



Republic of Serbia
MINISTRY OF CONSTRUCTION,
TRANSPORT AND INFRASTRUCTURE

REGIONAL CONFERENCE: “HOLISTIC APPROACH TO HOUSING FOR ROMA IN THE ENLARGEMENT REGION”

INTEGRATION OF INTERNATIONAL HUMAN RIGHTS STANDARDS INTO THE HOUSING LAW

THE CASE OF THE REPUBLIC OF SERBIA

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Holistic approach for Roma supported by the Law on Planning System

Legal framework:

- Law on the Planning System,
 - Law on Housing and Building Maintenance,
 - Strategy for Social Inclusion of Roma.
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- Public policies are directing the actions of the Republic of Serbia and the local self-government units in certain areas with the aim of achieving the desired goals at the level of society.
 - Public policies provide a framework for directing progress, regulatory measures, binding legal documents and priorities in budgetary expenditures for specific areas and/ or issues, as well as for enforcement of responsibilities.
 - **In the overall process, the crucial factor of success is team work involving all competent authorities.**
 - Developing a model of cooperation with local governments and public institutions, as well as consultations with citizens, shall result in improved housing, higher education, opportunities for employment and health advancements among the Roma population in the Republic of Serbia.



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Institutional framework for implementation in the area of Roma inclusion

- In the Republic of Serbia, Deputy Prime Minister and Minister of Construction, Transport and Infrastructure, Zorana Z. Mihajlović, Ph. D. Professor, is authorised to coordinate the work of state bodies and local self-government units in order to improve the position of Roma.
- The Strategy for the period 2016-2025 has also been adopted with the aim of creating conditions for social inclusion of Roma of both gender - reducing poverty and combating discrimination, as well as creating conditions for persons of Roma nationality to gain full access to the exercise of human rights.
- **Areas that the Strategy covers are as follows:** Housing, Education, Employment, Social Welfare and Health Care.
- An Action Plan was adopted on 7 June 2017, allowing for the implementation of the Strategy for 2017 and 2018.
- The Coordination Body for Monitoring the Implementation of the Strategy for Social Inclusion of Roma in the Republic of Serbia for the period 2016-2025 was established on 3 March 2017 by the decision of the Government of the Republic of Serbia.



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Priorities for the future period:

In the upcoming period, for the unhindered social inclusion of Roma of both gender, the following is of key importance:

- Holistic approach - the socio-economic integration of the Roma community
- On 29 May 2018, the **ROMACTED** Programme “Promoting Good Governance and Empowering the Roma Community at the Local Level” was signed in Belgrade.
- Abolition of quotas for enrolment of members of the Roma national minority through affirmative measures at faculties and high schools.
- Expanding the network of local support mechanisms (pedagogical assistants, health mediators and Roma coordinators), as a prerequisite for inter-sectoral cooperation through the functioning of mobile teams.
- Providing free legal assistance to Roma of both gender in exercising all rights through the adoption of the Law on Free Legal Aid.
- Creation of innovative solutions in the field of employment with a special focus on internally displaced persons and returnees in the process of readmission, as well as on Roma of both gender with higher education.



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The Republic of Serbia has achieved a high standard of human rights

- The Law on Housing and Building Maintenance was adopted over the course of December 2016 and it entered into force on 01/01/2017.
- The law regulates eviction and relocation issues (“Official Gazette of the RS”, No 104/16) and governs the procedure of forced evictions in accordance with international standards.
- The Republic of Serbia seeks to achieve high standards of human rights protection established by international legal instruments accepted by the Member States of the European Union, which primarily relate to the following relevant provisions:
 - European Convention for the Protection of Human Rights and Fundamental Freedoms:
 - Article 8 - The right to respect for private and family life and, inter alia, the right to home;
 - Article 13 - The right to an legal effective remedy;
 - Article 14. - Non-discrimination, as well as Revised European Social Charter,
 - Article 31, which lays down the basic elements of housing rights:
 1. improving access to housing of an appropriate standard;
 2. preventing and reducing homelessness until its complete removal;
 3. Providing affordable housing for people with insufficient funds.
- The procedure is conducted with previous consultations of the population affected by eviction and with their involvement in making appropriate decisions within this procedure, with full respect for their human rights.
- The provisions also include the establishment of conditions that must be fulfilled by adequate accommodation that is envisaged for relocation.



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Articles 78-87 of the Law

- The procedure for evicting persons from illegally constructed housing units on land owned by another person is regulated by provisions of Articles 78- 87.
- These provisions are fully in line with the International Covenant on Economic, Social and Cultural Rights and General Comments 4 and 7 which derive from it that regulate protection from/ during eviction and aspects relating to adequate accommodation.
- Articles 78-87 of the Law prescribe the following:
 - Cases in which eviction is implemented.
 - Situations in which relocation to adequate accommodation is provided by the competent authority of a local self-government unit.
 - The decision-making process as regards eviction, with the provision of opportunities to persons living in such settlements to get involved in the process before the passing of the final decision.
 - The manner of adopting and implementing a decision on eviction.
 - It stipulates that the local self-government unit keeps records of the manner and conditions under which these procedures have been conducted for the purpose of monitoring eviction and relocation.
 - The local self-government unit in territory of which the resettlement process is being carried out, as well as other entities that are competent to participate in the implementation of this procedure, are obliged to independently or in cooperation with other competent bodies and entities ensure the following to persons affected by resettlement:
 - satisfaction of basic living needs for a maximum of one month after resettling (basic foodstuffs and drinking water); adequate access to health and social care; access to sources of income and potential employment or work engagements; access to an inclusive educational system.



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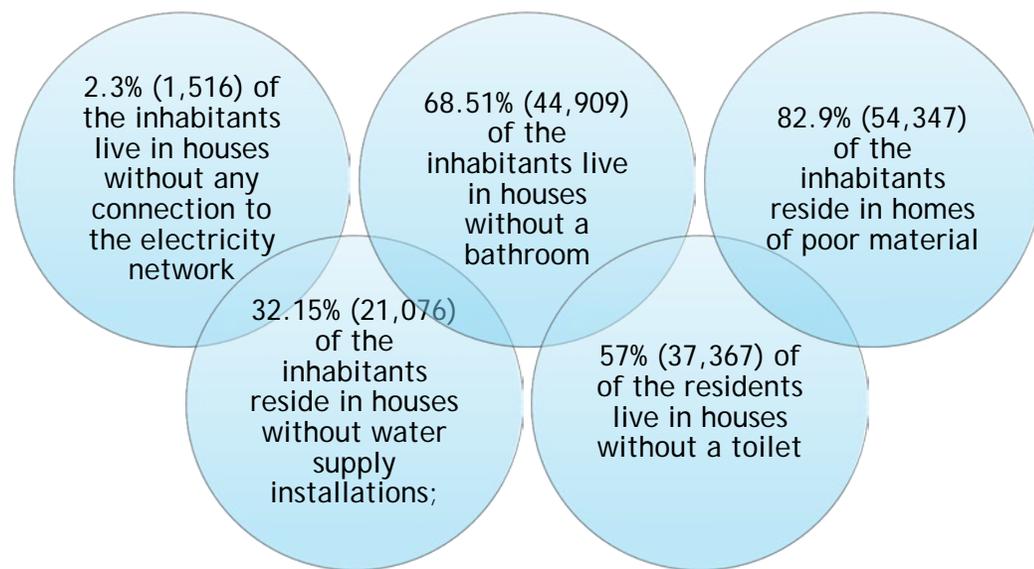
Compulsory consultations with the community that is relocating, resettling

- The consultation process allows for the active participation of all interested parties and takes into account their opinions and interests.
- Eviction and relocation is carried out only as a last resort and when no other feasible solution can be found within the framework of the consultative process.
- Due to the often critical point that is the capacity of local self-governments to conduct community consultations, methodologies developed within the UN are used as guidelines:
 - Methodology for a consultative process
 - Methodology for consultations with the receiving community
- The Ministry shall develop a detailed manual/ guide for conducting consultations in order to strengthen the capacities of local self-governments and all those who need to take active participation (as defined in the Operational Conclusions).



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Within the framework of the IPA 2012 programme, namely the TARI project (Technical Support for Roma Inclusion), a database has been developed for monitoring Roma inclusion measures on the website of the Statistical Office of the Republic of Serbia (<http://www.inkluzijaroma.stat.gov.rs/sr>).





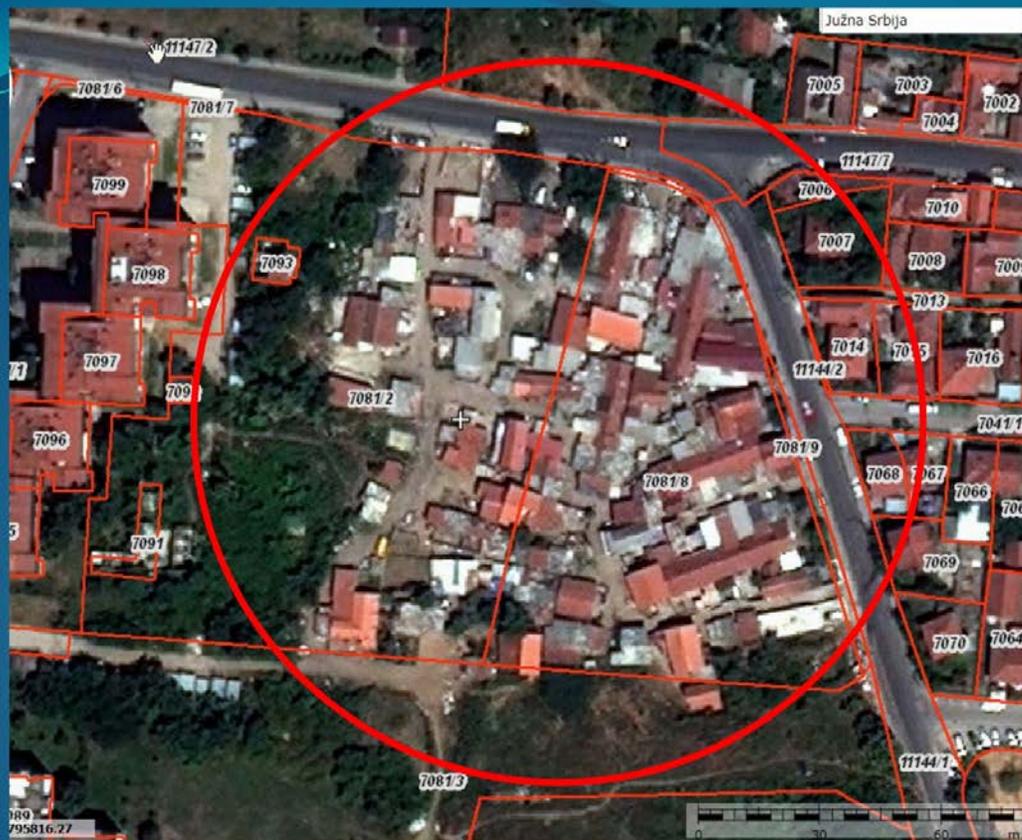
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Practical examples, “Crvena zvezda” (Red Star) settlement

- “Crvena zvezda” settlement was created in the 1960s by awarding apartments for lease for an indefinite period of time to citizens whose homes were permanently damaged or destroyed in floods that struck the City of Niš and its surrounding villages over the course of that period. 110 families live in “Crvena zvezda” settlement.
- With the privatisation of the enterprise “Ćele Kula”, on whose land the settlement was built on over the course of 2007, it shall be handed over to a private investor.
- The Law on Housing and Building Maintenance precisely defines when and under which conditions the eviction of persons from a settlement is carried out, namely, it regulates the eviction procedure of such persons, their legal protection under such a procedure, and the possibility of their relocation to adequate accommodation.
- With the aim of solving this very complex property-legal and social situation in which all interested parties have certain rights in relation to the same land and structures, work on the establishment of an open and constructive dialogue and consultations between all stakeholders commenced over the course of May 2017.



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Преглед постојећих насеља – ЦРВЕНА ЗВЕЗДА на сателитском

- In agreement with the residents of "Crvena Zvezda" settlement and with the support of the representatives of the Coordination Body, the City of Niš shall, in accordance with the basic principles of the right to adequate housing, define urban construction land that is sufficient for the construction of facilities for the relocation of residents from "Crvena Zvezda" settlement, complete the entire infrastructure and apply for funds for the construction of housing units.
- Residents of the settlement shall actively participate in all stages of the implementation of future activities and provide full support to the City of Niš and other project partners.
- Signing of the Protocol on Cooperation between the Coordination Body and the City of Niš on 29 May 2018

❖ Overview of existing settlements – CRVENA ZVEZDA (RED STAR) on a satellite image



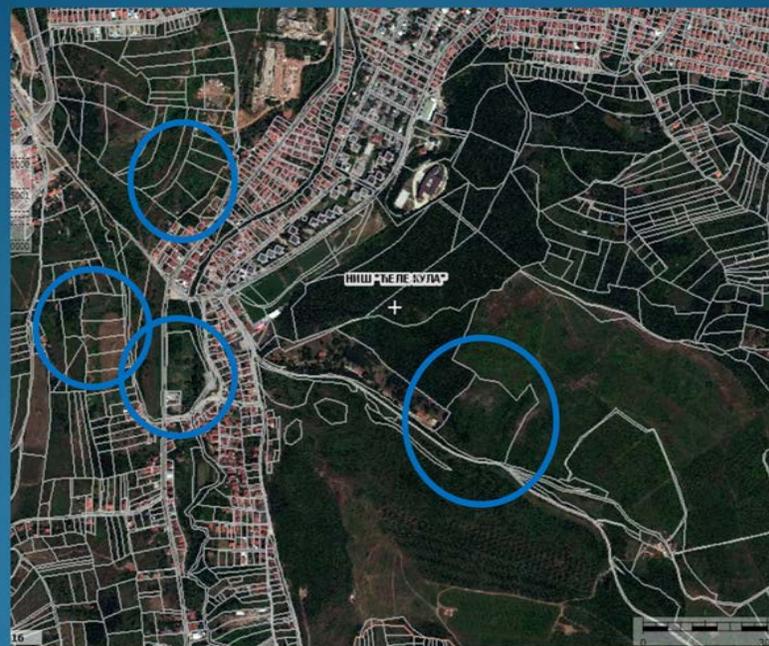
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“Crvena zvezda” settlement in GeoSrbija and on satellite image



Преглед истраживаних локација – ЦРВЕНА ЗВЕЗДА на ГеоСрбији

❖ Overview of research locations – CRVENA ZVEZDA on GeoSrbija



Преглед истраживаних локација – ЦРВЕНА ЗВЕЗДА сателитски сн.

❖ Overview of research locations – CRVENA ZVEZDA on satellite image



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PENDING INFRASTRUCTURE CONSTRUCTION PROJECTS IN THE AREA OF HOUSING:

- IPA 2013 (Technical support for improvement of the living and housing conditions of the Roma population currently living in informal settlements)
- IPA 2013 (Implementation of permanent housing solutions and improvement of physical infrastructure in Roma settlements - Grant scheme)
- IPA 2014 (Project for improvement of the socio-economic living conditions of the Roma population)



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Project results so far: Čerga settlement in Deronje



In addition to these works in the settlement of Čerga, the project envisages the construction of 34 prefabricated houses in the settlement of Bogojevo. The estimated value of works on the construction and installation of prefabricated houses is €595,000. Works on this lot started late March of this year. The projected duration of works is 4 months.



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“Jablanica” settlement in Lebane municipality, December 2017



The project provided support to 38 Roma families through the adaptation, reconstruction and energy rehabilitation of their homes; thanks to an EU project, minimum sanitary conditions for a dignified life have been provided.

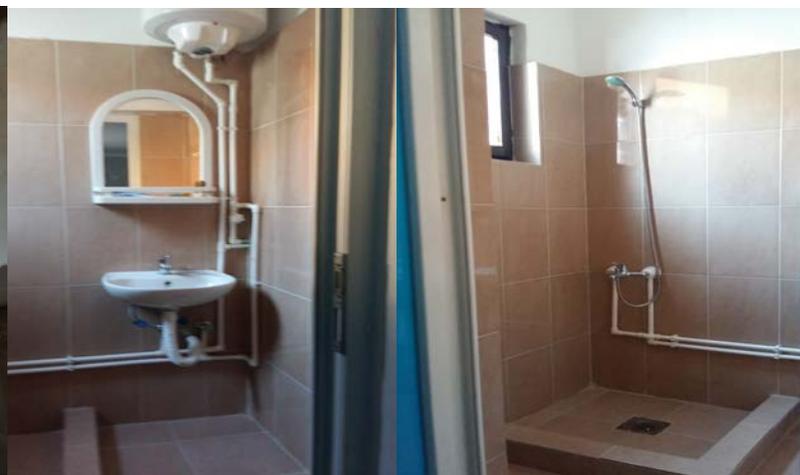


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LEBANE

before

after





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THANK YOU FOR YOUR ATTENTION.

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