



**FREEDOM FIGHT
(POKRET ZA SLOBODU)**

BALKAN REFUGEE VOICE

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Refugees: Problems and Concerns

Lack of adequate shelter

Conditions in refugee camps are extremely poor, and are only getting worse. The World Food Program has been withdrawn.¹ The Red Cross no longer provides donations to refugees and the displaced. As the economic situations worsens generally, aid to refugees decreases. In the meantime, people remain trapped in refugee camps with no way out. Six or seven people sleep in one room, a space that must also function as a storage, cooking and living area. Children spend winters in tents and transport containers.

Shelter is the primary need for all refugees currently living in camps. They are hungry with little to eat, but they remain hopeful that if only they had better lodging, if they only weren't living with six or seven family members in a room, that their lives would at least somewhat improve. Only those with absolute-

¹ **The World Food Program**, based out of Rome, is an agency of the United Nations and distributes food and other basic goods to people suffering hunger as a result of natural disasters or famine. A large part of the program's mandate involves providing assistance to countries facing refugee crises and refugees themselves.



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ly nowhere else to go have remained in these camps.

Closure of Refugee Camps

Efforts are currently underway to empty and shut down the remaining refugee camps. But no one seems to know what happens to the people who are forced to leave. If you ask the Red Cross they will say, for example, that the people rented a small house nearby or something similar. But no one would spend eight years in a refugee camp unless they truly had no other options. The conditions in the camps are so bad that all those who had the opportunity to leave the camps for somewhere better already did so.

When a camp closes, the people living there are only given the option of moving to another camp. They rarely agree to move, and are left essentially homeless, despite constant talk of providing actual housing. The state continues to insist on a policy that displaced persons should return to Kosovo.

The majority of refugee camps are now closed. In and around Čačak there were eight centres a few years ago, but none remain. Even people with disabilities were forced to leave. When these centres close, the people living in them are basically forced out on to the street. For these reasons, few people leave even the informal refugee camps.

Aid and assistance cancelled

Refugee camps had been provided with food through state assistance. A hot meal was served once per day: half a kilogram of food along with some bread. But that aid was only provided to official refugee camps and to people who were on the list kept by each camp. So those who arrived later and did not make it onto the list of official refugees could only stand by and watch as those around were fed while they received nothing. Now that assistance has been greatly reduced, and camp res-

idents only receive half a kilo of cooked pasta or a bit of vegetables – not nearly enough food to actually live on. The Red Cross had also provided aid earlier, both food and hygiene assistance. But since 2004, all that has vanished, and now all that official refugee camps receive is funding for water and electricity costs; expenses kept low by the poor conditions in the camps, such as a single bathroom shared by many families.

The Red Cross no longer provides aid to refugees and since 2004, has returned to its regular operations in Serbia: providing first aid and collecting blood. The tiny amount of food now provided to refugees, perhaps half a loaf of bread and a can of food per person, is given to all, whether they're a newborn or an adult. Mothers say that they've never received fruit, vegetables, meat or milk for their children, that some children in the camps have not eaten fruit for years. On one occasion, we took some fruit to the "Maričić" camp (near Kraljeva) and people fought over it, hoping to be able to give some to their children. Faced with this desperation, a fair distribution was impossible.

Documents

Many people from Kosovo arrived here without identity papers – either they were not registered as residents in Kosovo or in some cases they documents had been destroyed in fires or lost. But in Serbia, not having an identity card means that you cannot apply for children's benefits, social assistance or any other type of government program. Not that such assistance is particularly generous – for example, child benefits are only about 1000 dinars or 12-13 euros per month per child. But even getting that minimal assistance means providing about 15 or 16 documents which for refugees, may be extremely difficult or impossible to obtain. A large number of families, particularly Roma, simply give up on even try-

ing to obtain assistance, knowing that it will be simply physically impossible to obtain the required documents.

For example, many Roma in Kosovo were never entered in the registry of births. As a result, they never had identity cards in Kosovo, and so they don't have them in Serbia either. When they arrive, if they are settle in an informal refugee camp, such as Stari Batnjik (near Novi Pazar), rather than an official camp, they do not have a registered, declared address. Without such a registered address, they cannot get an identity card. And without the card, they cannot do anything, including applying for any sort of government assistance. But obtaining an identity card means traveling to one's birthplace to find two adult witnesses who can confirm their identity, a process entirely dependent on the goodwill of the local municipality and registrar. In practice, however, it is impossible to find a place where this process proceeds without problems. Some people are directed to the courts, but others, many people in fact, give up entirely.

There is no political will within the government to allow a simplified procedure for the provision of identity documents, and so whatever help becomes available simply bypasses those without papers. Officially, they simply do not exist. Their children cannot register for school. No assistance is available to them. They cannot apply for anything available to others. Even if, for example, an NGO were to say "Look here, we're going to help refugees and displaced people," those without identity documents are not on the list of such people. They have no legitimate status as refugees or displaced persons. They have nothing. Simply put, they and their families do not exist. Nonetheless, if they wish to send their children to school and begin the process of getting documented, they find that it can take from six months to one year. This means that a child



90% of displaced persons in Serbia live below the poverty line

will likely not be able to register for school on time and given the lack of adult education in Serbia, this can mean a complete lack of access to education – absolute neglect on the part of the system.

Having an address is the main requirement for an identity card and without an address it is impossible to register as a resident or receive documents. In other countries, this requirement is met by allowing people to register through community centres or the Red Cross, so that one address covers hundreds of people, allowing them all to regularize their status.

Unemployment

Especially in the informal settlements, people primarily live off of collecting recyclable materials, panhandling/begging, and charity. Under the Gazella bridge in Belgrade you can find vast amounts of stacked paper for recycling. People truly work hard, but sim-

ply cannot find regular work without identity documents. Particularly if they don't have a registered address in a particular city, they cannot seek work there. In other words, they are left to fend for themselves.

Exploitation

Dealers who venture under the Gazella bridge will pay three dinars for a kilogram of paper, but the recycling centre pays eight. The collectors themselves, however, simply lack the resources to deliver and sell the paper themselves. They have no choice but to keep selling to those who come to them.

Lack of Education

The agreement on readmission has created new problems in the area of education. There's no provision, for example, for translating a child's documents, and the state takes no responsibility for ensuring that children who attended schools abroad can have their documents notarized so that they can register for school in Serbia. If parents cannot afford to have a child's school papers translated and notarized, their child cannot register for school. And children who do not immediately return to school often end up leaving the education system entirely. A large number of Roma children who previously attended school in, for example, Sweden, could not enroll in school upon returning and have simply stopped trying. Another problem is that children who were in school elsewhere are often held back a grade or two upon enrolling in school after their return. They then encounter problems due to age differences and difficulty adapting to the new school, sometimes resulting in their leaving school entirely.

A large portion of displaced and refugee children, especially those born in Western European countries, do not know the Serbian language, speaking Romani and/or the language of the country in which they were born

instead. Although there are officially supposed to be Roma teachers' assistants in Serbian schools, in practice, they are extremely rare, available only in the couple of schools with large numbers of Roma students. But when Roma children are deported and returned to Serbia to say, Čačak, they will find no such assistance.

Lack of health care

Health care which had been provided on the basis of refugee or displaced person status covered only the most basic services. Getting new prescription eyeglasses, for example, was viewed as a luxury.

In today's refugee camps, both official and informal, many children suffer from health problems, particularly asthma. Deported children who had had glasses or the like in Western Europe find themselves without health care, with no one to follow the growth and development.

It is extremely hard for people with health care needs who arrive at the Belgrade airport to find that quite simply, there is no one to care for them and that there is no structure in place to get them the support that they need.

Racism

Refugee camps are either Serb or Roma. Conditions in both are terrible, except that Roma are primarily found in informal camps, where they live in tents year-round, summer and winter, or in metal shipping containers measuring only 2.8x3m or 3x5m. An entire family will be relegated to one such container. In other Roma camps people live for years in nylon tents – women even give birth in the same tents they live in. This is a huge problem that few people turn their attention to.

Segregation and an unaware public

Camps in Serbia are deliberately situated so that they are out of the public eye. Quite simply, other people do not see them and so

they go about their lives unaware of the existence of the camps or the living conditions within them. This situation is compounded by the fact that camps that arise in cities are cleared out. For example, the “Stari Batnjik” camp in the city of Novi Pazar has been moved more than once. When the camps and the people living in them are visible, others become aware of the problems and are able to take action. When those same people are swept out 11 km out of the city, they become invisible.

Getting information to refugees and displaced persons

Refugees and displaced persons with the right information can ask for assistance from organizations such as Praxis.² But many others are unaware that any help is available to them. Another office offers assistance with readmission but only those already holding an identity card have access, so that undocumented persons remain without papers and without information about Serbian organizations that may be able to help them.

Some refugees have decided to return to Kosovo due to their homes being repaired. After a time, however, many return to Serbia for reasons of safety, education and/or unemployment. While many houses in Kosovo have undergone reconstruction, if people have nothing to live on, absolutely nothing in some cases, they have no option but to return to Serbia. But upon their return, they are no longer able to access formal refugee camps and are simply left to fend for themselves.

² Praxis is a national non-governmental organization that was established in June 2004, as a continuation of the Norwegian Refugee Council's Civil Rights Project, which NRC conducted in Serbia from 1997. Praxis is aimed at providing legal protection to refugees and IDPs through free legal assistance, information and counseling, as well as through advocacy, promotion of civil society values and raising public awareness on problems faced by these population groups.

Absolute indifference

When a Roma child dies in a refugee camp, all the documentation is completed in one day. Suddenly the child is entered in both the registry of births and registry of deaths – all the bureaucracy overcome in one day. Otherwise, there is an overwhelming lack of will to do anything. There is no policy requiring that registrar employees treat everyone equally, no policy that registry bureaucracies be relaxed for refugees and displaced persons and no provision for easing receipt of child benefits or other social assistance. Moreover, any sort of dealing with the government in Serbia requires getting a copy of your birth certificate (proof of your entry in the registry of births), issued within six or even three months. Depending on the municipality, a birth certificate can cost between 100 and 300 dinars. Registered refugees and displaced persons are supposed to pay only 30% of the cost, but few, if any, municipal employees are aware of this policy and there is no system in place to enforce the rule or inform employees.

Jaša Tomić is a town in Vojvodina, in northern Serbia, which was flooded for six months about two years ago. The residents were resettled in new houses. Nothing like this is ever done for refugees or displaced people – no one builds them houses in six months. The “Stari Batnjik” camps has waiting for two years for container shelters to arrive from Belgrade but so far only the ground and some concrete foundations have been prepared at the camp's new location (located outside the city of Novi Pazar). There are no containers, no one knows when they will arrive, or in what shape they'll be.

These people, according to the government's long term goals, are supposed to return to Kosovo, but no one seems concerned that they are never going back. Neither has the state thought to ask the refugees themselves



Unemployment among the population of refugees seeking employment is 58%.

what they would like to do. Those who cannot return to Kosovo or do not want to, are simply no one's responsibility in Serbia. After they leave a refugee camp, the government considers its duty fulfilled: "Look, they've been in a camp for eight years, we paid for their water and hydro..."

There are numerous organizations in Serbia offering legal, social and psychological services to refugees and displaced persons. But no organization offers shelter and there is no institutional capacity to ensure that a sick person without papers has somewhere to go rather than being left to fend for him or herself. There has been talk of such a network for three years, connecting social services, schools, etc. but nothing has been done and there is no budget in place. People deported from Western European countries cannot go to refugee camps because the commissioner in charge of refugee has decreed that once they cross the border in Serbia they are no longer considered

displaced. But they are displaced and cannot return to Kosovo, and with the official camps closed off to them, such people can be found living underneath the Gazella bridge or other informal camps, without papers and with no access to health or social services.

Differences in status between the internally displaced and refugees

Refugee status is held by those who fled Bosnia and Herzegovina and Croatia during the wars in the 1990s. Such refugees were given identity cards and if they resided in official refugee camps their residence was considered registered and declared. As a result, they had access to some social services, including basic health care, as discussed above.

The 280,000 people who fled from Kosovo in or after 1999 are considered internally displaced persons. Although they were also settled in the official refugee camps, the already poor conditions were exacerbated by the fact that previous refugees had already occupied many of the 'best' shelters available, meaning that little space remained for this second wave of displaced persons. For example, a hospital building abandoned for ten years and falling into ruins was used to shelter some of the Kosovo refugees in appalling conditions.

Those who did not want to leave Kosovo but could not stay in their homes moved to larger enclaves such as Gračanica. As a result they are doubly internally displaced, unable to claim that status in Serbia and unable to return to their homes, despite remaining within Kosovo. They remain in limbo, waiting for better days for what is likely to be a very long wait.

(This text was adapted from an interview with Marija Simović, an activist with the Swedish Committee, an organization fighting for the rights of refugees from the former Yugoslavia seeking asylum in Sweden. The entire interview on Serbian can be found in issue 4 of Z Magazine and at www.freedomfight.net)

Internally displaced persons (IDPs)

The armed conflicts that erupted in the former Socialist Federal Republic of Yugoslavia (SFRY) during the 1990s forced some 4-million people from their homes. Some fled to safer parts of their former homeland while others went further abroad to save their lives. Most refugees left between 1991 and 1995, during the most intense period of recent instability in the Balkans. Of this total, some 1.5-million people tried to find salvation inside the borders of the former Yugoslavia, thereby becoming 'internally displaced persons' (IDPs). Now, more than a decade following the end of armed hostilities in Bosnia & Herzegovina and in Croatia and more than five years after the end of hostilities in Kosovo and Macedonia, there are still roughly 600,000 IDPs dispersed throughout the region. These IDPs are left without any chance of returning to their former homes and

face difficulties integrating into the society in which they currently live.

The Dayton Peace Agreement, signed in 1995 by the Presidents of Croatia, Bosnia and Serbia, brought a nominal peace to the Balkans; however, within a couple of years violence again began to intensify, this time in Kosovo. Clashes between Serbian security forces and Kosovo Albanians picked-up starting in late 1997. This violence reached a peak during the NATO bombing of Yugoslavia (code-named Operation Allied Force) that lasted from March 24 to June 10, 1999. The fighting only ceased after the signing of the Kumanovo Military Technical Agreement and the passing of UN Security Council Resolution 1244 which effectively turned Kosovo into an international protectorate.

On June 12, 1999 the multinational 'Kosovo Force' (KFOR), led by NATO, entered



The number of collective centers for refugees is decreasing. A large number of people have ended up on the street as a result.



In the informal collective centers people mostly live from collecting garbage for recycling and begging because they have no other choice.

Kosovo under a UN mandate with a mission to ensure a safe and secure environment for refugees and displaced persons to return to their homes. With the withdrawal of Serbian security forces and the introduction of international forces Kosovo Albanians were able to return in large numbers, however, now the majority of non-Albanians in Kosovo were in turn forced to flee their homes in order to evade continuing violence. Currently, most of the IDPs in Serbia are ethnic Serbs (75%) and RAE¹ (10%) who escaped from Kosovo in 1999 after the UN/NATO took control of the territory with a mandate from the United Nations Interim Administration Mission in Kosovo (UNMIK).

Since they technically didn't cross an international border, existing protections for refugees technically don't cover such 'internally displaced' persons; responsibility for their fate instead rests mainly with their host country

– which is only obligated to ensure equality for its citizens. In reality, IDPs are exposed to a number of problems when exercising their civic and socio-economic rights (including: difficulties with access to personal identification documents, owner's rights, access to medical care, social security etc.). Without special means of care, the legal equality that IDPs supposedly enjoy as citizens can lead to inaccessible public services and the denial of fundamental human rights.

Even though they need special rights, IDPs in the former Yugoslav space are confronted with state indifference and discrimination. This neglect is compounded by the decreasing interest shown by international organizations which are shifting their focus to other crisis regions. Organizations such as the *UNHCR*, *ICRC*, *WFP*, and *ECHO*, have either significantly decreased or completely stopped their humanitarian aid programs in the region. This has meant that those IDPs in the greatest need find themselves without food and other basic necessities. Economic sanctions, wars and mass forced-migrations of populations have led to a general impoverishment of society, institutional fatigue and the decreasing quality of services that states in the region can offer their citizens. As a result, Balkan countries still lack the capacity to implement effective social security programs that could effectively take the place of the humanitarian aid offered by international organizations.

But simply reducing the number of displaced persons also doesn't equate neatly with long-term solutions. Taking the cases of Croatia and Bosnia & Herzegovina as examples, we can see that poor economic conditions and on-going discriminatory practices towards minorities make IDP returns extremely difficult. Living on the margins of society, IDPs in the region are exposed to various forms of (in)

1 RAE – Roma, Ashkali and Egyptians

direct discrimination and in some cases, like in Kosovo, open violence and intimidation. On 17 March 2004 another outbreak of violence in Kosovo halted the slow but steadily increasing return of IDPs to the area. This new outbreak caused even more distress and distrust between Kosovo's divided communities.

Furthermore, the unstable political situation in Serbia serves to obstruct the development of a coherent strategy to address every issue area that affects refugees and IDPs. Displaced persons therefore continue to remain exposed to constant and systemic forms of indirect discrimination, especially when it comes to registering their residence or acquiring personal identification documents which are basic prerequisites for exercising all their other rights.

There are still around 300,000 displaced persons (both refugees and IDPs) living in Serbia. 206,879 of this number are internally displaced persons from Kosovo. Unfortunately, the attitude that the Serbian government maintains when it comes to Kosovo means that displaced persons are left without a permanent solution that addresses their condition. Although the government promotes the idea of IDP returns to Kosovo, actual conditions on the ground mean that most IDPs are either reluctant or lack the adequate means to return. Integration is not recognized as an adequate solution and the government is not open to any projects that would help IDPs resettle in Serbia permanently. The government's attitude therefore remains mostly political, thus failing to deal with the most important existential rights and needs of internally displaced persons.

As a result of such politicization, authorities are unwilling to propose any integration programs for the displaced, insisting instead on their return. Similarly, the actions of the

main international (i.e. the *UNHCR*, Council of Europe, *OECD*) and domestic organizations that deal with IDPs are limited to proposing ideas for their return. This, of course, limits the rights of IDPs to settle in their new communities. An explicit example of such discrimination can be seen in the recent closing of several collective centers for displaced persons. Financial and material assistance programs for people wishing to leave the collective centers are oriented only to refugees and not to IDPs. The remaining 8,000 displaced persons in those centers are thus left with the choice to either move to a different center or to embark on yet another migration.

IDPs in Montenegro are encountering an even tougher situation. Approx 16,202 displaced persons still remain in Montenegro. Authorities treat them as citizens of Serbia, meaning that they are not given the same rights as citizens of Montenegro. They are completely cut out of the system, without any possibility of receiving citizenship, social security, employment etc. The attitudes of Montenegrin authorities towards IDPs have already been criticized by a number of international organizations.

According to the first official data, after the largest wave of migration in 1999, 130,000 Serbs remained living in the so-called "Serbian enclaves" of Kosovo (they never actually left Kosovo but moved from threatened areas to ethnic enclaves). Approximately 22,000 Roma, Ashkali and Egyptians (RAE) are also registered as IDPs although it is widely known that this number is much higher with estimates ranging from 40,000 to 50,000. In Serbia, the majority of IDPs are concentrated in the southern and central parts of the republic. From the total number of registered persons, 94,2% live in central Serbia and 5,8% in Vojvodina (Serbia's northern autonomous prov-

ince). The majority of them are Serbs (76%) and Roma (11%).

According to the UNHCR, only 15,859 IDPs have returned to Kosovo since 1999. This number includes both those internally displaced within Kosovo's borders as well as IDPs from other parts of Serbia and refugees from other countries. According to this data, 7,052 of returnees are Kosovo Serbs, 4,324 are Ashkali and Egyptians, 1,858 are Roma, 1,403 are Bosniaks, 585 are Gorani and 673 are ethnic Albanians.

After registering the displaced persons from Kosovo, the number of officially registered IDPs in 2000 was approximately 187,129. However, IDP data in Serbia and Montenegro is not completely reliable, mainly for the two reasons: (1) only those personally involved in the process were registered (it is estimated that at least 30,000 to 50,000 IDPs remained unregistered); and (2) due to the subsequent migration of displaced persons either within the borders of Serbia and Montenegro and also to other countries.

Kosovo IDPs are now entering the eight year of their displacement, though their lives are still marked by the everyday struggle to survive – left without any real choice when it comes to their future. Having in mind Kosovo's fragile political situation and differing expectations that accompany negotiations about its future status, returning was an option only few could actually choose. It's a fact that, even today, more ethnic minorities are leaving Kosovo than are returning to it.

In addition to the lack of basic necessities, the main problem that IDPs have to deal with is the lack of proper housing, documents and registering their place of residence. Most of them don't have access to basic ID documents (such as entries from the registry of births or certificates of citizenship) which can be taken only from the registries that were moved from

Kosovo to seven municipalities in southern Serbia in 1999 (i.e. the "dislocated registries"). A lot of IDPs (mainly RAE) were never even registered, preventing them from being able to enjoy basic public and citizenship rights. However, no legal processes that could help them have been established. Solving these problems in Serbia is even harder since there's no clear state policy for protecting IDPs and a lot of administrative and bureaucratic obstructions remain in place.

Displaced persons are forced to live in so-called "unofficial collective centers" (a government term for junkyard neighborhoods, slums etc.) and have no possibility to register such residences. The Ministry of Internal Affairs does not accept addresses such as "under the Gazela bridge", "next to the old airport" or "around the dumping grounds" even though it's a fact that permanent settlements can be found in those locations for quite some time now. Also, the Ministry is refusing to accept initiatives of various organizations to register these people at their addresses (ex. the local Commissariat for Refugees, Red Cross centers, local churches etc.). This illustrates not only the ignorant policy pursued by the bureaucracy with respect to the thousands of people without proper homes living in Serbia, but also its malevolent 'lack of flexibility' to overcome a simple formal barrier that takes basic rights away from the ones that need it most.

State authorities in Serbia lack institutions with a declared mandate for protecting and helping IDPs. However, two government-operated institutions cover a limited range of activities and responsibilities dealing with IDPs in Serbia: the Commissariat for Refugees and the Kosovo Coordination Center.

The Commissariat for Refugees, Republic of Serbia was established in 1992, based on the Refugee Bill. Since 1999, the Com-



missariat has taken responsibility for helping the most endangered IDPs living in collective centers. It manages the collective centers and is responsible for issuing documents for IDPs. However, the Refugee Bill contains no amendments that would give the Commissariat the legal mandate for dealing with IDPs. As a matter of fact, there is no such legal act in Serbia that defines the status of IDPs or any institutionalized assistance programs.

The Kosovo Coordination Center was established by the Serbian government in 2001 as a center for solving all problems related to Kosovo, coordinating activities connected with the distribution of humanitarian aid and the return of IDPs. Its mission includes the coordination of state institutions and agencies in solving problems related to Kosovo in accordance with UN Security Council's Resolution 1244 and in supervising the implementation of the agreement signed by Federal Republic of Yugoslavia (FRY) and UNMIK in 2001. Finally, administering social assistance is another important segment of IDP protection since internally displaced persons are severely economically endangered.

The Ministry of Labor and Social Policy is another key institution for IDPs since it is responsible for ensuring four important spheres of social security: (1) pensions, (2) medical care, (3) children's aid and (4) a family's material security. IDPs as citizens need to be in a position to use all of these benefits without any discrimination.

Most of the problems that IDPs confront are therefore intricately connected. If an IDP has no entry in the registry of births, he/she cannot get an ID and, without an ID it's impossible for him/her to find employment or solve housing problems – he/she stays homeless. Internally displaced persons in Serbia are thus exposed to systematic discrimination – both direct and indirect – especially in spheres relating to the acquisition of personal documents and the registration of addresses. Without these, they cannot freely enjoy other rights.

Conclusion

The general lack of resources and awareness remains a source of social tensions. Without deeper and stronger democratization and the creation of better living standards in the region it will be hard to offer IDPs a permanent and effective solution for their troubles. Without any obvious existential perspectives, IDPs will end up among the «socially déclassé layers of the population that are the traditional sources of nationalism». Their tragedies are often used to promote extreme political ideas.

The symbolic and slow improvements that the Republic of Serbia periodically introduces, in a very piece-meal fashion, illustrates that such measures are adopted either as a result of international obligations or as a formal means of authorizing transfers of international aid moneys intended for IDPs but that are actually spent on who knows what.

Readmission

The disintegration of the SFRY, beginning in 1991, initiated a process of mass forced-migrations from the Balkans that, sadly, has not come to an end to this day. According to some estimates, nearly 3 million people were forced from their homes, while about a million applied for refugee status outside the former Yugoslavia. Now, the majority of these refugees are confronting the refusal of their host-countries to grant them asylum and the abolition of their protected refugee status. What follows is repatriation – either ‘voluntary’ or coercive – to the country from which they fled. Numerous international conventions, standards, legal acts, etc. promulgated by the United Nations are supposed to serve as guarantees for all those who emigrate or transmigrate from territories where their freedoms and lives are threatened. Timely registration with the authorities of the host-country implies legal protections and prevents the repatriation of such refugees from the host territory as long as they are not a threat to public peace and order.

All the countries that accepted Balkan refugees had a clear and firm position from the very beginning: to provide them with all the basic elements of temporarily protection, but also to repatriate such persons as soon as the situation in their country of origin permitted. In the meantime many of these same states came to understand that such repatriation wasn't possible in all cases and that some endangered groups required special treatment (including temporary legal protections). In fact, this was one of the Council of Europe's (CoE) key recommendations in 1997, which was adopted to better regulate all questions relating to forced repatriations from member-countries of the CoE. These recommendations do not hold the

same force as international commitments that states have ratified; they are only recommendations that members of the CoE are encouraged to act upon. Ignoring these recommendations thus entails no consequences - in some cases countries may be pressured to respect such recommendations, but that is about all.

The signing of 'readmission agreements' in 2001 by the Federal Republic of Yugoslavia (FRY) opened up the possibility for the repatriation of people who lacked citizenship in EU host-countries, i.e. the repatriation of those without legal status in countries with which such agreements were signed. The very term 'readmission' implies the availability of means on the part of the readmission country of accepting those who do not fulfill the requirements to remain in the 'host' country. All the international agreements, conventions, standards, regulations, etc. that once protected you suddenly cease to do so after such a bilateral agreement is signed. All of a sudden you are once again faced with deportation to the very country you fled from.

The number of persons sent back to Serbia since 2001 on the basis of these agreements is unknown. It is not possible to establish the exact number of repatriates because there is no mechanism for their registration (neither in the countries they are being deported from nor in Serbia). Numbers fluctuate, though according to some estimates at least 15,000 people crossed Serbia's borders before 2006. According to some CoE estimates from 2003, the total number of people that might have been repatriated is in the 50-100,000 person range. At the beginning of 2006, some data also indicated that Germany alone was host to some 100,000 'illegal' immigrants from the Balkans (it is worth noting that

the highest numbers of those repatriated so far came from Germany).

Following the disintegration of the State Union of Serbia and Montenegro in 2006, the Ministry for Human and Minority Rights was abolished, and the further capacity for conducting readmission agreements was transferred to Serbia's Ministry of Internal Affairs' Department for Readmission. On March 21, 2007, Serbia and the European Union concluded negotiations on an integral readmission agreement that reaffirmed its commitment to the readmission of people from EU member-states, including the outlining of mutual responsibilities, procedures etc. The EU also expressed its willingness to financially support the process of re-integrating repatriates by allowing Serbia to access the EU fund designed for such purposes. Of course, important questions remain to be asked - why were these funds not used for the integration of refugees into EU countries, and what kind and size of budget is needed for such an idea to come to life?

Since 1996, FRY has concluded 15 bilateral agreements on readmission with 17 states (12 of which are members of the EU). So far, Serbia and Montenegro have signed agreements with the following countries: Austria, the BENELUX countries (Belgium/Netherlands/Luxemburg), Bosnia and Herzegovina, Bulgaria, Denmark, Croatia, Italy, Canada, Hungary, Germany, Slovakia, Slovenia, Switzerland, and Sweden. An agreement with France has been concluded but has yet to be ratified.

What should worry us all is that such bilateral agreements on readmission do not regulate the methods of readmission or any responsibility on the part of the state in regard to their re-integration. Neither state nor local institutions have been of any significant help to repatriates so far. Furthermore, when it comes to NGOs, some have acted in a positive way, while others have been obstructive. Namely, thanks to

some research generously funded by the same EU states wishing to get rid of their refugees, an idealized picture is created as a valid alibi for deportation, i.e. producing an image that claims that the status of minority rights in Serbia is quite favorable. The truth is that all the new minority protections introduced in the country remain solely as "dead letters on paper." Take the example of the NGO 'Group 484' and their 2007 report that highlighted the existence of a non-existent centre designed to help Roma repatriates deported back to Serbia. Even after significant media exposure, the report was never officially denied by the said NGO. Therefore, the reality is often quite different from that presented by many in the non-governmental sector.

Following their deportation, returnees are nobody's responsibility, so everything that goes with repatriation is thrown out the window. Once they cross Serbia's borders, deported persons face housing problems since they are being deported to regions and places where they have never lived before and where they own nothing of their own. On the other hand, they are still unable to go back to the places they once fled from (where they left behind their apartments and other property). The majority is instead relocated to utterly unsanitary and inhumane provisional buildings. As they often don't speak the language, children of returnees are unable to succeed in school (a fact which has become a major barrier to their further education). Another huge problem is the non-recognition of foreign diplomas, with unemployment as another consequence. In this way, four basic economic and social rights are jeopardized – the right to education, health care, employment and proper housing. With the exception of temporary documents and the right to assistance from public kitchens (again not available to all, but only to a smaller number of returnees), Serbia has failed to provide them with housing, relying instead on the good will of their relatives to give

them shelter. In the absence such goodwill they effectively become homeless.

The Roma, many of who fled Serbia during the 1990s for various reasons, constitute a particularly endangered category of returnees since they generally belong to a socially endangered and marginalized group, which further complicates their active social involvement and chances for social re-integration. The forced repatriation of the Kosovo Roma population started just after the democratic changes in Serbia in late 2000 and the conclusion of bilateral agreements between Serbia and European countries. At that time, the recommendations regarding the forced repatriation of former FRY minority members (2003) became a point of interest since they directly deal with the status of Roma as the most vulnerable population segment among returnees.

The term 'voluntary repatriations' obscures the frequently coercive methods that are behind this process. Voluntary repatriation implies that no forcible methods were applied and that the people in question decided to repatriate of their own free will. However, numerous returnee testimonies show that repatriation was far from voluntary and that they were quite often subdued through various methods of duress, including the denial of a number of rights and freedoms without justification. States may be forced to answer for violations of procedural guaranties to refugees. As a result many states seek to present coercive repatriations as 'voluntary' so as to avoid further responsibilities and reimbursements. Some cases of repatriation were accompanied by extreme forms of police violence, detention, as well as inhuman and degrading treatment. While some decided to 'voluntarily' repatriate, the majority did so as a result of pressure exerted to provoke such 'voluntary' returns.

The principle of non-refoulement, codified within the 1951 Geneva Convention and the

1967 Protocol, ought to protect refugees from being repatriated to places where their lives or freedoms could be threatened because of their race, confession, nationality, membership in a social group or because of their political opinion, but it obviously does not matter as it should. Bilateral repatriation agreements prevail over such guarantees. Every country with a significant number of bona fide refugees i.e. asylum seekers, is trying to find a way to skirt such principles of international law and get rid of them. Such bilateral agreements therefore seem to be a perfect solution: with so many obligations under international law, countries that are signatories to the 1951 Convention and 1967 Protocol would find it quite difficult to otherwise expel bona fide refugees back to where they escaped from. Bilateral agreements become the most efficient way of doing so.

Numerous media reports and official statements linked this issue with the inclusion of Serbia on the list of countries that do not need visas to enter Schengen countries – i.e. the so called "white Schengen visa list." But given all of the above, in the end that really makes sense. Replace refugees with tourists! A visa seems to be a small sacrifice for EU countries to pay in resolving such a huge problem as refugees through a simple agreement. The willingness of one state to accept repatriates seems to be of lesser importance when faced with another state wishing to get rid of them. The actual legality of settlements that enable the expulsion of refugees, their coercive repatriation and the violation of elementary human rights becomes secondary. The result is obvious - you find yourself completely on your own. As soon as the agreement is signed, nobody really cares for you anymore (even if you were constantly mentioned in all those reports that numerous humanitarian organizations produced as a justification for their own fundraising).

The 'Erased'

The Izbrisani (English: the Erased) is the name used in the media, for a group of people in Slovenia that remained without legal status since the declaration of the country's independence in 1991. Immediately following Slovenia's 1991 declaration of independence, approximately 200,000 residents of Slovenia who held the citizenship of other republics in the former Yugoslavia (the "citizenship of the Republic" was a purely formal status, which many did not know existed since it did not include any legal consequences) were granted the possibility to obtain, through a simple application, citizenship in the newly independent state.

The law required those who did not chose to avail themselves of this possibility to be registered as "foreign" (a term denoting legal permanent residents without citizenship). Approximately 170,000 individuals presented applications, obtaining citizenship before the national elections of 1992. Tens of thousands chose the second option. The majority of those who, contrary to legal provisions, did not register themselves as "foreigners" were removed from the registry of Permanent Residence in February 1992, losing all social, civil, and political rights. This action was of a purely administrative nature (and thus excluded any possibility of appeal). It resulted, without any legal basis, in the stripping of rights for around 18,000 people (including some who had actually left the country, as well as those who were simply unaware of the existence of the law that required them to confirm their status through a new application).

In 1999, the Constitutional Court of Slovenia declared this act of "erasure" illegal and unconstitutional, and annulled its legal consequences. In the same year, the Slovenian Parliament promulgated a law that offered the "erased"

the opportunity to regain the residence, but only to those who lived permanently in Slovenian territory. The Constitutional Court abrogated this law as another attempt in the same direction. In 2003, the Court declared unconstitutional the 1992 Law that required residents with Slovenian citizenship of other Yugoslav republics to explicitly ask to obtain the status of "alien", and ordered the return of the status of residents at all "erased" retroactively (i.e. regardless of whether they actually lived in Slovenia or not after 1992). Many lawyers (among other things some former members of the Constitutional Court and several authors of the Constitution) harshly criticized this decision, since it annulled a legal provision included in the country's constitutional laws and thus, according to them, was beyond the Court's jurisdiction.

The decision was followed by a harsh and lasting controversy, in which the LDS-led government gradually accepted the decisions taken by the Constitutional Court, while the opposition (SDS, N.Si, SLS and SNS) continued to criticize it. In February 2004, the parliamentary majority passed a law in accordance with the decision of the Court (which provided for retroactivity only for those who were already in possession of residence). Two months later, however, this law (called the "Technical Law on the Erased") was annulled by a referendum (supported by the right center opposition). This referendum was strongly contested by some institutions of the European Union.

In 2007 the number of "erased" remains imprecise as the group is fragmented into different legal categories: some have regained residency and citizenship, some only residence, some were expelled, and many of them are still living in Slovenia illegally. According to some estimates



Izbrisani, Slovenija

there are still 6,000 people without legal status in Slovenia, while many of those who managed to get the right to permanent residency had to suffer heavy consequences due to years of irregularity. The issue was brought before the Eu-

ropean Commission, which denied jurisdiction. Some of the 'erased' made a collective appeal to the European Court of Human Rights in Strasbourg, claiming that: "The erasure is a European problem, because it violates fundamental human rights provided by the EU Convention."

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Freedom Fight – Pokret za slobodu

In 2005 and 2007, the SDS-led government proposed the regularization of the status of the "erased" by a Constitutional law that would treat each case individually. On both occasions, this compromise was rejected by the centre-left opposition.

Freedom Fight (Serbo-Croatian: Pokret za slobodu) is an organization devoted to working on issues of worker, refugee, and students' rights. Among other projects Freedom Fight organizers produce Z-Magazine Balkans, a printed version of Z-Magazine in the Serbo-Croatian language, as well as monthly bulletins such as Workers' Voice, Refugee Voice, etc. produced by and for affected communities.

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