assignment of ownership of new houses (either prefabricated or built), construction of a new house to replace the old one, assignment of a house in rural areas, “plot and utilities” program, etc. in line with international standards on adequate housing;

- Local government units shall draft urban planning documentation and provide the locations for the construction of apartments for social housing in accordance with the criteria which are stipulated by the decree regulating the issues related to the requirements and standards for obtaining and using the apartments for social housing and by international standards;
- Local government units shall provide adequate temporary accommodation for seasonal workers and their families who move mainly to greater urban centres or prominent agricultural regions to work during the season for such work;
- Local government units shall work on strengthening the existing financial and institutional mechanisms and on the creation of new ones, and especially on strengthening the resources of local housing agencies and other non-profit housing organizations in accordance with the Social Housing Act and other relevant regulations and strategies;
- Local government units shall organize, in cooperation with the Association of Housing Agencies, an employee training program in those organizations and institutions that are responsible for dealing with the social housing users in terms of exercising their right to adequate accommodation. Centres for social work shall regularly monitor the situation and changes in the social and financial status of households for the purpose of providing timely assistance to those who are facing difficulties in paying the lease or other taxes;
- Local housing agencies and other organizations and institutions which are responsible for dealing with housing users shall organize workshops for the social housing users regarding the need to pay the bills and the mechanisms that ensure the exercise of the rights related to housing subsidies, benefits, rebates, etc.
- Local housing agencies shall provide housing conditions in cooperation with the Commissariat for Refugees and Migration for internally displaced Roma population from Kosovo and Metohija who are not planning to return there.

Outcomes by 2025:

- Developed models of social housing, as diverse aspects of housing-related support – self build, assigning ownership of new houses (prefabricated or built), building new houses to replace old ones, allocation of houses in rural areas, “plot and utilities” program, in line with international standards on adequate housing;
- Temporary accommodation provided for seasonal workers in local self-government units where seasonal work is organized;
- Developed training programs on the progress and implementation of social housing program;
- Resolved housing problems of Roma population displaced from Kosovo and Metohija.

Operational objective 7: Definition and implementation of relevant international standards regarding the evictions of unsustainable sub-standard settlements.

Measures:

- Amending the provisions regarding the evictions and relocation under the Housing Act and the Planning and Construction Act and other relevant laws (such as General Administrative Procedure Act, Enforcement and Security Act, Privatization Act, etc.) in order to harmonize them with the provisions of international law on the right to adequate accommodation and the principles of non-discrimination;
- Drafting an appropriate legal act with defined procedures for evictions and relocation in accordance with the General Comment No. 7: the Right to Adequate Housing – Forced Evictions by the UN Committee for Economic, Social and Cultural Rights, including the guidelines and recommendations to local government units on how to proceed in such situations;
- Drafting and adopting national methodology for determining the sustainability of sub-standard Roma settlements;
- Before the relocation starts, local government units shall provide a detailed study on the reasons and justifiability of the relocation accompanied by timely consultation and notification of the residents of the settlement in question. This study should be included in the program and technical documentation of (development) projects which include the relocation.
- Local government units, with the state's support, should provide the relocated families adequate accommodation in the manner that is defined by the General Comment No.4: the Right to Adequate Housing by the UN Committee for Economic, Social and Cultural Rights.
- Centres for social work shall provide professional mediators who are to act as intermediaries between the Roma and the majority population before, during and after the relocation for the purpose of increasing mutual trust and especially in order to sensitize the majority population to the housing needs and rights of the Roma population.
- Centres for social work should provide the relocated residents continuous assistance and social and economic support within the institutions after the relocation to new sites as well.

Outcomes by 2025:

- Regulated relocation procedure which is being implemented with regard to persons living in unsustainable sub-standard settlements;
- Defined methodology for relocating people from informal and unsustainable Roma settlements;
- Accommodation and/or compensation provided for relocated persons from informal settlements in accordance with the General Comment No. 4 and/or General Comment No. 7;
- Educational mediators at centres for social work and developed services for the people evicted from informal settlements.

Objective 8: Elevating cultural standards of Roma population, economic empowerment and preservation of ethnic and cultural identity.

Measures:

- Defining a cultural concept as an incentive for improvement of the status of Roma population in education, housing, health education, economic empowerment;

- Establishing “Roma culture centres” in bigger sustainable Roma settlements or in local self-government units with at least 300 Roma residents;
- Issuing a recommendation to local government units in accordance with Art. 23 of the Act on Culture;
- Developing programs for the development of Roma settlements so that they incorporate space, housing and culture into a complete whole;
- Encouraging intercultural exchange.

Outcomes by 2025:

- Adopted recommendations to local government units on the establishment of “Roma” culture centres.
- Roma culture centres established in 30 local self-government units.

5.3. EMPLOYMENT¹²³

Special objective 3: Encouraging participation of able-bodied members of the Roma minority in the formal labour market, increasing employability, employment and economic empowerment, particularly of Roma men and women who belong to multiple categories of unemployed people with low employability.

Operational objective 1: Increase the number of working-age Roma men and women in the formal labour market

Measures:

- Creating a national database of unemployed members of the Roma community, regardless of their status in the NES register. The database is made by a body responsible for the implementation of the *Strategy* and the technical logistics of the Republic Institute for Statistics. It is part of a unique database on the implementation of the *Strategy* and the position of Roma in the body managing the *Strategy*; data will be provided through an annual survey of the Roma population in terms of employment and unemployment;
- Developing and implementing programs for informing and educating members of the Roma community (particularly persons from the category of persons vulnerable on multiple levels) on the significance and conditions of registration with the NES, i.e. the

¹²³ Strategic measures with regard to the employment of Roma men and women have been created in accordance with the existing economic situation in the country and realistic employment opportunities in general, bearing in mind the specific status of the Roma ethnic minority, their capabilities and needs, as well as minding that those measures that have not yielded satisfactory results in the previous period are not to be repeated, instead, more purposeful and effective alternative measures are to be proposed. The majority of the proposed measures is based on the provisions of the document adopted by the Government of the Republic of Serbia “Pre-Accession Economic Program of the Republic of Serbia for 2014” which, among other things, provides for better coordination of the central and local level of public administration. In terms of competences of the local government units, it is stated that the priority is to assume the already conferred competences and establish partnerships at the local level, including interdepartmental and inter-municipal cooperation. Stipulated measures have been created in view of the limiting economic factors, so there are several mentions of both budgetary and non-budgetary funds that are to be used in their implementation. Finally, these measures have been created in relation to the unemployed Roma men and women who are fit for work, age 15 to 65, who are registered at the National Employment Service and the unemployed Roma men and women who have not been entered in the register.

rights and obligations of the unemployed, with the support of civil society organizations advocating for advancing the status of the Roma;

- Increasing the number of unemployed Roma men and women covered by the training in active job search system;
- Improving NES procedures regulating the work of employment advisers with less employable categories of unemployed persons;
- Covering unemployed Roma men and women with methods and techniques of early profiling and intensive work with persons who are actively seeking work and need more help and support through mediation and inclusion in active employment policy measures;
- Organizing seminars and training to sensitize NES employment advisers for working with less employable categories of unemployed persons within professional development and training of the NES employees, in order to increase the effectiveness and quality of service;
- Involving recruitment agencies in education activities and building capacity for working with less employable categories of unemployed persons, in order to increase the number of Roma who seek employment through employment agencies.

Outcomes by 2025:

- A national database of unemployed members of the Roma minority in the Republic of Serbia will be established;
- A system of informing and educating members of the Roma community on the importance and conditions of registering as unemployed persons, i.e. on the rights and obligations of the unemployed, will be developed with the support of civil society organizations advocating for advancing the status of the Roma;
- The number of Roma men and women registered as unemployed (NES and employment agencies) will be increased;
- Additional programs of activating Roma population into the labour market will be created and implemented;
- Activities aimed at increasing labour market participation of unemployed Roma people, especially users of social assistance will be intensified;
- Activities of building capacity for NES employment advisers and employment agencies for working with less employable and particularly vulnerable categories of unemployed persons (including the members of the Roma national minority) will be conducted.

Operational objective 2: Prevent and reduce discrimination against Roma men and women in the labour market

Measures:

- Ensuring effective implementation of the Law on the Prohibition of Discrimination in relation to the access to the labour market, employment and labour rights, which is primarily followed by continuous strengthening of the capacity of the commissioner for the protection of equality;
- Creating public and measurable indicators for recognizing discrimination in terms of access to the labour market, employment and labour rights;
- Developing a system of providing free legal aid;

- Organizing seminars and trainings on the prohibition of discrimination in relation to the access to the labour market, employment and labour rights of employees in relevant institutions at the national and local level, as well as in employers' associations;
- Training and strengthening capacities of civil society organizations advocating for advancing the status of the Roma in the area of prohibition of discrimination in relation to the access to the labour market, employment and labour rights;
- Raising awareness of the society (and the Roma community) about the importance of non-discrimination and mechanisms of protection against discrimination, in cooperation with Roma civil society organizations;
- Promoting examples of good practice in the employment of Roma men and women, as well as ways of eliminating prejudices and stereotypes.

Outcomes by 2025:

- Clear and measurable indicators for the perception of discrimination in access to the labour market, employment and labour rights of Roma men and women will be established;
- The capacities of civil society organizations advocating for advancing the status of the Roma and members of the Roma community of the importance of non-discrimination will be strengthened and special programs will be implemented for their empowerment in the process of identifying and registering forms of discrimination;
- Awareness of the prohibition of discrimination in access to the labour market, employment and labour rights for workers in the relevant institutions at the national and local level, and in employers' associations, will be increased;
- Number of reported forms of discrimination in access to the labour market, employment and labour rights of Roma men and women will be reduced.

Operational objective 3: Increase the competitiveness of members of the Roma national minority in the labour market

Measures:

- Creating and implementing activities of integrated services through the cooperation of institutions in the social protection system and education for the prevention of early school leaving, i.e. support the acquisition of higher-level qualifications;
- Actively promoting and developing policies and measures aimed at increasing the employability of Roma people, with a special focus on categories of persons vulnerable on multiple levels;
- Involving a large number of unemployed Roma through programs of functional and additional education and training in order to acquire additional knowledge, skills and competencies for achieving a more competitive position on the labour market;
- Promoting good practices in the employment of Roma men and women, especially highly educated.

Outcomes by 2025:

- Number of unemployed Roma men and women who have attained formal education through the program of the Functional Primary Education for Adults will be increased;
- Number of highly educated Roma men and women in the NES register will be increased;

- Employers will show greater interest in including Roma men and women in additional education and training programs, particularly training for a known employer, programs for acquiring practical knowledge and vocational training programs;
- Internship programs of highly educated young Roma men and women in the institutions at the national and local level will be implemented.

Operational objective 4: Promote employment and economic empowerment of Roma men and women, with a special focus on categories of persons vulnerable on multiple levels

Measures:

- Developing and implementing affirmative measures of financial and non-financial support in order to support employment and economic empowerment of the business activities of Roma men and women;
- Developing sustainable programs of financial support to the private sector employers for employment of Roma men and women;
- Encouraging the development of Roma entrepreneurship and organizing special public calls for allocating funds for self-employment of Roma, in line with available resources for active labour market measures;
- Developing alternative forms of providing collateral, in accordance with examples of good practice at the level of the European Union countries;
- Developing and implementing intensive training programs for entrepreneurship development and support in the preparation of business plans, in cooperation with Roma civil society organizations;
- Implementing mentoring programs for at least one year for Roma entrepreneurs;
- Promoting and using services of business incubators by Roma entrepreneurs;
- Encouraging Roma men and women to take up and develop traditional occupations;
- Encouraging the formation of cooperatives and other associations of Roma men and women;
- Encouraging the employment of Roma men and women through participation in the forms of social economy, and through the Law on Social Entrepreneurship;
- Developing affirmative programs of agro-development targeting Roma men and women who live in rural areas and beneficiaries of social assistance who want to engage in agricultural production and/or cattle breeding;
- Building capacity and empowering civil society organizations advocating for advancing the status of the Roma in supporting the processes of economic empowerment of the Roma national minority members.

Outcomes by 2025:

- A number of Roma men and women covered by employment programs will be increased (as a result of application of affirmative measures);
- A number of Roma entrepreneurs will be increased;
- A Roma entrepreneurship support system will be developed.

Operational objective 5: Employment policy of Roma men and women is an integral part of the local economic development policy.

Measures:

- Strengthening the capacity of local government units in the area of collecting and analysing indicators of local labour markets;
- Strengthening the capacity of local government units and local employment councils for creating and implementing measures aimed at improving the situation on the local labour market;
- Encouraging the involvement of civil society organizations advocating for advancing the status of the Roma in the creation of measures and activities aimed at reducing unemployment of Roma, at the local government level;
- Building capacity and fostering dialogue and cooperation between stakeholders who are important for the development of local economic and employment policies;
- Monitoring and reporting on activities implemented in connection with the planned measures of employing Roma men and women.

Outcomes by 2025:

- More Roma people will be covered by programs and measures of active employment policy provided by local employment action plans;
- Special programs will be developed for the employment and economic empowerment of Roma men and women in local self-government units in which the Roma community has been identified to have an adverse position in the local labour market;
- Partnerships and cooperation between stakeholders will be developed at the local government level in order to improve the situation of the Roma community.

Operational objective 6: Increase the number of Roma men and women employed by public authorities

Measures:

- Amendments to the Law on Civil Servants and other regulations that allow personal data protection when employing national minorities in public services;
- Encouraging the employment of Roma in institutions at the local and national level, in conformity with the local self-government bodies and in line with fiscal constraints;
- Adopting a by-law governing the affirmative measures of employing national minorities in public authority bodies;
- Raise awareness of employment opportunities through civil society, Roma organizations in particular; with their help, an information network will be strengthened to ensure more Roma people are informed about job opportunities.

Outcomes by 2025:

- Amendments to the Law on Civil Servants;
- Methods of collecting data on ethnicity for the purpose of applying affirmative measures will be determined;
- By-laws and decisions will be adopted by local government units.

Operational objective 7: Legalize work of informally employed Roma men and women, and especially individual collectors of secondary raw materials and introduce them in the waste management system at the level of local self-governments

Measures:

- Editing a ban in the Law on Waste Management on depositing waste materials that can be recycled;
- Encouraging local governments to regulate the issue of waste management: preparing local waste management plans which provide for the inclusion of individual collectors of secondary raw materials into legal waste management;
- Creating local planning documents (operational waste separation plans, local economic development plan, social policy and social protection plan) governing both the position of individual collectors of secondary raw materials and the system of local sustainable development, which involves the separation of waste at landfills.
- Providing subsidies to individual secondary raw collectors for the necessary equipment.

Outcomes 2025:

- A legal basis for waste management will be adopted;
- Legal status of a person involved in collecting and classifying waste will be regulated.

5.4. HEALTH

Special objective 4: Improving the health of the Roma population, improve access to healthcare services and facilitate full exercise of the right to health in the health care system of the Republic of Serbia.

Operational objective 1: Creating a supportive environment for the development and health of Roma men and women.

Measures:

- Extending public health care program to include all Roma men and women in the territory of the Republic of Serbia, regardless of their status, bearing in mind primarily their health care needs, focusing especially on those who are the most vulnerable;
- Developing public health care activities to eliminate the conditions which have a specific impact on the health of Roma men and women (improving sanitary and epidemiological conditions in Roma settlements, increasing the coverage rate of mandatory immunization, improving reproductive health, preventing chronic non-contagious diseases, improving nutritional status of infants and small children in Roma settlements, decreasing addiction rates and reducing other risks).

Outcomes by 2025:

- Raised awareness of the Roma on healthcare sector opportunities.

Operational objective 2: Improving the development and health of Roma children.

Measures:

- Improving access to timely and comprehensive pre-natal health care through the work of health mediators;

- Supporting targeted preventive programs in the Roma community for pregnant women in order to reduce the risks to the health of the child (prevention of smoking and alcohol use during the pregnancy, appropriate diet, regular pregnancy check-ups) in cooperation with the social security sector;
- Drafting a program for the improvement of nutrition of Roma children which should monitor the nutritional status of Roma children through preventive examinations (at the health centre and in the field, in the Roma community), encouraging and protecting breast-feeding, providing education for parents on nutrition, feeding and how to help the development particularly of small children as well as providing the necessary micronutrients (vitamin D, fluorine, if necessary, iron, etc.).
- Increasing immunization coverage rate among Roma children through the work of health mediators, the visiting nurse service and regular immunization campaigns in the community;
- Enhancing the capacities of health care workers who work with children allowing them to respond to developmental needs of Roma children in order to provide them with adequate incentives for early development and health maintenance. Enhancing the resources of visiting nurse services and paediatric services for monitoring risk factors for child development (such as injuries, poor sanitary conditions, poverty, mental health of parents) and documenting these for the purpose of evaluating and monitoring developmental benchmarks and aberrations by using standard instruments as well as providing adequate services and referring Roma children and their parents to other services within the health care or some other systems;
- Increasing the coverage rate of developmental counselling services among the Roma population (organizational and functional services, through in-patient care or field work);
- Setting as priority that Roma children are covered by visiting nurse services – completely covering all children under 4 years old.;
- Groups are to be mixed, without any groups consisting exclusively of Roma parents.
- Increase the coverage of Roma adolescents by youth counselling. Special programs for pregnant adolescents and adolescent mothers should be implemented in cooperation with the education system.

Outcomes 2025:

- Increasing by 50% the number of Roma mothers and children who are covered by visiting nurse services (pre- and post-natal visits).
- Increasing by 50% the number of users of counselling centres for child development and for parents.

Operational objective 3: Improving the health of Roma men and women with regard to chronic non-contagious illnesses and their reproductive health.

Measures:

- Improving access to service for the protection of reproductive health of women by intensifying the work on prevention, setting as priority pre-natal and post-natal visits to pregnant women;
- When promoting and conducting screening programs for colon, cervical and breast cancer, measures should be planned so that they include Roma population;

- Providing health care promotional activities and adequate promotional culturally-sensitive materials which warn about harmful effects of inadequate diet, smoking and alcoholism and other risk factors;
- Providing access to and information on counselling related to non-contagious illnesses (primarily diabetes).

Outcomes by 2025:

- 60% of Roma women at the reproduction age using modern contraceptives;
- In 60 health centres, a health mediator is involved in their screening programs for early detection of cancer, diabetes and cardio-vascular diseases;

Operational objective 4: Improving access to quality health care without discrimination.

Measures:

- Legally defining and regulating a suitable education program for the position of a health mediator through formal education, occupational nomenclature and through hiring health mediators in health centres as well as the program for their continuous professional development;
- If there are several candidates who are equally competent, the candidate of Roma ethnicity should be given preference when employing staff in the health care system;
- Securing access of the Roma population to relevant information pertaining to the rights related to health care, at the levels of the health care establishment, local self-government and independent bodies and providing regular monitoring of these mechanisms. Empowering and supporting the Roma population to use available mechanisms for the protection of rights to health care.

Outcomes by 2025:

- The position of the health mediator listed in the job classification document and the number of mediators increased;
- The data collected by health mediators incorporated into the health care system for monitoring and reporting while making the relevant data available to other systems as well;
- In those health centres that have health mediators, they are included in the selection of the general practitioner, inoculation of children, general health check-ups of children, women and adult Roma men;
- Training of health care workers regarding the work with Roma population and the Anti-Discrimination Act conducted in 75% of health centres.

Operational objective 5: Promoting healthy lifestyles and improving the coverage of Roma population by health care activities related to prevention.

Measures:

- Health mediators and public health institutes shall make continuous made towards educating and teaching Roma in informal settlements and families about health issues;

familiarizing the Roma population with health risks and healthy lifestyles through lectures, workshops and promotional materials;

- Activities of the public health care system and advocacy towards other systems in order to improve sanitary and epidemiological conditions (improving access to drinking water and sanitation, pest control, disinfestations and disinfection of the area where informal settlements are situated and arranging garbage removal, etc.);

Outcomes by 2025:

- 75% of local government units (in which Roma population lives) have health centres with defined health education programs which include work with Roma population and are implementing them according to a planned schedule, including programs for promotion, prevention, treatment and rehabilitation and education of Roma men and women with regard to the protection of patients' rights.

5.5. SOCIAL SECURITY

Special objective 5: Improving access to social security services and availability of financial aid for the purpose of reducing poverty and increasing social involvement of Roma men and women in the local community.

Operational objective 1: Social security system shall use solutions which favor family support when providing support to the children at risk, including special support for Roma families as well.

Measures:

- The Ministry of the Interior and the Ministry of Labour, Employment, Veteran and Social Policy shall closely monitor how the right to register permanent residence at the address of centres for social work is being implemented in cases where there are no other grounds for the registration of permanent residence. In terms of providing social security and health care services, special efforts shall be invested by the Ministry of Labour, Employment, Veteran and Social Policy and the Ministry of Health to raise awareness among the local authorities about this issue in order to ensure full access to social security and health services, prevent discrimination as well as secure consistent implementation of the relevant legislation, inter alia with a view to covering internally displaced persons residing in Kosovo and Metohija.
- Improving the case management system at centres for social work in order to develop culturally competent practices and cover those Roma families that are most at risk;
- Working on local cooperation agreements between centres for social work, providers of social security services and schools aimed at supporting families with children who do not attend school or are at risk of dropping out;
- Drafting a new National Strategy for Prevention of and Child Protection against Violence with a clear plan to cover Roma children who live in informal settlements;
- Ensure that the new national strategy for preventing violence against women in the family and partner relations should contain specific measures of prevention and protection against violence in respect of Roma women;
- Development and institutionalization of local protocols for the protection of Roma children who live and/or work in the streets and securing sustainable financial support or

city services in the community, such as shelters, which contribute to their protection and social inclusion;

- Organizing support for children who live and/or work in the streets, accompanied by increased use of the resources of social security institutions which provide permanent or temporary accommodation services, including intensive therapy services for children with structural personality or behavioural disorders;
- Identifying the methods for more intensive inclusion of Roma children in local social security services, improving the support programs for mothers and strengthening the role of counselling work with Roma families;
- Improving the system for prevention, protection, support and reintegration of human trafficking victims in accordance with the new Anti-Human Trafficking Strategy, including the victims who are ethnic Roma;
- Advancing the system of reintegration of asylum seekers and returnees, who largely include the Roma, on account of the Readmission Agreement;
- Centres for social work shall work on covering Roma children more intensively by local social security services, with special focus on children without parental care, and improving programs for supporting mothers;
- Centres for social work shall strengthen their counselling services with regard to working with Roma families and generally service-users who are ethnic Roma.
- Piloting Family Support Centres for the purpose of targeting the population that lives in environments faced with multiple deprivation;
- Advancing the system of prevention and support to reduce the number of child and forced marriages and adolescent pregnancies in the Roma community.

Outcomes by 2025:

- Increased number of families with children who are benefitting from the new model of family support through family visits and counselling service centres for parenting which deal with the most vulnerable categories of people, including Roma children who should account for at least 25% of the total number of children. Objective: 1,000 families until 2017 and 10,000 until 2025;
- Guidelines for culturally competent practice in social work drafted and training courses for centres for social work completed. These training courses are to cover 20% of professional staff at centres for social work in Serbia;
- Family support centres established in 4 cities as part of transforming children's homes;
- Defined standards for intensive family support services;
- Established system for financing intensive family support services;
- Action plan for the new long-term National Strategy for the Prevention of and Protection of Children against Violence drafted and adopted; it especially focuses on reaching the Roma community through preventive actions.
- Developed and institutionalized local protocols for the protection of Roma children who live and/or work in the streets;
- Sustainable and regular financial support secured at the annual level for town services in the community;
- Improved support for the children who live and/ or work in the streets through greater accessibility of permanent and temporary accommodation services, including intensive therapy services for children with structural personality or behavioural disorders;

- Improved local support programs for Roma mothers who are facing multiple deprivation;
- System for prevention, protection, support and reintegration of human trafficking victims improved through a developed plan of cooperation with Roma civil society organizations and implementation of said plan;
- Advanced system of asylum seeker and returnee reintegration in line with the Readmission Agreement and their social inclusion through cooperation of all social actors in the local community.

Operational objective 2: Improving the availability of financial assistance for children and families of Roma ethnicity who are entitled to it, with special reference to welfare payments, custodial care and child benefits.

Measures:

- Improving the system of financial assistance intended for families with disabled children in accordance with the principles of social inclusion, through amendments to the Social Security Act and laws which regulate financial support for families with children;
- Supervising the implementation of the right to register the address of the centre for social work as permanent residence;
- Legal regulation and effective implementation of the free legal aid institute.

Outcomes by 2025:

- Amendments to the law regulating the financial support for the families with children in order to harmonize it with the principles of social (functional) approach to disability.
- Amendments made to the law regulating financial support for families with children in view of the needs of and obstacles facing the Roma population. Possible registration of the permanent place of residence at the address of the centre for social work without administrative and other obstacles.
- Roma men and women who have met clearly defined and stipulated requirements can exercise their right to financial aid more easily.

Operational objective 3: Improving the data collection system in the area of social security so that it provides clear and up-to-date data on the exercise of rights of Roma men and women regarding social security (services in the community for children and adults, access to welfare payments, custodial care, child benefits, residential accommodation for children and adults, etc.).

Measures:

- The information stored in the data base of the Ministry of Health on Roma men and women shall be shared with the relevant sectors, after the Ministry's software is updated, while observing the Personal Data Protection Act, for the purpose of ensuring a simpler and more meaningful response of centres for social work regarding the social inclusion of Roma men and women. The data shall be used by the Ministry of Labour, Employment, Veteran and Social Affairs and the Ministry of Education, Science and Technological Development;
- Developing the methodology for the collection of data regarding the implementation of social security rights classified according to ethnicity;

- Establishing regular reporting on the implementation of the rights of Roma men and women in the area of social security through reporting by the National Institute for Social Security, Ministry of Labour, Employment, Veteran and Social Policy and the body in charge of Strategy management;
- Improving the work of Children's Rights Council through technical support for the analysis of the availability of social security services to Roma children;
- Carrying out annual surveys about the experience of the Roma community regarding social security services.

Outcomes by 2025:

- The reports of the Children's Rights Council identify the areas of social security where children from the Roma community are under-represented or over-represented, accompanied by appropriate recommendations;
- Reports by the National Institute for Social Security and the Ministry of Labour, Employment, Veteran and Social Policy are to include the data on the inclusion of Roma population regarding the social security rights implementation.

VI. STRATEGY MANAGEMENT

In the Baseline Study for drafting the Strategy for Social Inclusion of Roma in the Republic of Serbia by 2025 it has been clearly indicated that it is of the utmost importance for effective implementation of the strategic document that "it is managed by a clearly specified and competent government authority, while the implementation of measures should be entrusted to the relevant state authorities and units of local self-government, with active involvement of the National Council of the Roma National Minority and civil society organizations".¹²⁴

In its document titled Framework for National Roma Integration Strategies up to 2020,¹²⁵ the EU recommends to its member states, to be careful, inter alia, when assigning what authority is going to be authorized to coordinate the drafting and the implementation of the strategy.

According to the report filed by the Protector of Citizens and civil society organizations which represent and advocate the rights of Roma population, it is pointed out that the reasons for the insufficient success rate of the previous Strategy for the Improvement of the Status of Roma Population are the lack of an adequate management mechanism and a method for monitoring the progress of the implementation.

A Government decision rendered in June 2015¹²⁶ attributed the responsibility for the coordination of the work of state authorities, local self-government bodies, state-owned companies and other forms of organization established by the Republic of Serbia and local self-governments, in reference to the affairs in their competence related to the improvement of the status of the Roma population and their full inclusion in the social, economic, cultural and political life, to the Deputy Prime Minister and Minister for Civil Engineering, Transport and Infrastructure.

The Operational Conclusions of the seminar Social Inclusion of Roma in the Republic of Serbia held on 11 June, 2015, set forth a plan for the Government to file annual progress

¹²⁴ Baseline Study for drafting the *Strategy for Social Inclusion of Roma in the Republic of Serbia 2025*, p.6

¹²⁵ <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2010658%202011%20INIT>

¹²⁶ Conclusion 05 No: 035-6254/2015 as of June 8, 2015.

reports on the implementation of the Strategy in order to ensure transparency. It is also planned for the Office for Human and Minority Rights and the Team for Social Inclusion and Poverty Reduction to provide support to the Deputy Prime Minister in terms of monitoring the implementation of the operational conclusions and the preparation of annual reports on the implementation of the Strategy and its Action Plan.

The same document states that the operational level of the Council for the Improvement of Roma Status and the Implementation of the Decade of Roma Inclusion has been raised since the plan is to “periodically oversee the implementation of the Action Plan, allow for an exchange of good practices on Roma inclusion and evaluate the Action Plan effectiveness, with a view to build upon the lessons learned from its implementation”.

6.1. Strategy management at national level

The Government of the Republic of Serbia shall establish the Roma Inclusion Coordination Body to coordinate the work of state authorities regarding the improvement of the status of Roma men and women, while the Office for Human and Minority Rights and the Social Inclusion and Poverty Reduction Unit shall provide support to the Coordination Body with regard to monitoring the implementation of the operational conclusions as well as the preparation of annual reports on the implementation of the Strategy and the Action Plan. A feasibility study on establishing a separate public administration body in charge of the Strategy implementation will be conducted following the first two years of the implementation of the Strategy.

The greatest responsibility for the implementation of individual measures under the Strategy lies with public authorities at the national and local levels, depending on their jurisdiction over particular measures and activities.

In addition, an effective, rational, economical and efficient institutional mechanism should be created for managing the Strategy and coordinating the work of state authorities and local self-government units regarding the improvement of the status of Roma men and women before the end of 2017. This should be achieved using the infrastructure that already exists in public administration, set up by the Operational Conclusions (the Council for Roma Integration and the Implementation of the Roma Decade, the Office for Human and Minority Rights, Social Inclusion and Poverty Reduction Unit). The principle implies the use and strengthening of the existing resources and institutional concepts, which leads to best effects in the Strategy implementation process as well as securing financial savings.

The Government shall set up the Sector for Roma Inclusion within the Office for Human and Minority Rights, which shall enhance the resources of the Office's for monitoring the implementation of the Strategy. In addition, a special internal sub-unit for social inclusion of Roma population shall be formed within the Team for Social Inclusion and Poverty Reduction with the financial support of international development partners for the purpose of providing additional support in the process of monitoring and reporting on the implementation of the Strategy. By strengthening and expanding the Office for Human and Minority Rights and the Team for Social Inclusion and Poverty Reduction, the Government shall create the resources for effective monitoring of the Strategy implementation at all of the stages of the implementation process, secure adequate progress reports, determine the effects of the implementation of certain measures and possibilities for the improvement of the Strategy implementation process.

The need to develop resources in the existing administrative system is justified since the state administration does not include a body which effectively ensures the implementation of complex strategic goals – reduction of poverty and elimination of discrimination, the

achievement of which has a great social importance and require committing human, financial and other resources. On the other hand, it should be noted that the Commissioner for Protection of Equality is a central national body specialized in combating all aspects and forms of discrimination and the prevention thereof and is in charge of reporting to the National Assembly on eliminating discrimination and equality protection through annual reports and/or special reports when needed.

This model will ensure adequately effective and efficient management of the Strategy, monitoring of the implemented strategic measures and regular reporting on the implementation of the Strategy, proposing to the competent authorities the amendments to the measures which are not effective, initiating, preparing and proposing cooperation with other state authorities, contributing to making amendments to the regulations which pertain to the implementation of strategic measures; it will ensure cooperation with local government units and professional assistance with regard to the Strategy implementation, provide support for the drafting of the assessment of the socio-economic status of the Roma population in local government units to serve as the basis for the improvement of the status of the Roma population.

Special attention should be given to making sure that representatives of the Roma community are included in the bodies in charge of monitoring the process of Strategy implementation and the coordination of the work related to the social inclusion of the Roma population. Furthermore, it is necessary to ensure that the representatives of the Roma National Council and civil society organizations are involved in the process of the implementation of the Strategy as well as in the process of monitoring and evaluating the measures stipulated by the Strategy.

6.2. Strategy Management in Local Self- Government Units

The Strategy, *i.e.* the majority of strategic measures, is implemented in local government units. According to the population census, Roma men and women inhabit 92 local self-government units, while their number varies in different municipalities; therefore, strategic planning of inclusive measures requires an evaluation of their number relative to the absolute and relative share they represent in the total number of inhabitants of the local self-government unit. Experience has shown that the success with regard to the improvement of the status of Roma men and women in the previous period was achieved in those local government units where there was a body dealing with this issue, while the majority of local government units did not undertake any activities related to Roma integration and the implementation of the previous strategic document and action plans.

Therefore, it is necessary to provide support in the coming period to those municipalities where Roma men and women account for a significant number of inhabitants living in a particular self-government unit for the establishment and improvement of the work of the coordinator. This requires job classification of the existing positions for Coordinators for Roma issues at the level of local self-government, an increase in their number and strengthening of their resources. The role of coordinators for Roma issues is to provide technical support to local self-government authorities for the development and implementation of the existing and new policies and programs regarding Roma inclusion in accordance with the national and local strategic framework; to collect and analyse the data on socioeconomic needs which serve as a basis for drafting and monitoring of local strategic documents regarding Roma inclusion; to communicate and mediate between Roma community and local administration; to provide support to the civil society organizations which deal with the inclusion and improvement of the Roma community at the local level; to

enhance departmental and interdepartmental cooperation between teaching assistants, health mediators and the representatives of the centre for social work, the NES (the office in a particular local self-government) and civil society organizations. In addition, coordinators for Roma issues are to monitor the implementation of adopted measures and report on it to the local self-government unit's Assembly and the body in charge of monitoring the implementation of the Strategy. Roma coordinator shall coordinate on behalf of the local self-government unit the preparation of the annual report on the implementation of strategic measures and the status of the Roma population in the local self-government unit, the preparation of an action plan for social inclusion of the Roma population every two years, monitor the implementation of the action plan and approved projects for social inclusion of the Roma and visit sub-standard settlements and determine what are the current needs and problems of Roma men and women.

Those local government units that have a significant number of Roma men and women shall set up Mobile units for social inclusion of Roma population at the local level. These units are already in place in 20 local self-government units and this model should be extended to include other municipalities as the need arises. The mobile units shall include in their work the representatives of the local self-government, centre for social work, health centre, NES branch office, local housing agency, pre-school establishments and schools and other bodies, organizations and institutions relevant to the implementation of Roma inclusion in the local community. Members of the mobile units shall be the staff of the aforementioned institutions whose jobs involve the exercise of rights of the Roma population. Grounds for setting up mobile units are specified under Article 78, paragraph 1 of the Local Self-Government Act, which stipulates that bodies of the Republic of Serbia, territorial autonomous provinces and local government units are to cooperate in accordance with the Constitution, law and other regulations in order to exercise their rights and fulfil their duties.

Mobile units for social inclusion of Roma population at the local level encourage direct implementation of strategic measures by the authorities and institutions; visit Roma settlements according to a planned schedule; cooperate with the National Council of the Roma National Minority and civil society organizations; inform public authorities about the problems regarding the implementation of the strategic measures; prepare initiatives and projects which ensure the cooperation of local organizations and partners in the process of improving the status of the Roma population; collect data on the implementation of strategic measures.

VII. FINANCIAL RESOURCES FOR THE IMPLEMENTATION OF STRATEGIC MEASURES

The main goals of the economic policy in the coming mid-term period are to ensure macroeconomic stability through the implementation of fiscal consolidation measures, strengthen the financial sector and eliminate obstacles for the growth of business activity and competitiveness by implementing comprehensive structural reforms.¹²⁷

The country's new development model involves the reduction of irrational spending, bureaucracy and unnecessary expenses in the public sector, while at the same time increasing investment spending in order to prompt economic growth and employment, while maintaining social security of the most vulnerable sections of the society. In the field of social security, an increase in the available resources for certain types of welfare payments is expected, considering that severe fiscal consolidation measures are planned for the coming period. This

¹²⁷ 2016 Fiscal Strategy, with projections for 2017 and 2018, the Ministry of Finance.

includes increasing the funds for specific support programs for the most vulnerable categories, as well as for those who have been laid off in the process of restructuring and transition. A portion of the funds should be freed as a result of the completion of the processes of restructuring of state-owned companies, solving the issue of inefficient state-owned companies and stabilization of the financial sector.¹²⁸ On the other hand, other segments of the public sector, such as education and health care, shall be streamlined based on a comprehensive needs analysis for the purpose of elevating the level of quality of the services provided by the state.¹²⁹ Through the cooperation with international financial institutions, particularly by signing the Agreement with the International Monetary Fund, the Republic of Serbia has undertaken the obligation to provide adequate protection to the vulnerable segments of the population in addition to maintaining the existing spending planned for this purpose.¹³⁰

The Government, as well as autonomous provinces and local self-government units shall, in line with their constitutional position and legal competencies, allocate funds from their budgets for the implementation of *the Strategy* and the accompanying action plan. The funds in question are intended for compulsory education, student standard, health insurance, family support benefits, financial assistance to families with children, retraining related to exercising the right to work, health insurance, etc. The Government of the Republic of Serbia shall, in line with the Fiscal Strategy for 2016 and Projections for 2017 and 2018, continue to finance measures and mechanisms for social inclusion of Roma within the existing departmental budgetary programs. All institutions in charge of the implementation of measures and activities shall plan budget funds necessary for the implementation thereof in line with their projections and capacities, and within limits set for each budgetary beneficiary by the Ministry of Finance in the course of budget preparation and adoption. For the purpose of consolidating the spending and better resource management, the Government shall conduct spending analysis two years from the start of the Strategy implementation at all levels of government, analysing the total amount of spending and the spending of international development aid intended for the social inclusion of the Roma population, based on which an improved model of financing the measures planned by the Strategy shall be proposed.

The total sum of indicative funds necessary for the implementation of the Strategy will be determined in the action plans.

The funding of the second set of measures has been secured from the EU and its Instrument for Pre-Accession Assistance during the 2012-2013 program cycle and IPA II through 2014 cycle, whereas it is necessary to secure financing of the *Strategy* measures in the coming period through the programming process in the subsequent IPA cycles. In accordance with the Operational Conclusions of the Seminar on the social inclusion of the Roma population in the Republic of Serbia (June, 2015), the European Commission has undertaken the obligation to co-fund the implementation of the Strategy. The Republic of Serbia shall report every two years to the Commission on the implementation of the on-going IPA projects and how they are connected with the realization of Strategy priorities and accompanying action plan by using the existing coordination mechanisms in order to provide efficiency and prevent overlapping.

The third source of funding includes other international donators and financial institutions including the Swedish Government, the World Bank, the German Government,

¹²⁸ National Economic Reforms Program for the period from 2015 to 2017, the Government of the Republic of Serbia, 2015

¹²⁹ 2016 Fiscal Strategy, with projections for 2017 and 2018, the Ministry of Finance.

¹³⁰ <http://www.imf.org/external/pubs/ft/scr/2015/cr1550.pdf> "To ensure proper protection of the vulnerable segments of the population, the existing social safety net will be maintained".

the Swiss Government, etc. In addition to this, there is a set of activities for which the source of funding is to be determined during the implementation of the Strategy.

VIII. MONITORING

Strategy monitoring provides timely information on the effectiveness of the measures, their impact on the beneficiaries and the method in which public authorities are implementing them. Efficient monitoring of the implementation of strategic measures is based on the organizational model, monitoring methodology and measurable indicators. However, prior to all this, it is important to determine the method of regular collection of accurate data on the changes brought about by the strategic measures.

8.1 Data collection

The issue of the data on the number and the status of the Roma population is still unresolved despite the studies carried out by the international and domestic organizations. There are significant discrepancies between the number of Roma people determined by the Population Census and the expert estimate of the actual number of Roma people, which is supported by the findings of “Roma mediators” from whose protocols on first visits to Roma families in about 60 local government units it may be concluded that the number of Roma men and women in Serbia is greater than the census showed. Inaccurate data on the total number of Roma men and women makes it more difficult to plan strategic measures, as well as to monitor their coverage rates and success rates.

Article 47 of the Constitution states that national affiliation may be expressed freely and that no one is obliged to declare their national affiliation. However, affirmative action measures of social inclusion of Roma men and women are directed at the members of this ethnic minority, so there is a possibility that all those who do not declare themselves as ethnic Roma will not be covered by the said measures. On the other hand, if various measures achieve the desired effect in combating poverty, there is a possibility that members of other communities would declare themselves as ethnic Roma in order to take advantage of the adopted measures. In addition, it is well-known that Roma men and women resort to ethnic mimicry and that they are easily “absorbed” in the identity of neighbouring ethnic groups.

As a pre-requisite for the monitoring of the changes resulting from the strategic measures, it is necessary to collect the data on the situation regarding the exercise of rights and the status of the Roma population when it comes to public policies for education, employment, housing, social security and health. A single integrated data base does not exist, however, the logic behind implementing measures related to the improvement of the status of members of the Roma ethnic minority indicates that it is important for the process of monitoring the results and risk management to show the data in relation to ethnicity as a personal characteristic. Therefore, it is important to regulate the collection of data related to strategic measures for the inclusion of Roma population in every umbrella law which regulates the exercise of rights to education, health care and insurance, housing, social security and labour and employment, in accordance with the Protection of Personal Data Act.

Methodology for the collection and presentation of data according to national/ ethnic affiliation should be entrusted with the Statistical Office of the Republic of Serbia and other data producers in the Republic of Serbia that have professional, organizational and administrative resources to regulate the method in which the data collection is to be done, define the methodology and how the data is to be presented. It should be mentioned that the

Statistical Office of the Republic of Serbia has already been collecting the data in the area of education, living conditions, social security, health status and the protection of women and children which are not collected through regular statistical surveys. This refers to the multiple indicator cluster survey on the status of women and children in Serbia – MICS which covered Roma population as well. Similar approach of introducing special samples of Roma population should be applied when conducting other regular surveys of the Statistical Office.

This Strategy contains elements for the monitoring of its implementation, which include defined indicators to be monitored, their initial values and, where possible, outcome values, sources of data and schedule according to which they should become available. In addition, the body in charge of monitoring the process of Strategy implementation shall prepare the Plan for Monitoring the Implementation of the Strategy, mapping out the available data and establishing what type of data is missing. The Plan for the Monitoring of the Implementation of the Strategy shall specify what data is to be collected as administrative data and what is to be collected through special surveys, as well as what institutions are to collect the data at the national and local levels based on the set indicators and planned schedule.

8.2. Monitoring the results

The results of the strategic measures are to be monitored at several levels in accordance with the Plan for Monitoring the Implementation of the Strategy. The map of the available data included in the Plan for Monitoring the Implementation of the Strategy should help identify the areas in which it is necessary to develop methodologies and instruments for the collection of the missing data. The body managing the Strategy, in cooperation with experts from line ministries and the Statistical Office of the Republic of Serbia¹³¹ and experts, should coordinate this process and promote together with the institutions and the stakeholders responsible for the collection of data the approaches which should ensure sustainability and cost-effectiveness of data collection and exchange while protecting the rights and identity of Roma population in full.

The first level of monitoring takes place at the level of the body, organization, institution before which citizens of the Roma ethnicity exercise their rights (pre-school establishments, schools, National Employment Service Offices, centres for social work, health centres...). Based on the determined methodology for the collection of data on ethnicity, where possible, in each of the relevant areas, all of the bodies shall collect the data relevant to the monitoring of the implementation of strategic measures at the local level, send them for further processing to the body at the state level which manages and monitors the implementation of the Strategy. This information is submitted by the body responsible for monitoring the implementation of the Strategy at the national level to local self-government units which prepare an annual report on the implementation of strategic measures and inform the competent bodies in local government units about it. The Municipal Assembly of the local self-government unit discusses the report, organizes its publication and submits it to the body managing the Strategy.

The second monitoring level is conducted by the body managing the Strategy. Based on the data received from the local self-government units on the implementation of strategic

¹³¹ Operational Conclusions stipulate that coordinated collection and processing of analytical data regarding at least five previously mentioned priority areas is to be conducted through a one-stop-shop body in order to consolidate figures, facilitate targeted surveys on the situation of Roma and provide all stakeholders, starting with ministries and governmental agencies, with consistent figures, in line with the law regulating the protection of personal data. These activities have been entrusted with the Statistical Office of the Republic of Serbia.

measures, from the institutions at the national and provincial levels, as well as based on the surveys that may be initiated by the body itself and the data presented by the Statistical Office of the Republic of Serbia, the body managing the Strategy shall prepare an Annual Report presenting all the data relevant to the assessment of the results of the conducted measures. The report is to be submitted to the Government of the Republic of Serbia and the departments of the Government which are responsible for framing public policies on education, labour and employment, health care, social security and housing.

The third monitoring level is conducted by independent state authorities, such as the Protector of Citizens and the Commissioner for the Protection of Equality, which, based on the data presented in the Report by the body managing the Strategy, proceedings conducted in connection with complaints by citizens, but also at their own initiative, monitor, audit and undertake measures which are under their jurisdiction against the bodies and persons that are acting illegally, that are incorrectly implementing regulations based on which strategic measures are undertaken or are discriminating against the citizens of Roma ethnicity. These bodies shall report on their findings to the National Assembly in their regular or special reports.

The fourth monitoring level is conducted by civil society organizations, which prepare reports to show how the Strategy is being implemented as a whole, how particular strategic measures are being implemented at the national, regional and local levels, identifying certain issues they deem relevant for the improvement of the status of Roma population. Said organizations should receive continuous support for the implementation of programs for monitoring strategic measures. The reports of said organizations shall be submitted to the competent authorities, independent bodies, the body managing the implementation of the Strategy and international organizations and shall be adequately presented to the public.

IX. ACTION PLAN 2016-2017

The implementation of the Strategy will be ensured through the adoption and implementation of biannual action plans. The first action plan covering the period 2016 – 2017 is to be adopted no longer than 90 days after the Strategy has been published in the Official Gazette of the Republic of Serbia. Special attention in the preparation of action plans will be dedicated to gender equality as a horizontal issue and its mainstreaming across all planned measures, including the preparation of special measures for advancing the status of Roma women and girls.

X. CLOSING PROVISION

The Strategy shall be published in the Official Gazette of the Republic of Serbia.

05 No. 90-1370/2016-1

Belgrade, 3rd of March 2016

GOVERNMENT

PRIME MINISTER

Aleksandar Vučić