



**National Program for the Republic of Serbia IPA 2016
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**Legal aid and information necessary for the
protection and exercise of the rights of
internally displaced persons, refugees and
returnees**

Thematic Report „Support to Refugees Through Legal Aid”

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INTRODUCTION

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The term „Refugees“

For the last 20 years, The Republic of Serbia has been working dedicatedly on resolving the problems of those who had to leave their homes during the conflicts in the former Socialist Federal Republic of Yugoslavia. The determination to provide refugees with access to rights, law assistance and specific solutions in a complete and permanent modus is focused on creating a system in which refugees can make a free decision about their future.

The position of the refugee is determined in accordance with the provisions of the Law on Refugees¹, and they are defined as persons who escaped or exiled from former Yugoslav republics, to the territory of the Republic of Serbia, due to events in period of time 1991. to 1998., and their consequences, who cannot, because of fear of persecution or discrimination or do not want to return to the territory from which they escaped, including persons who have opted for integration, and who are provided with care to meet their basic life needs and to assist in the integration process, all in accordance with the provisions of this law. The person who opted for integration, in terms of this law, is the person who applied for citizenship of the Republic of Serbia.

Statistical picture of refugees in the Republic of Serbia had been significantly changed by 2000. More than 300.000 persons have acquired citizenship of the Republic of Serbia², of the 537.937 refugees and 79.791 war-affected persons³ registered in the 1996 census. The reduction in the number of refugees is mainly due to their integration by applying for citizenship and obtaining identification documents of the Republic of Serbia, as well as by accessing a local integration program in the Republic of Serbia. Despite the continuous reduction of that number, it is estimated that there are still about 25.794⁴ people with refugee status in the Republic of Serbia.

The Republic of Serbia is continuously providing the living conditions and necessary assistance for more than 20.000 refugees, two-thirds of whom have escaped from The Republic of Croatia and and the rest mostly from Bosnia and Herzegovina.

¹ "Official Gazette of RS", No. 18/92 and 30/10 (Art. 20-25 are not in the consolidated text). Official Gazette FRY, 42/02 - SUS decision and 107/12 - second law

² Legal possibilities were created for simplified citizenship for refugees in early 2001

³ Mainly due to possession of citizenship of The Republic of Serbia, the war-endangered persons couldn't acquire the status of refugees.

⁴ According to an official statistical view of the number of refugees as of 1 July 2020., published on the Website of the Commissioner for Refugees of the Republic of Serbia.

Refugee status is also recognised for children whose parents are in refugee status, and a revision of the status of refugees whose status has not ceased is carried out once every two years.

According to data from the Commissariat for Refugees and Migrations, which are also incorporated into the Migration Profile of the Republic of Serbia for 2019, out of the total number of refugees, the most of them live in Region of Belgrade (25,1%), then in South – Bačka (17,3%) and in the area of Srem (15,3 %), which is almost identical to previous years. Namely, according to the same estimations, the largest number of refugees resides in AP Vojvodina (just under half the total), more than a quarter in Belgrade, while in central Serbia just over 20 percent.⁵

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Regional Cooperation – Regional Housing Process (RHP)

A long duration of the refugee crisis in the Republic of Serbia initiated the Regional Process for finding long lasting and sustainable solutions, relying on the basic right of refugees on freedom of choice, based on respect of all rights and ensuring conditions for the smooth and safe return of persons, or conditions for staying and local integration for those who choose to do so. By holding the regional Ministerial Conference "Permanent Solutions for Refugees and Internally Displaced Persons - Cooperation of States in the Region", in Belgrade, on 25 March 2010, at the initiative of the Republic of Serbia, the process of regional cooperation has been renewed in order to resolve outstanding issues and to find solutions for the problems of refugees. The conference was attended by the foreign ministers of the Federation of Bosnia and Herzegovina, The Republic of Croatia, Montenegro and The Republic of Serbia, as well as representatives of international organisations - the EU, the OSCE, the UNHCR and the Council of Europe. In an accompanying joint statement and document, it was opened mutual support on this path, in which outstanding issues are sought to be resolved, and to ensure permanent solutions for all refugees in this process. As a result of the Conference, six bilateral technical meetings were held between The Republic of Serbia and The Republic of Croatia, with the aim of exchanging data that are relevant for determining the condition and needs of the refugee population. Ten regional experts' meetings were also held, including all four countries, with the aim of developing projects to help the most vulnerable persons.

Based on the Government's Conclusion on accepting the Proposal of Measures for resolving the refugee's problem in the Republic of Serbia, 05 Num.: 019-9265/2010, from 2010., the Project of The Republic of Serbia, that was originally oriented towards solving the problems of persons housed in collective centres and the most vulnerable persons, and in accordance with the recommendations of the International Community and the agreement of The Republic of Serbia and The Republic of Croatia, it was extended to other persons in need of a housing solution (including those who did not exercise their property and tenancy rights). During the further course of cooperation, on June 16th 2011., the joint project of Governments of Bosnia and Herzegovina, The Republic of Croatia, Montenegro and The Republic of Serbia was presented - "Joint Program for Durable Solutions for Refugees and

⁵ Migration profile of the Republic of Serbia for 2019.

Internally Displace Persons - Regional Cooperation". Serbia, in expressing needs in its' Project, was guided by data from The Analysis of conditions and needs, in 2008., and by data from The Survey on former tenant rights holders and pointed out the necessity for 302 million euros for resolving housing needs, for 16.780 families in difficult financial situation and unresolved housing issues (about 45.000 persons). On this occasion, the regional project was adopted, worth 584 million euros and it was agreed that at a donors' conference will be presented housing needs of refugees who were not involved in regional project. Transparent Ministerial Conference on resolving refugees' issues on West Balkan was held in Belgrade on 7th of November 2011., and on that occasion The Joint Declaration on ending displacement and providing permanent solutions for vulnerable refugees and internally displaced persons, was signed by ministers of foreign affairs of The Republic of Serbia, The Republic of Croatia, Federation of Bosnia and Hertzegovina and The Republic of Montenegro. The Regional Program for providing adequate housing solutions for vulnerable refugees in all signatory countries to the declaration makes an integral part of The Declaration.

At that time, the preliminary needs of each of the countries were estimated:

The Republic of Serbia – 16.780 households or 45.000 individuals, assets of 335 million euros (about 57% of total RHP anticipated assets) with 33,5 milion of national contribution;

The Republic of Croatia – 3.541 households or 8.529 individuals, and assets of 120 million euros (about 21% of total RHP anticipated assets) with 30 million of national contribution;

Federation of Bosnia and Hertzegovina – 5.400 households or 14.000 individuals, and assets of 101 million euros (about 17% of the total estimated RHP assets), with 15 million of national contribution;

The Republic of Montenegro – 1.777 households or 6.063 individuals, and funds of 27,7 million euros (about 5% of the total estimated RHP funds), with 4 million national contribution⁶.

The Donors' Conference was held in Sarajevo on 24 April 2012. For resolving issues of the most vulnerable refugees in region, it has been raised 300 million euros till then, with the continued fundraising, and and supports active implementation in the field⁷.

Several housing support models are envisaged - construction and allocation of apartments, construction and installation of prefabricated houses, allocation of building materials and small grants, as well as assistance in the purchase of rural households, accompanied by additional contributions of local self-governments.

The Donors' Assembly of The Regional Housing Fund has approved the first sub-project of The Republic Of Serbia on 8 April 2013. At the same time, projects of partners' countries for resolving housing issues were approved, in total value of seven million euros, in all four countries⁸.

⁶ OSCE Presentation of the Needs of the Regional Housing Program

⁷ Commission for Refugees and Migration, Review: On Regional Housing Program

⁸ Ibid

Over the following years, further cycles of implementation of the program for the housing support were developed, and at this moment, among others, the ninth wave of assistance within this important housing project has been activated, and is being implemented in parallel with them. Regional housing program in Serbia is being conducted very intensively, the number of assigned solutions increases every day, new buildings are being built and keys are handed out for apartments and prefabricated houses, packages of building materials are allocated and country houses with gardens are being bought and improved for living.

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Parallel with preparations for implementation of the Regional Programme, dialogue between bilateral and multilateral working groups that are established within the regional cooperation process is continued to resolve the remaining outstanding issues. During 2013, four meetings of the Regional Coordination Forum were held, consisting of representatives of partners' countries, international community, and The Council of Europe Development Bank, with the aim of continuing to engage all stakeholders in preparation for the implementation of The Regional Housing Program and making further progress in resolving the remaining outstanding issues within the regional cooperation process⁹.

Aware of the fact that it takes time and sincere commitment to resolve all these human and sensitive issues, in which cooperation of the states of origin and the states of admission is necessary, as well as the readiness to find fair and sustainable solutions to all outstanding issues, approaching to resolving all integration needs and refugees' issues is intensive and continuous. In this process of responsible social politics, it tends to maintain dedication and strong will, so that in spirit of good cooperation, in a comprehensive and systematic manner, sustainable and permanent solutions of this chapter are to be provided. The commitment to continue this dedicated work and cooperation by closing opened issues from the past, contributes to the reconciliation process and provides a path to better and more meaningful bilateral relations and cooperation in the region.

LEGAL FRAMEWORK

International Legal Framework

The Republic of Serbia is a signatory to all basic international documents in this area, including the Convention on the Status of Refugees with the final act of the Conference of United Nations' delegates, on the Status of Refugees and the Protocol on the Status of Refugees, ("Official Gazette of SFRY – International agreements and other agreements" number 15 / 67), which define the concept of refugee, legal status, access to rights and other questions relevant to the position of refugees.

The Republic of Serbia has ratified the International Pact on Civil and Political Rights ("Official Gazette of the SFRY - International Agreements", No. 7/71), the International Pact on Economic, Social and Cultural Rights ("Official Gazette of the SFRY - International

⁹ Ibid

Agreements", No. 7/71), Convention on the Legal Status of Stateless Persons ("Official Gazette of the FRY - International Treaties and Other Agreements", No. 9/59) and the International Convention on the Elimination of All Forms of Racial Discrimination ("Official Gazette of the SFRY - International Agreements", No. 6/67), and ratified a number of conventions relevant to refugees, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Official Gazette of the SFRY - International Agreements, No. 9/91) and the International Convention for the Protection of All Persons from enforced disappearances ("Official Gazette of RS - International Agreements", No. 1/11).

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Regarding the return of refugees and internally displaced persons, United Nations Security Council Resolutions no. 1120 of 1997, 2004/2 on housing and restitution of refugees and displaced persons, as well as the 2005 UN Economic and Social Council Principles on housing and restitution of refugees and displaced persons (known as the Pineir Principles) of 2005, which established the right of all refugees and displaced persons originated from the territory of the former Yugoslavia to return to their homes, compensation for property that couldn't be returned to them, as well as the need to ensure the recognition of property and tenancy rights.

Related principles are also confirmed by the Resolution of the Parliamentary Assembly of the Council of Europe no 1708, adopted in January 2010., Decision of the Council of the European Union no. 2008/213 / EC on 18th February 2008., and the Stabilization and Association Agreement between the European Communities and their members' states and The Republic of Serbia ("Official Gazette of RS", no. 83/08).

In terms of additional protection of human rights and fundamental freedoms, the European Convention for the Protection of Human Rights and Fundamental Freedoms ("Official Gazette of Serbia and Montenegro - International Agreements", No. 9/03, 5/05 and 7/05 - correction and "Official Gazette of RS - International Agreements ", No. 12/10 and 10/15), also foresees a mechanism for addressing to The European Court of Human Rights.

In terms of persons who have escaped from the Federation of Bosnia and Herzegovina, The General Framework Agreement for Peace in Bosnia and Herzegovina ("Official Gazette of the FRY - International Agreements", no. 12/02) - Annex VII, which refers to the Agreement on Refugees and Displaced Persons and the Agreement on Dual Citizenship between the Federal Republic of Yugoslavia and Bosnia and Herzegovina ("Official Gazette of the FRY - International Agreements", no. 2/03), which facilitated the position of refugees in the integration process by enabling dual citizenship.

If they opt for return, for refugees from the Republic of Croatia, by the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia ("Official Gazette of the FRY - International Agreements", no. 5/96), as well as by The Protocol on Organized Return Procedure , the contracting parties have undertook an obligation to facilitate the voluntary and organized return to The Republic of Croatia.

The Agreement between the Federal Republic of Yugoslavia and the Republic of Croatia on Social Insurance ("Official Gazette of the FRY - International Agreements", no. 1/01), as well as the Agreement between the Federal Republic of Yugoslavia and Bosnia and Herzegovina on Social Insurance have special support in resolving insurance rights ("Official Gazette of the FRY - International Agreements", no. 7/03) which regulate issues related to the exercise of social insurance rights, especially the rights from the pension insurance of refugees who have decided to integrate in the Republic of Serbia.

Of great importance is the process started by the Sarajevo Declaration - The Declaration of the Regional Ministerial Conference on resolving the issue of refugees and displaced persons in the region was signed by the competent ministers of Bosnia and Herzegovina, the Republic of Croatia and Serbia-Montenegro on 31 January 2005. The declaration confirms that all refugees have a full and inalienable right to choose solutions through return or integration and access to related rights.

By holding The Ministerial Conference on March 25th, 2010., in Belgrade, four countries in the region, relaunched a regional process strongly supported by the European Union, the European Commission, the Organization for Security and Cooperation in Europe (OSCE) and the UN High Commissioner for Refugees (UNHCR). Through the work of the working groups, issues such as the renewal of property, revoked tenancy rights, civil status, housing solutions, return back, participation in the privatization process, due and unpaid pensions were discussed. During the regional process, the partners' countries developed and proposed for donors' funding the Multi-Annual Regional Program for Resolving the housing needs of refugees in the region, in support of refugees in the integration and return process. The regional housing program is implemented simultaneously in all four partners' countries and is financially supported by the European Union, the United States of America and a large number of countries.

The Belgrade Declaration, signed on 11 November 11 2011, confirmed the principles established by the Sarajevo Declaration. An integral part of this declaration is the Joint Regional Multi-Annual Program for permanent solutions for refugees and displaced persons (Regional Housing Program) for the purpose of which, on 24 April, 2012, a Donors' Conference was held in Sarajevo and the necessary funds were raised. The accompanying Framework Agreement between the Council of Europe Development Bank and The Republic of Serbia on The Regional Housing Program was signed on 25 October 2013.

National Legal Framework

The National Plan for the integration of The Republic of Serbia into the European Union and The Migration Management Strategy ("Official Gazette of RS", no. 59/09) consider the challenges faced by refugees as key inter-sectoral documents and provide appropriate guidelines for the development of sectoral strategies to solve their problems.

The National Strategy for resolving the issues of refugees and internally displaced persons for the period from 2015 to 2020 ("Official Gazette", no. 62/15) defines the basic

goals and directions of action for the permanent solution of refugee problems in The Republic of Serbia. Work to improve conditions for the return back of refugees to the country of origin and to provide conditions for local integration of refugees who have applied for admission or have already acquired citizenship of The Republic of Serbia have been set as two basic routes for permanent resolution of the refugee issue in The Republic of Serbia.

A number of accompanying national strategies are also important, taking care of refugee problems in some segments.

The Law on Refugees regulates the status, position and rights of refugees from the former SFRY republics in the Republic of Serbia. Under this law, refugees are provided with admission, temporary accommodation and nutrition assistance, appropriate health care and certain rights from social protection, as well as support in the processes of return and integration through participation in resolving housing needs. Persons in refugee status are entitled to employment and education, in accordance with the law.

The Law on Citizenship of the Republic of Serbia ("Official Gazette of RS", No. 135/04, 90/07 and 24/18) foresees solutions that involve easier and faster acquisition of Serbian citizenship. The procedure is particularly simplistic and facilitated for refugees from the former republics of the Socialist Federal Republic of Yugoslavia¹⁰.

The Law on Registry Books ("Official Gazette of RS", no. 20/09, 145/14 and 47/18) comprehensively regulates the area of registry books and regulates the entry of the fact of birth, marriage and death in the registry books, as those that are originated on the territory of the Republic of Serbia, as well as those that are originated abroad, and relate to citizens of the Republic of Serbia. Thus it is stipulated that the registration of the fact from the birth, conclusion of marriage and death of citizens of the Republic of Serbia is carried out on the basis of the birth certificate of a foreign institution, if the international agreement is not otherwise determined, and if the birth certificate of a foreign institution cannot be obtained, registration is made based on the decision of the competent court¹¹. A person born abroad who has acquired citizenship of the Republic of Serbia is registered in the registry by place of temporary residence or residence (domicile). The same is applied to the entry of the fact of birth, marriage and death of a citizen of the SFRY who had the citizenship of another republic of the SFRY or is a citizen of another state created on the territory of the SFRY and who acquired the citizenship of the Republic of Serbia¹². It is also

¹⁰ Article 23. The Law on Citizenship stipulates that a member of the Serbian people who does not have residence on the territory of the Republic of Serbia has the right to be admitted to citizenship of the Republic of Serbia without release from foreign citizenship, if he has turned 18 years of his life and has not been deprived of his business ability and if he submits a written statement that he considers the Republic of Serbia his state. Under these conditions, a person born in another republic of the former SFRY who had citizenship of that republic or is a citizen of another state originating on the territory of the previous SFRY, who as a refugee, exiled or displaced person resides on the territory of the Republic of Serbia or has escaped abroad. Under the same conditions, a member of another people or ethnic community from the territory of the Republic of Serbia may be admitted to citizenship of the Republic of Serbia.

¹¹ Article 76. The Law on Registry Books.

¹² Article 77. Law on Registry Books.

enabled to register the fact of birth, regardless of whether it is a child whose parents are known, a child whose parents are unknown, a child without parental care or an adopted child.

Of particular importance for residence are the Law on Identity Card ("Official Gazette of RS", no. 62/06 and 36/11), the Law on Travel Documents ("Official Gazette of RS", no. 90/07, 116/08, 104 / 09, 76/10, 62/14 and 81/19) and the Law on Residence and Stay of Citizens ("Official Gazette of RS", no. 87/11).

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Many other legal acts, such as the Law on Migration Management ("Official Gazette of RS", no. 107/12), then regulations related to the field of health care and health insurance, as well as those regulating the field of labor relations, employment, education, upbringing and housing, also in their domain affect issues related to the general position and rights of this population.

INSTITUTIONAL FRAMEWORK

Bearing in mind the competencies of state administration bodies in relation to refugees, the following are of great importance:

The Commissariat for Refugees and Migration, which, as a special organization, is responsible for defining the status of refugees, their care, providing assistance in the process of return and reintegration, keeping their records, harmonising assistance by other institutions and organizations in the country and abroad, as well as launching initiatives to require for international assistance by the United Nations and other international organisations.

In this sense, the Commissariat brings a solution of the recognition and termination of refugees' status, as well as the right to care, it's reduction and termination. Based on the decision on recognising the status of a refugee, the Ministry of internal affairs, that is in charged, issues a refugee identification card. Refugees' identification is a public document proving the identity and on which the refugee exercises the rights that are legally entitled to it and proves other facts contained in it, and stipulates that the regulations on identification, storage and replacement of refugee identification shall be applied accordingly¹³.

The Commission for coordination of the process of permanent integration of refugees, consists of representatives of the ministries of competent foreign affairs, finance, social affairs, local self-government, housing, as well as representatives of the Commissariat and the Office for European Integration. The Commission was established by a decision of the Government on 2004¹⁴, with the task of supervising and coordinating the process of permanent integration of refugees, especially in resolving housing issues, and has the role of

¹³ Articles 13. and 14. Law on Refugees

¹⁴ Decision on the formation of the Commission for Coordination of the process of permanent integration of refugees ("Official Gazette of RS", no. 108/04)

the National Steering Board for the realization of the Regional Housing Programme in the Republic of Serbia.

Ministry of Interior affairs that is in charged for administration activities related to: citizenship, temporary residence or residence (domicile) , issuing of refugee identification, ID cards, travel documents, international assistance and other forms of international co-operation in the area of internal affairs, as well as administrative resolution in the second instance procedure under refugee regulations.

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The work of the Ministry of Labor, Employment, Veterans' Affairs and Social Affairs is dedicated, among other things, to concluding international agreements on social security, population policy, anti-discrimination policy, social protection system, exercise of rights and integration of refugees.

The Ministry of Health performs state administration tasks related to, among other things, the health care and health insurance system and participation in the preparation and implementation of international agreements on compulsory social insurance.

Certain tasks of the state administration related to the exercise of the rights of refugees and internally displaced persons are also the responsibility of the Office for Human and Minority Rights, the Ministry of State Administration and Local Self-Government, the Ministry of Foreign Affairs, the Ministry of Construction, Transport and Infrastructure, and other bodies and organization of the state administration, according to the scope of work they perform, which are important for the protection and exercise of the rights and interests of refugees.

THE IMPORTANCE OF LEGAL AID

Although the large number of refugees, exiled and war-affected persons have been naturalized, these persons still need legal assistance in resolving certain aspects in the areas of civil status, health, employment, housing, or some form of assistance in exercising rights in the country of origin or settlement, in order to facilitate a functional and socio-economic part of the return or integration process in the Republic of Serbia.

Exercising and accessing rights in a place they have left or a place of displacement is a precondition for free choice of a lasting and sustainable solution to the basic needs of these persons, whereby the process of return directly depends on the creation of conditions in the country of origin for return, while on the other hand, the process of integration and improvement of refugees' living conditions depends on the solution for their personal, property and socio-economic status, housing, education and employment.

Bearing in mind that the permanent and comprehensive integration process involves, among other things, the legal aspect, legal support in the form of providing the necessary information, advice, referring and other legal assistance greatly facilitates integration into

the system of a rounded and sustainable status, social and economic part of this process. In this sense, providing and having free legal aid mechanisms is of great importance.

Basic goal of the project "Legal aid, assistance and dissemination of information necessary for the protection and exercise of the rights of internally displaced persons, refugees and returnees" is based on free legal assistance in protecting and exercising basic human rights of internally displaced persons, refugees and returnees under the readmission agreement through mechanisms for providing free legal support in the process.

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The envisaged project activities are directly implemented through the establishment and operation of free legal aid offices, where legal aid is provided to the final beneficiaries, not only within free legal aid offices, but also through the engagement of Mobile legal teams in the field and in cooperation with relevant institutions and organizations whose competence is important for the entire system of legal protection and support for the improvement of living conditions. Key activities of the project are aimed at ensuring adequate access to information, advice and effective legal aid and assistance necessary for users to exercise their rights.

In its' essence, the integration of refugees is a complex and layered process that requires support to refugees in the field of resolving status issues, housing needs, employment, exercising rights of pension, health and social insurance.

Experience has shown that access to many rights in the country of origin, as well as access to rights and regulation of status in the country of refugee, most often depends on timely and adequate information, as well as the possibility of obtaining and possessing the necessary supporting documents. Based on the conducted research "Analysis of the situation and needs of the refugee population", it was determined that the percentage of respondents who lack some of the personal documents is 44%, of which 36% said they miss some of the personal documents from the country of origin, while 8% said that they are missing some of the personal documents from the Republic of Serbia¹⁵. Difficulties in obtaining documents, in addition to the frequent inability or unwillingness of refugees to return to the countries of previous residence, their health or financial situation, lack of passport or travel document, is created by the fact that obtaining documents in the country of origin is not always allowed by delegates but also the by the fact of refugees' insufficient information and unfamiliarity of this process..

In this regard, in terms of the refugee population, legal aid and support include:

- Providing legal counseling, information and referral;
- Legal aid in obtaining documents from the country from which they escaped;
- Legal assistance in the further exercise of rights in the Republic of Serbia through:
- Legal advice, information and assistance in the preparation of legal documentation and submissions, as well as referral to the relevant procedure that they need in the further course of exercising and protecting rights;

¹⁵ National strategy for resolving the issue of refugees and internally displaced persons for the period 2015. to 2020

- Preparation of these persons for independent representation before courts and other institutions;
- Organizing field visits and engaging Mobile Legal Teams in the field, thus ensuring the availability of free legal aid in all areas where these final beneficiaries need it.

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The fact of constant increasing number of requests indicates that this specified type of legal support is of the most convenience. Namely, according to the statistics and structure of legal aid provided, through the free legal aid project, legal assistance was provided for over 550 requests of parties who have refugee status, mainly from the Republic of Croatia, and to which, besides additional legal information, counseling and referral, among other things, this way provides legal assistance, not only in obtaining documents from the Republic of Croatia, but also in resolving some of the basic legal issues, both in the Republic of Serbia and in the country of previous residence. Also for refugees from the Federation of Bosnia and Herzegovina, a model of local cooperation has been opened and that excerpts from the registry – Birth Certificates, Citizenship Certificates and Marriage Registries are obtained upon request.

Report for the period till 26 August 2021.

Territories and competent authorities	Opened	Closed
Bosnia and Herzegovina	30	93
Local self-government body - Registry Office	6	8
Local self-government body - Cadastre	0	4
Administrative authority	9	44
Magistrate/Basic Court	0	2
Other local self - government bodies	6	17
Company	1	1
The Court	8	17
Croatia	130	331
Local self-government body - Registry Office	21	53
Local self-government body - Cadastre	5	7
Administrative authority	24	146
Magistrate/Basic Court	1	11
Other local self - government bodies	40	44
Company	2	5
The Court	36	64
Tax Administration	0	1
Prosecution/Prosecutions' Office	1	0
Total	160	424

Report for the period till August 26th, 2021.

Final beneficiaries	Opened	Closed
Refugees from Bosnia and Herzegovina	34	94
Refugees from Croatia	134	344
Total	168	438

Requests received in period 15.6.2016. till 7.8.2019.

120

**Communication, counseling,
legal information and referral to
HCIT project**

Total

726

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Viewed on period from 15 June 2016 till 7 August 2019, the requests of the final beneficiaries with the status of refugees from The Republic of Croatia and Federation of Bosnia and Herzegovina had been achieving in cooperation with NGO Project Humanitarian Center for Integration and Tolerance (HCIT) from Novi Sad. With the reliance on HCIT, about 120 cases of final beneficiaries were processed and forwarded for treatment. Essentially, the same issues of these final beneficiaries are questionable - legal assistance in obtaining documentation relating to status and civil issues, documentation related to education, work and retirement, certain issues and excerpts related to property in the places of origin, as well as counseling, referral and information regarding current model of housing and social assistance, which confirms the importance of the existence of a certain mechanism of legal support for the requests of these persons.

In this respect, continuing this mission of providing effective legal assistance to refugees who turn to the Project Team to find solutions to their status and related issues during 2019, cooperation with the NGO Project Civil Rights from Sisak started and established this model of legal assistance as a form of support to final beneficiaries in regulating their requests for legal aid in The Republic of Croatia. So far, about 478 requests have been processed through this cooperation, of which 344 cases have been successfully resolved, while the rest are in progress.

The comprehensiveness and efficiency of free legal aid is indicated by the increase of the number of requests related not only to status' issues and accompanying documents, but also to other types of certificates and excerpts that are important for education, employment, social security and property of these persons.

In this regard, clients were provided with birth certificates, certificates of citizenship, marriage certificates and various other documents such as certificates of completion of education, certificates of the competent regional authorities. and certificates of unique identification number before the competent authorities in the countries from which they fled. In cooperation with local associates of The Project Civil Rights from Sisak, the reconstruction of data entry in the registry offices, acknowledgement of foreign court decisions and resolved procedures necessary for obtaining the necessary documentation were successfully performed.

The analysis of the current practice showed that these persons are still in need of some legal support in resolving their legal issues, especially in the area of additional information, counseling and assistance in the process of integration or return. Namely, opting for some of the basic directions of termination of refugee status - through permanent integration and acquisition of citizenship, registration of residence and obtaining an ID card, or return back per se, requires possession of appropriate documentation,

excerpts, certificates and written confirmations, and often knowledge of relevant procedures for the realization of the procedure. In all these aspects, of immense importance are continuous and efficient legal information, guidance and assistance, all in timely manner.

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The peculiarity of the legal position, legal problems and the need of refugees for free legal aid is reflected in the fact that they often need such assistance at the same time in the countries of admission and in the countries of previous residence. This mechanism of free legal aid that is professional, timely, easily accessible and operational, enables the protection of basic human and civil rights and overcoming certain obstacles that these persons, due to possible unfamiliarity of rights, being uninformed or other circumstances, encounter in the process of reintegration in places of return back or on the path to integration in new environments.

Exactly the professionalism, continuous work and experience of legal teams enable the identification and resolving of the most common legal needs of final beneficiaries, and ensure individually designed and strengthened those models of legal aid that enable efficient legal assistance, and also define examples of best practice as a model of the most efficient solution.

COOPERATION WITH THE COMMISSARIAT FOR REFUGEES AND MIGRATIONS OF THE REPUBLIC OF SERBIA

Support on the central and local level

Besides providing free legal aid in head offices in in Belgrade, Kraljevo, Niš, Vranje and associated organizations in Gračanica and Kosovska Mitrovica, The Project "Legal aid, assistance and dissemination of information necessary for the protection and exercise of the rights of internally displaced persons, refugees and returnees", cooperates with the Commissariat for Refugees and Migration of the Republic of Serbia and directly with the commissioners of the Commissariat for Refugees and Migration in all municipalities and cities where is perceived need to provide free legal aid through visits by mobile teams.



The Project representative at the annual gathering/meeting of commissioners on mountain Tara,

December, 2019. Decembar 2019. godine

This type of cooperation has proven to be of great importance especially in the part of informing and referring users to the possibility to contact the project's legal advisors, as well as ensuring that their needs are perceived in a timely manner, review legal possibilities and effectively provide the necessary legal assistance also in a timely manner.

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The importance of visits by legal teams was very quickly recognized as an efficient model for providing free legal assistance throughout the Republic of Serbia. In this form of field response to the needs of the beneficiaries, legal teams discussed legal issues, pointed out and provided the necessary legal assistance through more than 90 field visits, met, listened and discussed legal dilemma and unresolved legal issues of refugees residing in many places throughout Serbia, and thus provided the necessary mobile legal assistance, adequate and professional counseling, information, referral to professional legal support from attorney.

Numerous cities, municipalities and settlements, Collective centers and Centers for intervention of returnees were visited on the basis of the readmission agreement throughout Serbia, and home visits were conducted wherever it was proved as necessary. The existence of a significant number of final beneficiaries and the open need for legal assistance have resulted for some of above places to be on the route of legal aid teams more than once.



Field visit to Vrnjačka Banja, March 2021

The realization of meetings with beneficiaries in the field was planned and organized with great assistance and cooperation of local Commissioners for Refugees and Migrations, and often with other local organizations and institutions. This way of mutual cooperation

ensures the availability of free legal aid to those beneficiaries who reside in places where legal aid mechanisms are not present, or they are overloaded, so this way enables them to overcome their legal challenges in all local environments where they live. Exactly with the assistance and support of the Commissariat for Refugees and Migrations, at the central and local level, that it facilitates and ensures the openness of free legal aid to refugees, thereby ensuring that wherever they reside, to overcome material, social and territorial difficulties in accessing the free professional, swift and efficient legal assistance mechanism.

COOPERATION WITH THE NGO HUMANITARIAN CENTRE FOR INTEGRATION AND TOLERANCE FROM NOVI SAD AND THE NGO CIVIL RIGHTS PROJECT FROM SISAK

Primary and secondary free legal aid in the Republic of Croatia

Since the June 15th in 2016., till the August 7th 2019., the Project team reviewed requests of refugees, and referred them to further treatment relying on cooperation with the NGO Humanitarian Centre for Integration and Tolerance from Novi Sad. Requests were processed and, with referring, counseling and information on existing legal aid possibilities, were further discussed within the framework of legal support. Through this legal aid program, a model of legal cooperation has been developed to provide refugees from the former SFR Yugoslavia through legal counseling, providing legal information, assisting while compiling submissions, providing assistance in exercising their status and property rights and in the part of obtaining documents from the countries from which they escaped (citizenship certificates, birth certificates, marriage certificates, ID confirmations, proprietary papers, certificates of retirement insurance, work cards, school testimoniamonies and diplomas and other types of certificates).

The Project's cooperation with the NGO Civil Rights Project from Sisak has been started, during mid-2019. The importance of this form of mutual assistance in legal assistance to final beneficiaries has become appreciable in the whole process of exercise of rights in the Republic of Serbia, since it enables final beneficiaries to obtain the necessary documentation in an easy and expeditious way, provide representation and guidance through the procedure required for exercising their rights in the Republic of Croatia, thus solving some of the basic issues in the Republic of Serbia.



Free legal aid project team at the meeting with PGP Sisak, May 2019

This issue is mostly expressed in the areas of obtaining documents and conducting proceedings in the Republic of Croatia, necessary for further resolution of the status, social and economic rights of refugees who are left in the Republic of Serbia.

What is particularly important, this type of cooperation, in an extended form, through the work of a collaborative organization, enables free legal aid in this state of previous stay also, not only as primary, but also as secondary legal assistance. Whereby, the primary legal aid includes legal advice, drafting submissions and representation in administrative proceedings, legal assistance in peaceful out-of-court settlement of disputes and representation in front of the European Court of Human Rights and international organizations. While secondary legal aid is achieved through representation on the court, legal assistance for peaceful resolution of disputes on the court and the compilation of writs. Secondary legal aid is provided exclusively by lawyers. Approving any form of legal aid also includes exemption from tax payments and process costs for the final beneficiary.

A special aspect of this assistance is supported through the possibility of addressing to the competent institutions and organizations, as well as advocacy by lawyers of this NGO on the territory of the Republic of Croatia, in order to complete the regulation of the legal issue of final beneficiary. Accordingly, the former main obstacle – the inability of the beneficiaries themselves to go to the Republic of Croatia and to address directly to the relevant organizations to obtain documents or resolve their legal case, is facilitated, accelerated and overcome.

Examples of good practice

Some examples of legal aid provided to refugees who have turned to the Project:

- case of obtained complete package of documentation relevant for regulating status issues and full realization of further rights in the Republic of Serbia – case M. Z.:

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1. M.Z. refugee from Croatia, an elderly person who for health and material reasons has been unable for years to personally go to the Republic of Croatia for the necessary documents. After finding out of the existence of the Project and the possibility of free legal assistance, she approached to the legal team for help in obtaining basic statements and certificates of personal status. In cooperation with the NGO Civil Law Project in Sisak, the birth certificate and certificate of citizenship of the Republic of Croatia were successfully obtained.

- the example of assisting through collaborative organizations in helping the beneficiary to resolve his legal cases through the necessary procedures – case G. S.:

2. G.S. refugee from Croatia, has approached the legal team with several requests for legal assistance. The basic request was for the process of recognizing the court decision on divorce made by the competent judicial authority in the Republic of Serbia. Additional complexity of the legal issue was introduced by the fact that in Serbia, a divorced marriage was concluded in the Federation of Bosnia and Herzegovina. In cooperation with the cooperative organization, relevant procedures have been initiated and after the completion of the same and the registration of the fact of divorce into the relevant registries in the Republic of Croatia, the necessary statements are expected.

-the example of assisting through cooperative organizations in helping the Beneficiary to resolve his legal cases through the necessary procedures – case R. Š.:

3. R.Š. refugee from Croatia, approached the legal team with a request for legal assistance in determining data in the Main registries in the Republic of Croatia. Namely, for several years, the party tried unsuccessfully to obtain a birth certificate – Birth Certificate, since it received answers from the sub-branch offices that the listed registries during the conflict had been destroyed. After determining the situation on the ground, it is possible to register with official registers and the necessary statement is outcome.

- the example of assisting through collaborative organizations in helping the Beneficiary to resolve his legal cases through the necessary procedures – case D. Z.:

4. D.Z. refugee from Croatia, approached to the legal team with a request for legal assistance in obtaining testimony on the finished fourth grade of high school. In addition to the above mentioned, the party has applied for legal assistance in obtaining birth certificates and marriage certificates. In accordance with the above

mentioned in front of the authorities, the necessary procedures have been initiated and upon completion, the necessary documentation is expected to be completed.

- example of assisting through collaborative organizations in helping the Beneficiary to resolve his legal cases through the necessary procedures – case J. V:

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5. J.V. refugees from the Federation of Bosnia and Herzegovina, through the local Trust, approached to the legal team with several requests for legal assistance – obtaining birth certificates in the country from which it came. In joint cooperation, by quick letter of requests, we have successfully obtained a Birth Certificate, a birth certificate from the Book of Citizens of the Federation of Bosnia and Herzegovina and a certificate from the Marriage Registry, for the party.

In addition to the above mentioned, the practice pointed to numerous examples of counseling, information and assistance in the preparation of submissions and necessary documentation necessary in the independent conducting of procedures that enabled the Beneficiary to resolve his legal issue.

CONCLUSION

Considering the existence and trend for shaping the need for specific and efficiently assistance in exercising of the rights of all citizens in an increasingly complex legal system, engagement in the protection of human rights, especially with respect to specific beneficiaries' groups, such as refugees, displaced persons and returnees under the readmission agreement in the legal aid system, occupies an important place. With their knowledge, selfless engagement and persistence, the Projects' legal teams have shown significant results and through cooperation with relevant institutions, associations and organizations they have contributed to ensuring full and sustainable integration of all beneficiaries while respecting the special position of all them. Built capacities, expertise, dedication, ethics and flexibility in providing free legal aid services also provide the ability to monitor the specific problems of these beneficiaries, and to find adequate legal solutions in a large area and for a large number of beneficiaries, in a way that solutions are customized, harmonized and individually modified.

Bearing in mind the specificity of the position, needs and rights of refugees, free legal aid, which is familiar with the challenges they encounter - facilitates complements and strengthens existing systemic and institutional capacities in the process of providing complete and sustainable solutions in realization of their right to personal choice. Regarding resolving opened legal issues is an inevitable part of the process of overall assistance to refugees, the importance of existence of this type of shaped, efficient and swift legal assistance in protecting and realization of their rights has been increased, thereby helping to create an environment in which they can provide and improve living conditions, for themselves and their family members, and to integrate into the local environment.