

OFFICE FOR HUMAN AND MINORITY RIGHTS
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**Information for the Special Rapporteur's Report on Adequate Housing
(A/HRC/RES/34/9)**

Normative and strategic framework

*The Law on Social Welfare*¹ gave the local self-governments the possibility to allocate funds for innovative services on their territory and from their budgets, which some of them use to provide services of "social housing in protected conditions", and to solve the housing problem of individual users of social services through the construction of apartments.

The Law on Permanent and Temporary Residence of Citizens² enables the persons without permanent residence to exercise this right by registering at the address of the Social Welfare Centre, which further ensures exercising of various rights and services in the field of social protection, as well as other guaranteed rights.

*The Law on the Legalization of Buildings*³ prescribes the conditions, method and procedure for the legalisation of buildings built without a building permit. According to this law, regulation plans represent spatial and planning legal acts within the competence of a local self-government unit. These plans represent a safe legal solution for spatial regulation of informal settlements that can be maintained at a given location. They are also the basis for providing the land with the utility infrastructure, regulating the rights on individual plots and ultimately for legalisation of individual buildings in a respective spatial coverage.

*The Law on Housing and Maintenance of Buildings*⁴ is a new comprehensive law in the field of housing, which, inter alia, contains provisions regulating cases of "forced displacement" of persons living in substandard settlements in buildings which were built contrary to the regulations on the construction of buildings on land owned by another person. The law defines

¹ http://paragraf.rs/propisi/zakon_o_socijalnoj_zastiti.html

² http://www.paragraf.rs/propisi/zakon_o_prebivalistu_i_boravistu_gradjana.html

³ http://www.paragraf.rs/propisi/zakon_o_ozakonjenju_objekata.html

⁴ http://paragraf.rs/propisi/zakon_o_stanovanju_i_odrzavanju_zgrada.html

in detail when, as well as under what conditions the eviction of persons from a settlement is carried out and stipulates the procedure for eviction of such persons, their legal protection during the procedure, as well as the possibility of their relocation in an adequate accommodation. This law is harmonised with ICCPR as well as the ICESCR.

*The Law on Planning and Construction*⁵ defines the accessibility standards as mandatory technical measures, standards and conditions for designing, planning and construction that ensure unhindered movement and access to persons with disabilities, children and elderly people. Legal solutions in the field of housing support are based on one of the basic principles of protection of housing rights as the basic human rights - non-discrimination in accessing housing policy.

In accordance with the Law on Planning and Construction, the *Rulebook on technical standards for planning, design and construction of buildings* defining technical accessibility standards for access to housing facilities, including mandatory horizontal and vertical accessibility elements, for movement within housing facilities, as well as for the use of individual premises in buildings and apartments, with clear finishing within the apartments.

The National Strategy on Social Housing is in force for a period of at least 10 years and preparations are underway to begin the work on drafting the new Strategy.

National Strategy for Resolving Problems of Refugees and Internally Displaced Persons for the period 2015-2020 follows the necessary goals and measures of the R Serbia defined in the previous period, which are still current. The part important for the internally displaced persons has been expanded, especially in addressing housing needs and economic empowerment, and through the support of local action plans in municipalities in Serbia.

In the Strategy for social inclusion of Roma in the Republic of Serbia until 2025 and the accompanying AP, the measures and activities, responsible implementers and funds for priority areas were defined: housing, employment, education, health and social welfare, as well as the prevention of discrimination.

Mechanisms

The Commissariat for Refugees and Migration ensures coordination with all competent authorities and that the internally displaced persons are adequately represented in the creation of all respective policies, especially in the field of employment, housing and the fight against discrimination.

Mechanisms were established at the central and local level for the implementation of all types of support programs for internally displaced persons. Thanks to the local action planning system, the LSG was actively involved in addressing the needs of those persons and the programs were financially supported from the budget funds of Serbia and the donor funds. The regional housing programme for solving the problems of refugees from the former SFRY as a joint multiannual program of four countries - BiH, Croatia, Montenegro and Serbia, aiming to provide permanent housing solutions for 16,780 families (45,000 individuals) in Serbia, is being implemented. The

⁵ http://www.paragraf.rs/propisi/zakon_o_planiranju_i_izgradnji.html

regional process has received a significant support from the international community of EU, USA, UNHCR and OSCE, including the financial means for implementing RHP.

It is planned that in the course of 2017 all collective centers are shut down as adequate housing solution for all users will be found.

Within the framework of support services for independent living, the development of social housing in protected conditions which began in 2003 is of particular importance for the homeless. Social housing in protected conditions (SHPC) is a special, innovative form of social protection, state support at the local level for homeless people, primarily refugees and displaced persons from collective centers and to local population without homes who, due to psychological and physical condition, old age, illness or other circumstances, need additional social support in order to have basic conditions for a dignified life. The Law on Social Welfare gave the local self-governments the possibility to allocate funds for innovative services on their territory and from their budgets, which some of them use to provide services of "social housing in protected conditions", and to solve the housing problem of individual users of social services through the construction of apartments.

Also, according to the Law on housing and maintenance of buildings, the institutional framework for implementation of the housing policy (Articles 119-121) consists of the *Housing Council, the competent ministry and the local self-government units*.

The Government is establishing a *Housing Council* in charge of the preparation and supervision of implementation of the National Housing Strategy, tasks of which include proposing the basic directions of housing policy and providing guidelines for drafting the National Housing Strategy and AP, prioritisation of measures, improvement of the participation of relevant actors and cross-sectoral cooperation. It is a cross-sectoral body, consisting of the representatives of the ministry responsible for housing affairs and other competent ministries for housing policy issues, representatives of local self-government units and non-profit housing organisations, as well as OSC.

In October 2016, about 32 LSG units exchanged good practices and shared experience in resolving housing issues using 18 models of housing care through the work of mobile teams. For the first time records have been established on the number and location of informal settlements in Serbia, allowing for planned channeling of funds. According to the municipality data, 583 *informal/illegal Roma settlements* were identified and a detailed assessment of the situation in substandard Roma settlements in 20 pilot municipalities was made. There are 13 urban plans in 11 municipalities and technical documentation with the view of improving substandard Roma settlements in 14 municipalities was developed. Mayors and presidents of 20 municipalities and cities signed the first Declaration on the improvement of the status of Roma at the local level.

In addition to social housing, *purchase of the first rural households began as a more humane form of care*. In municipalities where houses and apartments are purchased Roma are registering with the CSW and the labor market, and children are introduced in the educational process.

Technical Assistance of "Improving the living and housing conditions of Roma living presently in informal settlements" will enable the preparation of technical documentation in 20 local self-government units in order to improve the housing conditions of Roma, in the same LSG unit the formation and functioning of mobile teams for assisting the Roma population will be facilitated

and support during the implementation of infrastructure projects also financed from the IPA 2013 framework will be provided in 13 LSG units.

Within the IPA 2013 Programme, a public call for the implementation of activities was also published with the aim of providing permanent housing solutions and improving the infrastructure in the Roma settlements. On June 6, 2017, the Ministry of Finance signed 11 contracts for the locations in 13 municipalities in the total value of EUR7,550,000.

The Geographic Information System (GIS) for substandard Roma settlements has been established and is operational. All LSG units have received initial data on substandard housing in Roma settlements on their territory from the GIS database, based on which the progress on improvement of the housing conditions of Roma in these settlements will be monitored annually. Within the framework of development of affordable housing models, a publication was published on the appropriate models for addressing the housing needs of the Roma population.

We also point out that the *City of Belgrade* makes great efforts in preventing homelessness *through the provision of social protection services; housing care of refugees and internally displaced persons and through housing care for members of the Roma community:*

*Shelter for adults and elderly people*⁶ is a social care service which provides care for adults and elderly people in crisis situations. Approximately RSD76 million are allocated yearly from the city budget. The users are mostly residents of Belgrade, but also the citizens who find themselves in the territory of Belgrade.

The reception stations⁷, as a social care institution also provides short-term accommodation for children and youth. About RSD30 million are allocated annually from the city budget.

In accordance with the Decision on the rights and services of social protection⁸, the assistance is also provided to citizens in various crisis situations.

So far the City has provided the amount of RSD98,440,000.00 for creating and improving the housing conditions of internally displaced persons through the Commissariat for Refugees and Migration, and the City's own share amounted to RSD11,060,000.00.

Through a regional housing project⁹ being implemented since 2015, 302 packages of building material was distributed, 49 prefabricated houses and 69 rural households were purchased and a contract for construction of 235 apartments was signed for the refugee families on the territory of Belgrade, within Sub-project 3¹⁰. The value of Sub-project 3 is EUR16,313,918, of which the City of Belgrade participation is EUR5,350,000. The rest of the funds was provided through the CE Development Bank. Within Sub-project 5¹¹ in the value of EUR10.069.240 of which the City of Belgrade participates with EUR3,098,786, 270 housing units were rented with the possibility of redemption. In total, 925 refugee families have been covered with the Regional Housing Programme. Regarding the improvement of the housing conditions of the *Roma families and displacement of the Roma settlements*, the City of Belgrade is acting in accordance with the international standards while respecting the principle of non-discrimination and providing

⁶ <http://prihvatiliste.org/>

⁷ Within the Institute for Education of Children and Youth in Belgrade. <http://www.prihvatiliste.rs/onama.html>

⁸ <http://www.slistbeograd.rs>

⁹ <http://www.kirs.gov.rs/articles/oregprocesu.php?lang=SER>

¹⁰ <http://www.kirs.gov.rs/articles/potprojekat3.php?type1=70&lang=SER&date=0>

¹¹ <http://www.kirs.gov.rs/articles/potprojekat5.php?type1=72&lang=SER&date=0>

alternative accommodation to relocated families. In all cases of displacement, the right to consent to relocation was guaranteed.

The City provided free access to education to the displaced citizens. At the level of the local community the administrative, commercial and social services, public transport, waste disposal, maintenance of settlements and their surroundings and landscaping of settlements are provided.

Also the City of Belgrade is implementing the Project "Let's build a home together"¹². The project is being implemented in cooperation with the EU and the UNOPS. According to the project, the family care is carried out by applying three models: social housing, purchase of rural households and reconstruction of their own property.

According to the Master Plan of Belgrade 2021¹³, social housing was defined as a separate type of housing and socially vulnerable Roma were listed as one of the groups within the category of socially vulnerable persons in need of special assistance in providing adequate housing conditions.

¹² <http://www.sagradimodom.org/>

¹³ [http://www.urbel.com/documents/planovi/4231\(sl%20l%2027-03\).pdf](http://www.urbel.com/documents/planovi/4231(sl%20l%2027-03).pdf)