

REPUBLIC OF SERBIA

2012 Human Dimension Implementation Meeting

Warsaw, 24 September to 05 October 2012

Mrs. Danijela Popovic Rocco, Assistant Commissioner

Commissariat for Refugees of the Republic of Serbia

Working session 3:

Humanitarian issues and other commitments, including:

- Migrant workers, the integration of legal migrants;
- **Refugees and displaced persons;**
- Treatment of citizens of other participating States;

Mr. Chairman, Ladies and Gentlemen, dear colleagues,

I am very pleased to be here today attending this important meeting and having the opportunity to share with you an update on the refugee and IDP situation in Serbia.

The most relevant event is certainly the progress made in the regional initiative aiming at solving the protracted displacement situation. As you know, this initiative started with the significant support of OSCE and the Sarajevo process back in 2005. After some years of standstill, four countries Bosnia and Herzegovina, Croatia, Montenegro and Serbia renewed their commitments and through serious efforts both on political and expert's level progressed to solve issues affecting refugees from 1991-1995 conflict. One of the results of regional initiative is Joint Regional Housing Program aimed at resolving the housing needs of the most vulnerable refugees and IDPs.

Regional initiative and regional housing program has been endorsed by international stakeholders EU, American Government, OSCE, UNHCR, CEB and numerous countries pledged their contributions at the Sarajevo Donors' Conference.

Although countries are still seeking for additional donors' support to secure financing for the housing of the most vulnerable refugees in the region, the very launching of this Regional Housing Program is a great success and shows the capability of the region to work together in addressing common problems, as well as the willingness to forget the past and look ahead to a common future in the EU.

In that context, the results of the regional process go beyond the closure of protracted refugee situation in Europe and can serve as a model for resolution of similar situations in the region and beyond.

After such a positive note, let me briefly refer to the issue of the IDPs from Kosovo and Metohija. Although the dialogue between Belgrade and Pristina is proceeding, the situation of the IDPs continues to be difficult. Incidents targeting¹ Serbs living in Kosovo and Metohija are continuing and constitute a serious impediment to the return process and its sustainability. Let me remind that according to the UNHCR statistics, more than 200,000 non-Albanians have been expelled from the territory of Kosovo and Metohija since June 1999.

Conditions for return are grounded in access to rights, security, and enjoyment of freedoms in the place of origin. From the experience of the Sarajevo process it is clear that there is direct correlation between slow and unsustainable return process and

¹ Human Rights Watch, World Report 2012; Serbia

failure to establish atmosphere conducive to return which entails unimpeded access to rights and services and effective protection of human rights of IDPs in their place of former residence in KIM.

When these conditions are missing than IDP population cannot perceive the return as a viable option. Some specific problems IDPs are facing relate to inadequate protection of property rights, including lack of effective protection of the immovable property from destruction and illegal occupancy; unreasonable length² and inefficient procedures for property repossession; lack of an adequate mechanism preventing usurpation, repeated usurpation and destruction of property; fraudulent property transactions. In relation to this we believe that a special procedure should be design to allow for compensation of damaged property in relation to nearly 19 000 such cases pending before the courts in KiM. Also, access to judicial bodies and institutions is impeded since vulnerability and specific situation of IDPs are not recognized or addressed adequately, including in relation to usage of language or translation of documents.

Laws provide for equal treatment but the effective application of prescribed standards is lacking. Therefore we strongly urge for adoption of measures that would remove all the obstacles that impede IDPs access to rights. Numerous of these deficiencies have been carefully examined and the adequate redress mechanisms defined, in addition institutions are receiving permanent support from international organizations in raising their capacities to address existing deficiencies in law and practice. In spite of this, the progress is extremely slow and ability of institutions to offer effective protection of rights is still lacking.

Therefore we strongly urge international community to reconsider the decision to transfer full responsibility to institutions and strongly urge them to continue to maintain its monitoring role and mandate to intervene when and if necessary.

We believe that EULEX and mandate of other institutions to uphold the principles and standards of human rights protection is crucial for safeguarding equity and fighting discrimination.

Republic of Serbia remains committed to investing all necessary efforts in assisting and resolving issues affecting IDP population.

² Report: Access to Justice for internally Displaced persons, 2012. Programme 'Further support to refugees and IDPS' EU funded programme.