

2. Serbia and Montenegro

2.1 Introduction

The fall of the regime of Slobodan Milosevic in October 2000 represented a promising turning point in the history of Serbia as well as a prospect for peace and stability in the Balkan region. With the adoption of a new Constitutional Charter in February 2003, Serbia and Montenegro redefined their relationship as a loose State Union of Serbia and Montenegro, replacing the former Federal Republic of Yugoslavia (FRY). The European Union (EU) awarded these efforts providing resources for reconstruction and reforms in Serbia and Montenegro and Kosovo. One aspect of this assistance includes the Stabilisation and Association process (SAP) fostering security in the Western Balkans and opening the perspective for eventual membership.¹

The country has been experiencing economic stagnation not only because of the years of conflict, but also by economic sanctions and isolation of the international community. Further factors fuelling unemployment are the breakdown and closure of whole industries as well as the current phase of restructuring and the privatization process.

The European Commission states in a report that even though some important privatisation deals were successfully concluded the overall pace of structural reforms slowed down considerably as a result of the internal political context, leading to rather modest economic results. Much remains to be done in order to improve fundamentally the economic environment in order to allow a rise in production and the creation of new jobs. In this context employment opportunities have been declining over the years and left the local population with few employment opportunities.²

Moreover, Serbia and Montenegro, excluding Kosovo, is currently hosting over 220,000 (IDPs) from Kosovo, in addition to the almost 290,000 refugees from the former Socialist Federal Republic of Yugoslavia (SFRY). The refugees and the IDPs are competing for the same scarce resources in a context where the economic situation is depressing and while the international assistance to displaced persons has been drastically cut back.³ Currently, achieving an adequate standard of living for displaced persons and minorities and opening perspectives for returnees constitute a major challenge.

2.2 Definition of a minority in Serbia and Montenegro

Minorities are defined by the law following the definition given by UN Special Rapporteur Francesco Capotorti in 1977: “A group, numerically inferior to the rest of the population of a State, in a non-dominant position, whose members – being nationals of the State – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.”⁴

The law on the protection of minorities on the state level (which is not accepted by Montenegro) does not name them, except for the Roma minority (in its article 4: “Authorities will pass legal acts [...] with the aim of improving the position of persons belonging to Roma national minority”).

According to the census in 2002 – which took place only in Serbia – there are 23 minorities. Of the 7,498,001 citizens, 6,212,838 are Serbs, 293,229 Hungarians, 136,087 Bosniacs,

¹ See ICG Balkans Briefing (2003): Thessaloniki and after (III): The EU and Serbia, Montenegro and Kosovo. Sarajevo/Brussels 20 June 2003. p. 1.

² See Commission of the European Communities (2004): Commission staff working paper Serbia and Montenegro. Stabilisation and Association Report 2004 COM (2004) 206 final. p. 21. http://europa.eu.int/comm/external_relations/see/sap/rep3/cr_s-m.pdf (01/12/2004)

³ See UNHCR (2004): The Possibility of Applying the Internal Flight or Relocation Alternative Within Serbia and Montenegro to Certain Persons Originating from Kosovo and Belonging to Ethnic Minorities There. August 2004.

⁴ UN Document E/CN.4/Sub.2/384/Add.1-7 (1977)

108,193 Roma, 80,721 Yugoslavs, 70,602 Croats, 69,049 Montenegrins, 61,647 Albanians, 59,021 Slovaks, 40,004 Vlachs, 34,576 Romanians, 25,847 Macedonians, 20,497 Bulgarians, 20,012 Bunjevacs, 19,503 Muslims and others, down to a small group as the Cincars with 293 persons. As everybody is free to declare himself as belonging to whatever minority he likes, the results for the Roma are not correct, for they declared themselves often as Muslims, Yugoslavs or other (this information was confirmed by the ministry and NGOs as well as Roma representatives). Some members of minorities prefer the term “national communities” (nacionalna zajednica) instead of the term “minority”.

2.3 The situation of minorities in Serbia and Montenegro

In Serbia, about 20 % of the population are members of a minority. Due to this large number the European Union and the OSCE are carefully monitoring the situation of minorities and the implementation of minority rights. There is a certain legal ‘positive discrimination’ in Serbia and Montenegro as minorities have (according to their size) some special rights. Guaranteed is the protection of national minorities from all forms of discrimination in exercising their civil rights and freedoms, there are instruments that guarantee and protect special rights of minorities to minority self-governance in the fields of education, use of language, media and culture, and establishes institutions for fostering the participation of national minorities in government and in the management of public affairs. This includes the right to use national symbols and the right of education in the mother tongue.

The latter two aspects create problems, as the symbols used by the Croat or Hungarian minority are sometimes received as symbols of other states and therefore banned or forced to be changed. The possibility of educating in the language used by the minority is also cause for problems for it requires by law a certain number of pupils in a municipality to be implemented.

The main problems arise within the Roma population, as there are no schools which educate in Romanes. Reasons given for this are the insufficient number of Roma children in municipalities and the lack of a standardised language. Roma representatives, however, see this as an act of discrimination, as their children – due to the insufficient knowledge of the Serbian language – are often forced to attend special schools for underachievers.

The legal situation in Serbia being exemplary, the real situation, at least for the Roma population, is far from that. A great number is not registered or unable to register at the municipality they live and therefore excluded from schooling, welfare, medicare etc..

According to official figures about 20 % are illiterate and over 30 % without or with minimum education. The economical situation is likewise worse than it is for others. Nearly the only possibility to get some money is in collecting and sorting garbage (on waste disposal sites) and selling the wastepaper, glass, plastic etc. to recycling companies.

In addition to the problems related to access to legal status and attached rights, the Roma, Ashkaelia and Egyptian population from Kosovo generally faces a pattern of discrimination from some representatives of the local authorities and some segments of society. This renders access to health care and services particularly difficult. Moreover, racial segregation in schools is a serious problem. Kosovo IDPs belonging to these ethnic communities face an additional obstacle; many of them do not know the Serbian language, speaking Albanian/Roma only. Therefore the drop out rate is very high resulting in additional marginalization, isolation and puts their future prospect for social integration in jeopardy.⁵

⁵ Ibid.

2.4 The national institutional framework and its responsibilities

The “Federal Ministry for Human and Minority Rights of Serbia and Montenegro”⁶ coordinates all actions concerning the protection of minority rights. Its conclusions and proposals are adopted by the Serbian state, but not by Montenegro, which has its own “Ministry for the Protection of Rights of Members of national and ethnic groups” (or: “Ministry for the Protection of Minority Rights”). In Serbia there are National Councils, formed by members of the minorities who are representing the needs of the minority. Some municipalities have counsellors for national minorities since 2003. Their main responsibility is (besides counselling individuals) helping minority organisations (capacity building) and mediating between NGOs and local authorities. This project is implemented by co-operation of the local authorities and the German NGO AGEF. The ministries are monitoring the situation of the minorities and the implementation of the law and keeping in touch with the minorities’ organisations.

2.5 National and international NGOs facilitating the return of minorities

The situation in Serbia and Montenegro in the 90s was difficult for nearly all minorities, especially if they were not of orthodox belief. There was even legal discrimination, for members of minorities were not allowed to buy or sell ground property. And the Roma population did not have the status of a minority. Members of a minority were also at a disadvantage in finding a job. After the overthrow of the nationalistic Milosevic-regime, the situation changed for better. The legal discrimination stopped, Roma are now accepted as a minority. Among the refugees, who left the country in the last decade, the Roma were the most numerous (followed by Albanians) and therefore in focus of the NGOs programs supporting returnees.

Besides the work done by organisations as UNDP or OSCE in helping on the administrative level, IOM implements a small start assistance for every returnee from the EU-member states and NGOs like AGEF (support of reintegration into the local labour market) and Caritas (projects for Roma returning from Germany) are directly supporting returnees.

2.6 Perception and expectations among the minority groups

All interviewed minorities agree that currently there is no state controlled discrimination of any minority, but on the non-official level they are still encountering discrimination by individuals or by groups (some political parties on the extreme national right are suspected to promote demonstrations against some minorities).

Still, the Roma returnees are facing enormous problems. Most of them sold their property (if they had any) before leaving the country and have no place to stay. Some can find a temporary accommodation by help of relatives, but others are forced to live in a shack near waste disposal sites. Finding a legal job is nearly impossible for Roma people. The unemployment rate in Serbia and Montenegro is high and therefore it is difficult for every returnee to find a job, but still, the Roma are in a worse situation than other returnees. More than 25 % of the returning adults did not even finish elementary school⁷ and just a small number has finished training or some higher education. Most returnees have no working-experience at all.

A problem affecting mainly the Roma-population (and a considerably large number among the Albanian returnees) is the poor knowledge of the Serbian language. As mentioned above, there are no schools teaching in Romanes and there are no possibilities to attend language

⁶ The ministry is supported by UNDP and OSCE (Capacity building)

⁷ According to research done by IOM Belgrade

courses after return. These are highly needed not only to help integrating children into the regular school-system, but also for young adults, who did not learn the language properly. In general, representatives of the Roma claim that the situation improves very slowly. The government seems to be more aware of the problems, but the personal economical situation didn't improve.

Another problem is the proper registration at local authorities (which is necessary to get welfare, medicare and the right to attend school). This is impossible for some returnees, as they have not always been registered before leaving the country and therefore are refused the right to register at local authorities. Roma officials now have better contacts with the authorities than before. The minorities are now represented in the government and at local authorities.

In municipalities where minorities constitute the majority of the population, they have full access to the administrative posts (e.g. the Hungarian minority in several communities in the northern Vojvodina; but this possibility seldom affects Roma).

2.7 Perceptions and expectations among the officials

The official authorities are well aware of the difficult situation especially of the Roma population and are taking some measures – aided by international organisations – to improve the integration of minorities.

They are co-operating with the organisations, which represent the minorities, although not always easily (e.g. there is good co-operation with the national council [nacionalni savet] of the Roma, but there are dozens of Roma-organisations which are quite difficult to work with). According to officials, the main problem with the Roma returnees is an social and economic one. They have often no place to live, no education, not enough knowledge of the Serbian language and no possibility to find a job but the state is not in the condition of solving all these problems. The government has no money to provide living space for returnees, no capacities to educate them as needed and not enough job-opportunities to offer. The only thing the government can help with right now are administrative problems.

The ministry for Human and Minority Rights of Serbia and Montenegro will try to promote a law which enables the minorities to register more easily, but still legal living space will be a needed condition to register, which still may remain a large problem. Major effort has been taken to improve the schooling situation among the Roma-population, but it's difficult to integrate the returning children into the regular school.

So the officials are afraid, that the returnees will intensify the difficult social situation and just increase the existing poverty. Not having the financial possibilities to help integrate the returnees (especially the Roma-returnees) the government is in a great need for help from foreign organisations, which could implement programs to improve the situation and help to make return sustainable. These could be housing programs, educational ones and those programs which would enable returnees to find a job.

2.8 Perceptions and expectations among NGOs

The NGOs working for the returnees have to deal with a very complex situation for returnees in Serbia and Montenegro. The co-operation between NGOs and the government has improved very much in the last few years, as well as the contacts to and co-operation with the groups representing the minorities.

But there is still a gigantic gap between the needs of the returnees and the help they can offer. There are not enough funds to finance projects like housing and qualification of returnees, which are needed to guarantee a sustainable return.

2.9 Recommendations and Conclusions drawn from the findings

There are a lot of projects for minorities which deal with capacity building, but not enough for returnees. Most returnees from western Europe (Roma being by far the largest group among them) are confronted with a difficult situation which hits them even worse. The grand majority of them has no place to stay, no savings, is insufficiently educated and usually without any working experience. Additionally the knowledge of the Serbian language is usually minimal (especially with children and young adults, which have lived for ten years or more abroad).

To prevent them in just adding to the existing poverty, it is highly recommended to help them with the reintegration into the social and economical structures of their home country

Recommended are projects for a sustainable return, like:

- Enforcing the education of the children in the host country (e.g. taking care they attend school regularly)
- Serbian language courses in the host countries for all returnees
- Serbian language courses for returnees in Serbia and Montenegro
- Job-creation programmes both for members of the mayor population and the minority
- (low-level) qualification measures for enabling them to participate in such measures
- housing programmes
- cooperation with state structures / capacity building in helping returnees to register properly

All in all there are increased efforts in Serbia to install an institutional and legal framework for minority issues as well as by a variety of NGOs active in this field. These activities also have to be considered when evaluating a further approximation of Serbia to the EU.

It is essential to check and, if necessary, to strengthen the impact and sustainability of return and reintegration projects by the host countries.