

Standard Summary Project Fiche – IPA centralised programmes
Project number 3: Support to Refugees and Internally Displaced Persons (IDPs)

1. Basic Information

1.1 CRIS Number: 2008/020-406

1.2 Title: **Support to Refugees and Internally Displaced Persons (IDPs)**

1.3 ELARG Statistical code: 01.63

1.4 Location: Republic of Serbia

Implementing arrangements:

1.5 Contracting Authority: EC Delegation to the Republic of Serbia

1.6 Implementing Agency: EC Delegation to the Republic of Serbia

1.7. Beneficiary (including details of project manager):

- Commissariat for Refugees of the Republic of Serbia
- Ministry for Kosovo and Metohija of the Republic of Serbia
- A Programme Team was established in both institutions and is composed of civil servants coming from different Departments who will be coordinating project implementation. They are the recipients of a set of trainings and on the job support in the area of project development and management in order to increase their capacities to systematically design and manage assistance programmes¹
- It is envisioned that the activities implemented under this Project will be overseen by a Steering Board comprised of representatives of EC, Ministry for Kosovo and Metohija, Commissariat for Refugees, other governmental institutions dealing with the refugees/IDPs and cross-cutting issues, and those of the main international organizations closely dealing with IDP and refugee population
- The Project Managers are:
Suzana Mistic, Assistant to Commissioner for refugees
Dusan Prorokovic, State Secretary of Ministry for Kosovo and Metohija

Financing:

1.8 Overall cost (VAT excluded): **6,210,000 EUR**

1.9 EU contribution: **6,000,000 EUR**

1.10 Final date for contracting: 3 years after the signature of the Financing Agreement

1.11 Final date for execution of contracts: 5 years after the signature of the

¹ These Teams are the beneficiaries of the “Institutional Support Programme to the Institutions of the Government of Serbia dealing with Refugees and IDPs” funded by the EU, managed by the EAR and implemented by IOM” (CARDS 2006).

1.12 Final date for disbursements: Financing Agreement
6 years after the signature of the
Financing Agreement

2. Overall objective and project purpose

2.1 Overall Objective

To contribute to resolving the problems of refugees and IDPs in Serbia while ensuring them full access to their rights.

2.2 Project Purpose:

2.2.1 Component 1: Housing and Income-generation Support

Support to integration of the most vulnerable refugee families through the provision of durable solutions, and to livelihood enhancement of IDP families in Serbia.

2.2.2 Component 2: Legal Aid/Assistance and Information Provision

Improved provision of legal aid/assistance and increased availability of timely and accurate information necessary for realization of the rights of IDPs and refugees in Serbia.

2.3 Link with AP / NPAA / EP / SAA

Pursuant to Council Decision 2006/56/EC of 30 January 2006 on the principles, priorities and conditions contained in the European Partnership with Serbia and Montenegro including Kosovo², and repealing Decision 2004/520/EC³, one of the objectives identified as part of the political requirements in this document is to ensure that the conditions are in place for the refugee and IDP population in Serbia to exercise their right to make a free and informed choice between integration and return, to provide support to the integration of those who choose to stay towards their full inclusion in society and that an adequate level of protection of rights of refugees and IDPs shall be guaranteed.

According to the Action Plan for the Implementation of the EU Partnership (EP), protection of the rights of refugees and IDPs is one of the State priorities⁴. This has been defined as a short-term priority within the EP⁵ whereby practical protection of the rights of refugees and IDPs requires from the present stakeholders to “ensure adequate cooperation and the legislative basis for and practical protection of the rights of refugees and internally displaced persons” as well as to “ensure the right of a real choice between sustainable return and integration”.

Moreover, the Stabilisation and Association Agreement (SAA) foresees “the right of return for all refugees and internally displaced persons and the protection of their property and other related human rights;”⁶

² As defined under UNSCR 1244/99 of 10 June 1999 and hereafter referred to as ‘Kosovo’.

³ Official Journal L 35 of 7.2.2006.

⁴ Action Plan for the Implementation of Priorities of European Partnership - Adopted by the Serbian Government on 7 April 2006, section 4.1.9.

⁵ Council Decision of 30 January 2006 on the principles, priorities and conditions contained in the European Partnership with Serbia and Montenegro including Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999 and repealing Decision 2004/520/EC (Official Journal L 35 of 7.2.2006).

⁶ Stabilization and Association Agreement between the European Communities and their Member States and the Republic of Serbia

The Project aims, within its scope, to help implement the guiding principles set in these documents by ensuring full access to rights for refugees and IDPs in Serbia through the provision of coordinated activities in the realm of housing and income-generation support and legal aid /assistance and awareness-raising.

2.4 Link with MIPD

Support to the integration/return of refugees/IDPs through generation of cross-border initiatives and socio-economic assistance such as housing and start-up support to income-generating activities and other activities aimed at their full participation in political, civil, economic, cultural and social life, have been major directions for the programs to be implemented as laid out in the Multi-Annual Indicative Planning Document 2007-2009.

Moreover, “*fighting against any kind of discrimination and promoting human and minority rights, including Roma, as well as the provision of legal assistance*” is also among the stated objectives of the MIPD (Section 2.2.1.1, page 16). Thus, free legal aid/assistance and information provided through the Project will enable greater protection of IDPs, refugees and members of Roma/Ashkali/Egyptians community as an especially vulnerable category that is often an object of multiple forms of discrimination.

2.5 Link with National Development Plan: N/A

2.6 Link with National/Sectoral Investment Plans

The Government of Serbia (GOS) adopted the *National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons* in 2002. The Strategy is a framework for generating initiatives and implementing activities with the goal of resolving refugee and IDP issues. The return of refugees/IDPs, integration of refugees and IDP livelihood enhancement are contained in the Strategy as basic directions for these actions. Integration, housing solutions and employment are recognized as key components to be implemented. The National Strategy foresees implementation of different housing projects for refugees: construction of apartments, purchase of village houses, assistance where construction has already started, and housing through the social welfare system (social welfare institutions and social housing in a supportive environment). Component 2 of the proposed Project especially took into consideration Section 4 of the Strategy (*Legal, property and information aspects of integration and return*). The Strategy requires that a media campaign and continuous provision of relevant public information should be undertaken with respect to all refugee and IDP issues⁷. It further emphasizes that the IDP population’s right to its property in the territory of Kosovo must be protected⁸.

The *Poverty Reduction Strategy*, as an inter-ministerial strategy paper, has also singled out the issue of refugees and IDPs as one demanding urgent attention. Provision of housing resources, closure of collective centres and taking measures aiming to decrease the rate of unemployment among this population, are perceived as prerequisites for achieving the objectives of the Strategy – decreasing the number of refugees and IDPs who fall in the category of the poor and reducing the amount of time these persons have poor person status.

One of the measures envisaged in the National Strategy of Serbia for Serbia and Montenegro’s Accession to the European Union⁹, in the part pertaining to regional cooperation and a policy of good

⁷ Sections 4.1.2.2(7) and 4.2.2 (4).

⁸ Section 4.2.1

⁹ National Strategy of Serbia for the Serbia and Montenegro’s Accession to the European Union of the Government of Serbia, of June 2005.

relations with neighbouring countries, is the rapid establishment of suitable conditions for the return of refugees/IDPs, integration of refugees and IDP livelihood enhancement.

3. Description of project

3.1 Background and Justification

Armed conflicts in the territory of the former republics of the Socialist Federal Republic of Yugoslavia (SFRY) led to massive influx of refugees in the territory of the Republic of Serbia. In early 1992, there were about 160,000 refugees in Serbia. After the military operation “Storm”, carried out by the Croatian Army in 1995, the number of refugees in Serbia substantially increased. During the 1996 Census, about 538,000 refugees and 79,791 war-affected persons were registered from the Republic of Croatia and Bosnia and Herzegovina. At that time, in order to provide urgent assistance to the most vulnerable refugees, the Republic of Serbia made available its facilities, both socially-owned ones and those owned by municipalities. 700 collective centres were registered and accommodated about 50,000 persons. In addition to the budget allocated for the maintenance and running of collective centres, the Republic of Serbia has been funding medical treatment and education of refugees all these years.

At the 2001 Census, 377,131 refugees were registered, while at the 2005 Census 104,246 persons had their refugee status confirmed. It is important to highlight that substantial number of persons who obtained the citizenship of the Republic of Serbia are still in need of assistance to help them integrate in Serbia. Ample reports of relevant international and national organizations confirm this fact. It is estimated that the main problem in the integration process is the lack of adequate housing solutions.

Following the 1999 conflict, a large number of Serbs and members of other non-Albanian communities fled Kosovo and sought refuge in Southern and Central Serbia and adjacent countries. According to the data from the Registration of IDPs from Kosovo conducted in the year 2000, about 187,000 Serbs and members of other non-Albanian communities were forced to leave the province. It is estimated that additional 25,000 persons have fled since the initial displacement. About 209,600 IDPs, mainly residing in Southern and Central Serbia and Belgrade, have been so far registered on the territory of inner Serbia (not including the territory of Kosovo). With the aim to provide immediate assistance and accommodation for the most vulnerable IDPs, the capacities of existing collective centres hosting refugees were put at the disposal for accommodation of IDPs, while a certain number of new collective centres were opened.

In 2007, there are still 85 collective centres in the Republic of Serbia (67 in the territory of inner Serbia and 18 in Kosovo) accommodating about 2,300 refugees and about 5,500 IDPs.

One of the priorities of the GoS is resolving the problems of IDPs. Pivotal principles in resolving IDP problems include enabling sustainable return, livelihood enhancement and access to all related rights. Taking into consideration that the security situation in Kosovo does not allow for any substantial return of IDPs to their previous places of residence, the GoS, within its capacities, is implementing projects aiming at livelihood enhancement of the most vulnerable categories of IDPs, until suitable conditions for their return are provided. One of the most significant components of these projects is housing in a social protected environment.

Furthermore, the GoS has strongly acknowledged the urgent needs of IDPs and refugees in Serbia for the legal aid/assistance which is necessary to help them realize the rights that are inextricably tied to a sustainable return to their places of origin/habitual residence for IDPs or to local integration for

refugees, as well as all the factors related to their social inclusion. The GoS welcomes its role in securing provision of legal aid/assistance in accordance with recognized international legal standards¹⁰.

Apart from the existing judicial structure, the 1999 UNMIK-established Housing and Property Directorate (HPD) with the Housing and Property Claims Commission (HPD/HPCC), exclusively competent for resolving residential property issues, settled 29,160 claims and then ceased activities. Since April 2006, the Kosovo Property Agency (KPA) as the HPD/HPCC's successor, exclusively dealing with a wide variety of immovable property disputes, has collected 39,574 claims, while the number could grow. At the moment it is impossible to provide an authoritative estimate of a possible final number of claims or the ability of KPA to implement/resolve the existing caseload due to its financial and other problems. A number of deficiencies have been observed in terms of undue external information management, infringement of procedural norms and incorrect application of material laws and by-laws by the responsible institutions in all instances.¹¹

A related, equally significant realm of problems for IDPs is the lack of relevant documents, caused by unavailability/destruction/loss of the civil registry, cadastral and other public books. The lack of identity and property-related documents, as direct evidence of thereby contained facts, manifestly precludes access to property and other rights (health care, education, employment and the social welfare system). The observed problem often requires that IDPs initiate complicated administrative and court procedures for determining their legal identity (administrative subsequent registrations, court determination of paternity/maternity, etc.) and legal links with their factual entitlements. Successful resolution of the problem in this respect requires provision of specialized knowledge, punctuality and accuracy which can be secured only through professional legal assistance.

In addition to various related procedural and material obstacles, there has also been a serious lack of reliable and timely information necessary for refugees/IDPs' unimpeded realization of rights.

The noticed flaws indicate that the processes of return of refugees/IDPs, integration of refugees and IDP livelihood enhancement have not yet become sustainable and that refugees and IDPs are not able to resolve their problems without professional legal aid and/or assistance. Bearing in mind the high number of displaced persons in Serbia, the GoS has allocated maximum, yet objectively insufficient, resources to remedy the mentioned problems, rendering international participation in this domain essential. Being a logical extension of the ongoing efforts, this Project will enable adequate livelihood enhancements and quality provision of legal aid, assistance and counselling to refugees and IDPs with the aim of enabling full access to the rights that are intrinsic to sustainable return/integration, to the benefit of all stakeholders. In particular, this Project will address the most vulnerable refugee and IDP families, in the manner that priority will be given to single-parent families, families with members without working capacities (invalids, severely ill persons), multi-member families, multi-generation families, families with many children, families accommodated in collective centres, female households.

Although the Project "Further Support to Refugees and IDPs in Serbia" was approved under IPA 2007 (with an EU contribution of €10 million), there is still a need for further assistance for refugees and IDPs in Serbia in order to provide them with adequate housing and income generating support as well as legal aid. These Project activities will complement and continue those approved under IPA 2007 and will ensure that the important outstanding needs and problems faced by at least part of the target population are met.

Moreover it is important to underline, as mentioned earlier, that the Commissariat for Refugees and the Ministry for Kosovo and Metohija are beneficiaries of a capacity building project "Institutional Support

¹⁰ See e.g. *Airey v. Ireland*, Judgment of 09 October 1979, ECtHR App. No. 6289/73, 32 Eur Ct HR Ser A (1979): [1979] 2 E.H.R.R. 305.

¹¹ This claim has been amply documented in, among the rest, OSCE Mission in Kosovo Report "*Kosovo: First Review of the Civil Justice System*", June 2006.

Programme to the Institutions of the Government of Serbia dealing with refugees and IDPs”, funded by the EU, managed by the EAR through CARDS 2006 and implemented by the International Organisation for Migration (IOM), which aims to support the government in building a State solution which effectively and sustainably responds to the needs of refugees and IDPs. The project is working to strengthen institutional capacity in the areas of a) policy formulation, b) project development and management and c) communications.

The proposed Project will coordinate with all relevant stakeholders and initiatives that are addressing refugee and IDPs issues, namely the Poverty Reduction Strategy working groups on refugees and IDPs, international and local NGOs and refugee and IDP associations. A human rights based approach will be taken in every aspect of project implementation.

3.2 Assessment of Project Impact, Catalytic Effect, Sustainability and Cross-border Impact

3.2.1 Assessment of project impact

The continued presence of refugees/IDPs in Serbia demands carefully designed institutional responses, as the specific needs of displaced population cannot be catered within an ordinary institutional/policy framework. Further commitments shall be made for putting in place conditions that would improve the living conditions of IDPs/refugees, facilitate their full participation in the political, economic and social life of the country and enable them to make a free and informed choice about return/integration.

In the long run, the proposed Project would have multiple positive impacts:

- Reduction of refugee and IDP dependency on social contributions (family income support, one-off assistance in cash, etc.) from the budget of the Republic of Serbia
- Contribution to resolving the housing problems of refugees
- Income-generating activities and self-employment will contribute to resolving unemployment issues
- Project beneficiaries who are currently living in collective centers would have an opportunity to begin a new life
- Facilitated closure of the collective centers
- Taking into account lack of personal documents that is generally affecting the refugee/IDP population, legal assistance as one of the Project activities will facilitate their easier access to the public services, i.e. realisation of the right to education, social security, health and employment
- The backlog of cases before the competent bodies deciding on the rights of refugees/IDPs will be reduced and the time necessary for processing of the cases will be shortened.

3.2.2 Catalytic effect

The Project will have a positive effect on the overall socio-economic progress and greater social cohesion in Serbia since the refugee and IDP population is especially affected by poverty. In the Poverty Reduction Strategy Paper for Serbia refugees and IDPs are recognised as one of the poorest and the most vulnerable groups beside children, the elderly, disabled people, Roma, the rural population and uneducated persons.

As recommended in the Poverty Reduction Strategy Paper “A permanent improvement in the economic and social status of the most vulnerable groups will, more importantly, prevent a continuing cycle of poverty within these groups.”¹²

Moreover, the village houses activity is a good example of best practice that is already being replicated by different actors. It is foreseeable that municipalities which have gained experience through this project and have demonstrated the capacity to implement this component could potentially provide for the resources to repeat similar processes after completion of this project.

The refugees that are provided with housing and income-generation support will be integrated in the local community of their choice where they will establish bonds with neighbors and other members of those communities. This will contribute to the greater social cohesion of these communities and the social inclusion of this population. No less significant is that the Project will provide a more balanced regional development, particularly in those regions with a high concentration of the displaced population.

Provision of legal aid and assistance, especially in the domain of establishing the legal identity before responsible institutions, will impact upon all aspects of the displaced persons’ life, in terms of enabling the displaced population unimpeded access to all other basic human rights which are inextricably related to local integration or return.

3.2.3 Sustainability

Bearing in mind the strong commitment of the GoS towards providing housing and temporary shelter for refugees/IDPs in the previous years, the GoS will continue to explore modalities and invest its resources in resolving the issue.

Component 2 of the Project, focused on legal aid/information provision, will have its natural continuation in the forthcoming legal aid scheme to be built in accordance with the provisions of the Serbian Constitution.¹³ Moreover, in line with the already established practice where the Ministry for Kosovo and Metohija (formerly through the Coordination Centre for Kosovo and Metohija) has been financially supporting information dissemination through associations of IDPs, the Project will add to the sustainability of the activities of those associations.

3.3 Results and Measurable Indicators

3.3.1 Component 1: Housing and Income-generation Support

Support to integration of the most vulnerable refugee families and to livelihood enhancement of IDP families in Serbia through the provision of sustainable solutions.

Results:

1. Housing solutions provided for most vulnerable refugee families

Measurable indicators:

- building material packages delivered to refugee families for completing the construction of housing units by Project completion
- refugee families moved into prefabricated houses by Project completion

¹² Poverty Reduction Strategy Paper, Government of the Republic of Serbia, Belgrade, 2003

¹³ See the reference to the UNDP project on legal aid in Section 3.6: Linked activities.

2. Improved housing conditions for most vulnerable IDP families

Measurable indicators:

- building material packages for completing the construction of housing units delivered to IDP families by Project completion
- IDP families have moved into housing units in a socially protected environment by Project completion

3. The most vulnerable refugee and IDP families have started up an income-generating activity or expanded an on-going income-generating activity

Measurable indicators:

- materials for starting up a new or expanding an on-going income-generating activity delivered to refugee families within 15 months of the Project's start
- materials for starting up a new or expanding an on-going income-generating activity delivered to IDP families within 15 months of the Project's start

3.3.2 Component 2: Legal Aid/Assistance and Information Provision

Improved provision of legal aid/assistance and increased availability of timely and accurate information necessary for realization of the rights of IDPs and refugees in Serbia.

Results:

1. Legal aid and assistance which is necessary for improving the access of IDPs and refugees in Serbia to property, health, education, employment and social welfare is provided in accordance with the highest professional standards.

Measurable indicators:

- Internal operational manual and rules of procedure developed within 12 months of the Project's start
- Legal database for registering and monitoring cases developed within 12 months of the Project's start
- At least 250 legal cases initiated/processed by Project completion
- At least 500 documents obtained by Project completion

2. Information relevant for the realization of the rights of IDPs and refugees in Serbia provided in an accurate and timely fashion in all regions where the target groups reside.

Measurable indicators:

- By Project completion, at least 45,000 pieces of printed material distributed targeting IDPs and refugees
- By Project completion, at least 36 radio programmes periodically broadcast targeting IDPs and refugees
- Specific public information campaigns conducted regularly
- Map of media coverage of IDP and refugee communities in Serbia developed within 12 months of the Project's start

3.4 Activities

Although all the activities necessary for the realization of the Project will be undertaken jointly or in close coordination by the two beneficiary institutions, the leading agency for the implementation of

Component 1 will be the Commissariat for Refugees while the leading agency for the implementation of the activities envisioned under Component 2 will be the Ministry for Kosovo and Metohija.

3.4.1 Activity 1 – Component 1: Housing and Income-generation Support

- Sub-activity 1: Provision of housing solutions for refugees
 - Introduce the Project to potential beneficiaries
 - Establish beneficiary selection criteria, announce official calls for submitting applications and complete beneficiary selection by a Commission
 - Produce reports on the socio-economic status of an applicant's family and assessment of the property
 - Distribute building material packages
 - Deliver material for prefabricated houses and their installation
 - Supervise and monitor the use of the delivered assistance

- Sub-activity 2: Enhancement of IDPs' housing conditions
 - Introduce the Project to potential beneficiaries
 - Establish beneficiary selection criteria, make official calls for submitting applications and complete beneficiary selection by a Commission
 - Produce reports on the socio-economic status of the applicant family and undertake construction assessment of the house that is under construction
 - Distribute building material packages
 - Provide alternative accommodation in a socially protected environment
 - Supervise and monitor the use of the delivered assistance

- Sub-activity 3: Support to starting up or expanding income-generating activities for refugees and IDPs
 - Introduce the Project to potential beneficiaries
 - Establish beneficiary selection criteria, make official calls for submitting applications and complete beneficiary selection by a Commission
 - Produce reports on the socio-economic status of the applicant family and assessment of the sustainability of the income-generating activity
 - Deliver sets for starting up or expanding income-generating activities
 - Supervise and monitor the use of the delivered assistance

As in the IPA 2007 project and previous CARDS projects, the Commissariat will closely cooperate with organisations that will be selected through a Call for Proposals to receive grants for implementation of the project activities.

In order to ensure timely access to information about the assistance, conditions for applying for the assistance, as well as about related obligations of selected parties, a presentation of the Project's activities under Component 1 will be made to the target group. Following consultations with relevant stakeholders, precise criteria are to be identified for beneficiary selection. *Ad hoc* Beneficiary Selection Commissions will be formed, comprising representatives of several organizations, and official calls for applications will be publicly announced.

Apart from the teams that will be verifying whether formal requirements for submitting an application have been fulfilled (i.e. documentation), three other types of teams will be formed to take charge of

preparing: a) reports on socio-economic status, b) assessments on building conditions, c) assessments on cost-effectiveness of an income-generating activity.

Procurement of materials and supplies will be done according to PRAG requirements.

Regarding housing units in a socially protected environment, upon the final selection of the municipalities where the Project is to be implemented, MoUs and contracts are to be concluded between the entities (the Commissariat, local-self governments and the Centres for Social Work) and the organisations that have been selected to implement the Project activities, as well as between the Centres for Social Work and the final beneficiaries, as a means of regulating mutual obligations. Organisations that are contracted to manage this component together with Commissariat will follow PRAG requirements for all tendering and procurement procedures.

Municipalities where the project is to be implemented will be selected jointly with all relevant counterparts once the project starts.

For the purpose of ensuring efficient, appropriate and sustainable use of the assistance provided, regular monitoring will be carried out upon distribution of the assistance.

Contracting Arrangement for Component 1:

Component 1 will be implemented through a Call for Proposals through which grants will be awarded to organisations that will be selected to implement the activities under this component, based upon criteria that reflect the specific skills and experience needed in this area of work.

3.4.2 Activity 2 – Component 2: Legal Aid/Assistance and Information Provision

- Sub-activity 1: Legal Aid/Assistance Provision
 - Establish offices for the provision of legal aid/assistance
 - Establish mobile team(s) to enable adequate access to legal aid/assistance in all regions with a substantial IDP and refugee population
 - Develop an internal operational manual, rules of procedure and internal monitoring tools
 - Undertake staff development through an initial one-week workshop on international human rights law, domestic legislation pertinent to the realization of rights of IDPs and refugees, procedures before the main judicial and non-judicial bodies deciding about the rights of IDPs and refugees, psycho-sociological preparation for working with displaced populations, etc.
 - Create a legal database for registering cases received and conducting regular case follow-up
 - Produce and disseminate on a regular basis a newsletter containing an overview of the cases received
 - Devise and pursue an advocacy strategy before the relevant institutions to address the specific legal problems faced by IDP and refugee populations
 - Establishment of a thematic working group for horizontal co-ordination aiming at more efficient delivery of legal aid/assistance and advocacy activities

- Sub-activity 2: Information Dissemination
 - Regularly prepare and distribute print media specifically targeting the IDP and refugee population
 - Prepare radio programmes for regular and wide broadcast
 - Carry out public information campaigns in relation to the specific needs of IDPs and refugees and important policy shifts in the activities of the main stakeholders

- Establish a call centre for IDPs and refugees aiming at delivering information about the institutions, organizations and programmes specifically targeting IDPs and refugees in Serbia
- Organise other media events targeting the IDP and refugee population and main stakeholders in the field
- Organise thematic workshops and round tables

In-kind contributions will be provided by the beneficiary institutions by means of making premises available for training activities, workshops and mobile team visits, as envisioned under Component 2 of the Project.

In addition to the financial contribution given by the Ministry for Kosovo and Metohija, a network of municipal trustees coordinated by the Commissariat for Refugees will be placed at the disposal of the project for the implementation of Sub-activity 2 of Component 2: Information Dissemination.

Contracting Arrangement for Component 2:

Component 2 will be implemented through a Service contract for Technical Assistance.

3.5 Conditionality and Sequencing

The objective of the “Institutional Support project to the Institutions of the Government of Serbia dealing with refugees and IDPs” funded by the EU, managed by the EAR and implemented by IOM (CARDS 2006, implementation from June 2007 to March 2009) is to build a State solution which ensures that the Serbian Government effectively and sustainably responds to the needs of refugees and IDPs. Specifically, the project is currently assisting the Government in policy formulation, for instance, in remodelling the National Strategy for Resolving the Problems of Refugees and IDPs. A developed strategic institutional framework in the Refugee/IDP sector which is integrated and linked to actions in other key line ministries and municipalities will produce a State solution for this sector.

To ensure efficient Project implementation, it is necessary to facilitate good coordination with local self-governments and other institutions whose activities are linked to the proposed Project and its stakeholders. Another precondition for successful Project implementation is the transparent identification of the municipalities which will participate in the implementation of Component 1 activities pertaining to housing in a socially protected environment. The Commissariat, along with the organisations selected through the grants scheme to implement Component 1, will be responsible for selecting only those municipalities that show a clear willingness to cooperate and a motivation to fulfil their obligations as per the MoUs.

The well established cooperation between the Commissariat and local self-governments on addressing the problems of refugees and IDPs, will be a valuable impetus for efficient Project implementation. Regular coordination with these counterparts will be essential to ensuring that the Project activities pertaining to housing in a socially protected environment will be implemented according to plan and that potential risks that could delay project completion will be avoided to the greatest extent possible. The Commissariat and Ministry also have been maintaining on a daily basis an excellent level of communication and cooperation with associations of refugees and IDPs.

Most of the potential difficulties regarding administrative procedures, utilization of assistance and changes in the real estate market can be identified and dealt with in a timely manner through regular monitoring and supervision.

As with all interventions aimed at solving the problems faced by refugee and IDP populations, it is assumed that a satisfactory level of security and freedom of movement will exist across the region.

As far as sequencing is concerned, Service contract and the Grants scheme will be implemented in parallel.

3.6 Linked Activities

The Commissariat for Refugees has been implementing the plan for gradual closure of collective centres since 2002, but there is still a notable caseload of people living in this type of accommodation. The budget of the Republic of Serbia has been funding assistance in the form of accommodation and food in collective centres, accommodation of refugees in social welfare institutions and boarding-schools, health insurance and compulsory education, funeral costs and one-off cash assistance for the most vulnerable persons.

The national budget has also provided assistance toward ensuring durable solutions for refugees who have opted for integration in Serbia. Apart from funding the purchase of apartments for refugees, the State took part in various projects through a provision of construction land and infrastructure for apartment buildings that accommodate refugee families, with donor funds covering costs for the actual construction of these buildings. Thanks to the joint efforts of the international community and the Republic of Serbia, the living conditions of a portion of the refugee population—about 28,000 persons—in Serbia have been substantially improved.

In addition to the projects implemented in cooperation with UNHCR, the Commissariat had a coordination role in three projects funded through the CARDS programmes 2004-2005-2006: “Housing and Income Generation Support to Refugees and IDPs in Serbia” (2006), “Support to the National Strategy for Resolving Problems of Refugees and IDPs through Livelihood Enhancement” (2005) and “Support to National Strategy for Closure of Collective Centres” (2004). Thus the European Union through the EAR has had a leading role in the process of providing durable solutions for refugees.

Within 2006 CARDS programme (implementation in 2007 and 2008), funding has been allocated to provide durable solutions for refugees and IDPs. Projects pertaining to return, integration and development of a sustainable livelihood for refugees in the Republic of Serbia, are being implemented by the following international non-governmental and other organizations in cooperation with the Commissariat for Refugees: the Danish Refugee Council, Help, Intersos, ASB, IOM, European Perspective and others. Besides EU funding, projects have also been supported by the UNHCR as well as bilateral partners (Germany, Norway, Switzerland, USA).

Moreover the CARDS 2006 Intentional Support Programme, already mentioned in the document, is supporting the institutions to develop an integrated policy to respond to the challenges faced by the Refugee/IDP sector.

Bearing in mind that a small number of refugees still reside in collective centres (the majority live in private accommodation), as well as the fact that housing remains one of the major issues to be resolved, the project for “Integration of Refugees in Serbia” was developed, funded by the Council of Europe Development Bank (CEB Project No.12221). The project value amounts to €28.9 million, while the Republic of Serbia’s contribution is €3.9 million. Integration of refugees in Serbia through a provision of housing solutions is the main objective of this project, whereby refugees will be able to purchase housing units through favourable housing loans.

The Italian Government has provided €15 million within “The Settlement and Integration of Refugees Programme in Serbia” (SIRP), implemented through the Ministry for Infrastructure and UN-HABITAT. The project is presently supporting the construction of 670 housing units for refugees and the vulnerable domestic population. Construction of the buildings started in 2007 and will be completed at the end of 2008. The Commissariat is taking part in beneficiary selection.

Under the initiative of the representatives of the EC, OSCE and UNHCR, the competent ministers of Bosnia and Herzegovina, the Republic of Croatia and the then State Union of Serbia and Montenegro, signed the Sarajevo Declaration on 31 January 2005 during the regional ministerial conference on resolving refugee and IDP issues. The Sarajevo Declaration embodies the willingness of the three countries to, with the assistance of the international community and through a multilateral approach, essentially resolve the refugee issue in the region by enabling their return or local integration. The States committed themselves to draft individual Road Maps, while the harmonized Road Maps shall be unified in a joint implementation matrix. Provision of funding is necessary for implementation of the priority activities under the Road Map of the Republic of Serbia. Once the necessary funding is provided and projects are approved, the Commissariat for Refugees shall coordinate the work aiming at full implementation of the planned integration programmes in cooperation with implementing partners and local self-government authorities.

In accordance with the CARDS 2005 programmatic objective, and with the strong support of the Ministry for Kosovo and Metohija, the EAR has initiated the "*Legal Assistance Programme to Government of Serbia Institutions Dealing with Refugees and IDPs*", the main activity of which is the provision of legal aid to IDPs to access their property-related rights¹⁴. The Ministry, as the main beneficiary institution, will put at the project's disposal its PR Unit and its Legal Unit which will support the work of the Legal Aid and Information Service.

Although a number of local and international NGOs have programmes aimed at the displaced population, only two of them provide legal aid. Praxis, a spin-off from the former Norwegian Refugee Council (NRC) Civil Rights Project in Serbia is the most significant current player in respect to assisting IDPs in accessing their property-related and other rights. MPDL, which is funded exclusively by the Government of Spain and has offices across the region, is the only NGO which is still attempting to provide in-court representation.

Additionally, UNDP Serbia, in cooperation with the Bar Association of Serbia and a number of local NGOs, has launched the project focused on "*Creating an Effective and Sustainable Free Legal Aid System in Serbia*" that will prepare the basis for a future legal aid system in Serbia in accordance with the provisions of the Serbian Constitution¹⁵.

Public information activities covering areas of particular interest to refugees/IDPs have mostly been carried out as short-term initiatives by NGOs. The two main bulletins that are published on a regular basis are the "*UNION Bulletin*" for IDPs and the "*True Answer*" for refugees. There are almost no radio and TV programmes covering displacement with the exception of the UNHCR-provided programme "The Return", and *ad-hoc* appearances of NGO representatives on local TV and radio stations.

The project "Further Support to Refugees and IDPs in Serbia" funded as a part of the IPA 2007 programme, foresees the provision of durable solutions for 976 most vulnerable refugee and IDP families. As in the proposed Project, the IPA 2007 project additionally will provide for the start-up or expansion of income-generation projects that aim to build the livelihood of 200 refugee and IDP families. The project will also aim to ensure legal aid and assistance for returnees. The experience that will be gained by the beneficiary institution – the Commissariat – will be instrumental in enabling it to carry out implementation of Component 1 activities in the proposed Project under IPA 2008.

The IPA 2008 project shall not overlap with IPA 2007 project, as it is intended to be its continuation.

¹⁴ This programme will become operational in April 2008, with duration of 18 months.

¹⁵ Similarly, a legal aid system funded by the local government is supposed to be fully operational in Kosovo and Metohija as of January 2008.

As to the linkage with regional projects, it is worth mentioning that this Project builds on the experiences gained through participation of the Republic of Serbia in following Projects implemented under CARDS Regional Programs: „Support to the return process of refugees in Bosnia and Herzegovina and Serbia” (RAP CARDS 2002); „Facilitation of durable solutions for refugees and returnees in Serbia, Bosnia and Herzegovina and Croatia” (RAP CARDS 2002) and „Regional Refugee Return in Western Balkans” (RAP CARDS 2006). The activities undertaken in the scope of these Projects have laid down solid basis for the continuation under national Projects. Therefore, the present Project marks clear continuation with the activities initiated at the regional level (activities incorporated in RAP CARDS Projects), and in particular when it comes to: legal advice and counselling to return candidates and returnees; provision of partial self help and assistance in self-employment (trainings) for refugees who opted for local integration in Serbia as their durable solution, etc.

The Multi-Beneficiary MIPD Programme for 2008-2010 envisages further support to: i) complete the process of refugees/internally displaced persons return and achieve significant progress towards their economic and social integration; ii) locate missing people displaced by war to contribute to healing the wounds of the war and to promoting stability in the region.

One of the main policy frameworks identified to address the issue of refugee return is the Sarajevo Declaration (or "3x4 Initiative") signed in January 2005 in which the governments of Bosnia and Herzegovina, Croatia and Serbia Montenegro agreed to bring a genuine and successful close to the refugee chapter in South-Eastern Europe by the end of 2006. The EU was associated to the Declaration and the European Commission has supported refugee return activities through UNHCR. Since the Sarajevo Declaration, certain progress has been made but the international community has expressed its concern that the process is far behind schedule and that greater cooperation between the governments of the region is still necessary. In parallel, activities have been supported to facilitate the local integration of the people who do not wish to return to their country of origin. In addition, further support is needed to support the location of people missing and often displaced to other lands as a consequence of the war.

3.7 Lessons Learned

Prior to 2002, international community assistance was predominantly humanitarian. Upon the adoption of the 2002 National Strategy for Resolving the Problems of Refugees and IDPs, a development phase started with provision of housing solutions as one of its priorities. As mentioned in the previous section, the GoS has been actively involved in this process from the beginning.

The high number of applications for both income generation and housing assistance indicates that the supply of durable solutions to date has not been sufficient. Taking into consideration the positive experiences, as well as the results achieved so far and outstanding needs, it can be concluded that programmes of old village houses, provision of building material packages, housing in a socially protected environment and assistance for starting up or expanding income-generating activities are still necessary. A situation analysis in collective centres conducted by the UNHCR in early 2007 confirms these conclusions, highlighting the fact that relocation of refugees and IDPs from a collective centre scheduled for closure to another collective centre is very traumatic and that provision of durable solutions for these persons remains essential. The document *“Integration of Refugees in Serbia – Law, Practice, Recommendations”*, drafted by the OSCE, UNHCR and HCIT and based on discussions about their integration in Serbia, highlights the necessity of stronger support to programmes that provide housing solutions for refugees by the State, local self-government and international donors, as well as the ongoing need to devote more attention to employment programmes.

Studies conducted by several international organizations active in the field¹⁶, have shown that it is fundamental to take a rights-based approach to addressing the problems faced by refugees and IDPs, particularly when endeavouring to create conditions for sustainable return and integration. Moreover, stronger inter-sectoral coordination between relevant institutions has been seen as key to the successful realisation of projects aimed at meeting the special needs of the IDP/refugee population. The proposed Project has been designed in accordance with these lessons, but also bearing in mind the importance of concentrating funds on a limited number of key sectors/activities in order to ensure maximum impact with the available resources.

¹⁶ E.g. the latest reports of the OSCE Mission in Kosovo and the OSCE Mission to Croatia as well as the latest Progress Reports of the European Commission on Croatia (SEC(2007) 1431), Serbia (SEC(2007) 1435) and Kosovo under UNSCR 1244 (SEC(2007) 1433).

4. Indicative budget (amounts in euros)

			TOTAL EXP.RE	SOURCES OF FUNDING								
				IPA COMMUNITY CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+(c)+(d)	EUR (b)	%(2)	Total EUR (c)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/ Local EUR (y)	IFIs EUR (z)	EUR (d)	% (2)
Activity 1												
contract 1.1		x	4,200,000	4,200,000	100							-
contract 1.2		x	210,000								210,000	100
Activity 2												
contract 2.1	x	-	1,800,000	1,800,000	100							-
.....												
TOTAL IB			1,800,000	1,800,000	100							
TOTAL INV			4,410,000	4,200,000	95						210,000	5
TOTAL PROJECT			6,210,000	6,000,000	97						210,000	3

NOTE: DO NOT MIX IB AND INV IN THE SAME ACTIVITY ROW. USE SEPARATE ROW

Amounts net of VAT

- (1) In the Activity row use "X" to identify whether IB or INV
- (2) Expressed in % of the **Total** Expenditure (column (a))

5. Indicative implementation schedule*

Contracts	Start of Tendering	Signature of contract	Project Completion
Grants contract – 1.1	T + 4Q	T + 7Q	T + 15Q
Service contract – 2.1	T + 4Q	T + 7Q	T + 15Q

* *Timing will be in accordance with implementation of IPA 2007*

6. Cross cutting issues

6.1 Equal Opportunity

The Project will be implemented in a non-discriminatory manner with equal opportunities observed and firm guarantees that distinctions will not be drawn on the basis on sex, race, ethnicity, religion or other possible grounds in any aspect. The Project strongly encourages applications from women-headed households and female victims of violence, particularly with regard to the income generation activities. Gender equity principles will be respected in the implementation of all Project activities.

6.2 Environment:

The Project anticipates utilization of domestic building materials that are acceptable according to current criteria and standards for environmentally safe practices.

6.3 Minorities

The Roma, Ashkali and Egyptian (RAE) community belong *in general* to the most vulnerable segment of the refugee and IDP population in Serbia. For that reason, Project activities will be especially designed and implemented to accommodate the specific needs of this vulnerable group. The Project's overall aim is to provide support to the most vulnerable categories of refugees and IDPs originating from different regions of former Yugoslavia. Activities are thereby designed to enable them to live in a secure environment, to help them become more self-sufficient through the income generating activities and to assure that their full scope of rights are observed and respected. As RAE mostly belong to group of vulnerable families as identified in 3.1 Sector, they will, as well as refugees and IDPs of other nationalities, be equally included in the Project. But, due to the distinctively vulnerable position, RAE displaced population necessities a special emphasis and a more sensitized approach in resolving their problems.

ANNEX 1: LOGICAL FRAMEWORK

LOGFRAME PLANNING MATRIX FOR Project Fiche	Support to Refugees and Internally Displaced Persons (IDPs)	
Support to refugees and Internally Displaced Persons (IDPs)	Contracting period expires 3 years after the signature of the Financing Agreement	Disbursement period expires 6 years after the signature of the Financing Agreement
	Total budget : 6, 210,000	IPA budget: 6, 000,000

Overall objective	Objectively verifiable indicators	Sources of Verification	
To contribute to resolving problems of refugees and IDPs in Serbia while ensuring full access to their rights	<ul style="list-style-type: none"> • Number of refugees who found a durable solution • Number of internally displaced persons who improved their living conditions • Number of refugees and IDPs who benefited from legal aid / assistance • Media material disseminated 	<ul style="list-style-type: none"> • EC Progress Report on Serbia • Annual report of the Commissariat for Refugees of the Republic of Serbia 	
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
<p>1. Support to integration of the most vulnerable refugee families through the provision of durable solutions, and to livelihood enhancement of IDP families in Serbia</p> <p>2. Improved provision of legal aid/assistance and increased availability of timely and accurate information necessary for realization of the rights of IDPs and refugees in Serbia.</p>	<ul style="list-style-type: none"> • Number of refugees who found a durable housing solution • Number of internally displaced families who improved their housing conditions • Number of refugee families and internally displaced families who started up or expanded their income-generating activity • Number of refugees and IDPs who benefited from accessing legal aid / assistance and obtaining reliable information 	<ul style="list-style-type: none"> • Final reports on project implementation • Reports on the activities of the Commissariat • Monitoring Reports 	Achieved relative political stability in the region
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p>1.1. Housing solutions provided for most vulnerable refugee families</p> <p>1.2. Improved housing conditions for most vulnerable internally displaced families</p> <p>1.3. The most vulnerable refugee and IDPs families started up an expanded income-generating activity or expanded an on-going income-generating activity</p> <p>2.1. Provided legal aid and assistance necessary for improving the access of IDPs and refugees in Serbia to property, health, education, employment and social welfare provided in accordance with the highest</p>	<ul style="list-style-type: none"> • construction material packages delivered to refugee families for completing the construction of a housing unit until the end of the project • refugee families moved in prefabricated houses up to the end of the project • construction material packages for completing the construction of a housing unit delivered to internally displaced families until the end of project • internally displaced families moved in housing units in social protected environment up to the end of the project • sets for starting up or expanding income-generating activities delivered to refugee and IDP families within 15 months since the beginning of the project 	<ul style="list-style-type: none"> • Periodical and final reports on project implementation • Contracts signed with beneficiaries • Monitoring Reports • Legal database • Media records 	<ul style="list-style-type: none"> • Achieved positive financial effect stemming from business start ups or expanded income-generating activity • Satisfactory level of security and freedom of movement in the places of origin • Support of other relevant institutions

<p>professional standards</p> <p>2.2. Information relevant for the realization of the rights of IDPs and refugees in Serbia provided in an accurate and timely fashion in all regions where the target groups reside</p>	<ul style="list-style-type: none"> • Offices for legal aid established by the second month of the project • Developed internal operational manual and rules of procedure • Legal database for registering and monitoring cases developed • At least 250 legal cases initiated/processed • At least 500 documents obtained • At least 45,000 pieces of printed material distributed targeting IDPs and refugees • At least 36 periodically broadcasted radio programmes targeting IDPs and refugees • Specific public information campaigns conducted • Map of media coverage of IDP and refugee communities in Serbia 		
Activities	Means	Costs	Assumptions
<p>Provision of housing solutions for refugees</p> <p>1.1.1. Introduce the Project to potential beneficiaries</p> <p>1.1.2. establishing beneficiary selection criteria, posting official announcement, beneficiary selection by a commission</p> <p>1.1.3. produce report on the socio-economic status of an applicant's family and assessment of the property</p> <p>1.1.4. distribute building material packages</p> <p>1.1.5. deliver material for prefabricated houses and their installation</p> <p>1.1.6. supervise and monitor the use of the delivered assistance</p> <p>Enhancement of IDPs' housing conditions</p> <p>1.2.1 Introduce the Project to potential beneficiaries</p> <p>1.2.2. establish beneficiary selection criteria, posting official announcement, beneficiary selection by a commission</p> <p>1.2.3. Produce report on the socio-economic status of the applicant's family and undertake assessment of the house in construction</p> <p>1.2.4. distribute building material packages</p> <p>1.2.5. provide alternative accommodation in housing units in social protected environment</p> <p>1.2.6. supervise and monitor the use of the delivered assistance</p> <p>Support to starting up or expanding income-generating activities for refugees and IDPs</p>	<p>Grants to NGOs</p> <p>Technical assistance</p>	<p>INVESTMENT THROUGH CALL FOR PROPOSALS : 4.2 mil. euro</p> <p>SERVICE CONTRACT: 1.8 mil . euro</p>	<ul style="list-style-type: none"> • Beneficiaries successfully carried out administrative procedures pertaining to the registration of income-generating activity • Beneficiaries successfully carried out legal procedures pertaining to village houses ownership transfer • Municipalities fulfilled contractual obligations pursuant to Memorandum of Understanding • National, financial and in-kind contribution to be ensured

- 1.3.1. Introduce the Project to potential beneficiaries
- 1.3.2. establish beneficiary selection criteria, posting official announcement, beneficiary selection by a commission
- 1.3.3. produce report on the socio-economic on status of applicant's family and the assessment of sustainability of income-generating activity
- 1.3.4. deliver sets for starting up or expanding income-generating activities to refugee and internally displaced families
- 1.3.5. supervise and monitor the use of the delivered assistance

Legal aid/assistance provision

- 2.1.1. Establish offices for the provision of legal aid/assistance
- 2.1.2. Establish mobile team(s) to enable adequate access to legal aid/assistance in all regions with a substantial IDP and refugee population
- 2.1.3. Develop internal operational manual, rules of procedure and internal monitoring tools
- 2.1.4. Undertake staff development through an initial one-week workshop on international human rights law, domestic legislation pertinent to realization of rights of IDPs and refugees, procedures before the main judicial and non-judicial bodies deciding about the rights of IDPs and refugees, psycho-sociological preparation for working with displaced population
- 2.1.5. Create legal database for registering cases received and conducting regular case follow-up
- 2.1.6. Produce and disseminate on a regular basis a newsletter containing overview of the cases received
- 2.1.7. Devise and pursue an advocacy strategy before the relevant institutions to address the specific legal problems faced by IDP and refugee population
- 2.1.8. Establishment of a thematic working group for horizontal co-ordination aiming at more efficient delivery of legal aid/assistance and advocacy activities

Information Dissemination

- 2.2.1. Regularly prepare and distribute print media specifically targeting IDP and refugee population
- 2.2.2. Prepare wide-coverage radio programmes for regular broadcast
- 2.2.3. Carry out public information campaigns in relation to the specific needs of IDPs and refugees and

important policy shifts in the activities of the main stakeholders

2.2.4. Establish a call centre for IDPs and refugees aiming at delivering information about the institutions, organizations and programmes specifically targeting IDPs and refugees in Serbia

2.2.5. Organize other media events targeting the IDP and refugee population and main stakeholders in the field

2.2.6. Organize thematic workshops and round tables

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Preconditions
<ul style="list-style-type: none"> • Good coordination established with local self-government, competent line institutions as well as with other stakeholders • Municipalities interested in taking part in the implementation of housing in social protected environment identified

ANNEX 2: AMOUNTS CONTRACTED AND DISBURSED PER QUARTER OVER THE DURATION OF THE PROJECT

Contracted	Q1-Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13	Q14	Q15	TOTAL
Contract 1.1		4,200,000									4,200,000
Contract 2.1		1,800,000									1,800,000
Cumulated		6,000,000									6,000,000
Disbursed											
Contract 1.1		3,360,000 *								840,000	4,200,000
Contract 2.1		180,000		405,000		405,000		405,000		405,000	1,800,000
Cumulated		3,540,000		3,945,000		4,350,000		4,755,000		6,000,000	6,000,000

**Note: For the grants scheme it is not possible at this stage to determine the exact number of grants that will be awarded due to the open call for proposals system. Therefore, it is also not possible at this point to determine the actual disbursement schedule of the grants, but we have inserted 80% of the total allocation to be disbursed when the contracts are signed with grants recipients (Q7), and the remaining 20% under Q15 at project completion.*

ANNEX 3: DESCRIPTION OF INSTITUTIONAL FRAMEWORK

The Commissariat for Refugees

The Commissariat for Refugees of the Republic of Serbia is a special institution established by the Law on Refugees in 1992 (Official Gazette of RS, no. 18/92 and 45/02 - correction).

Pursuant to the provision of Article 6 of the Law on Refugees (Official Gazette of RS, no. 18/92 and 45/02 - correction), the Commissariat performs tasks related to identifying refugee status, caring for refugees, keeping records determined by law, coordinating the humanitarian aid provided by other agencies and organizations in country and abroad, as well as monitoring the equal and timely provision of such aid and providing accommodation for refugees, that is, their relocation within territorial units, provision of favourable conditions for the return of refugees back to the areas they left or to other areas determined by the Commissariat, i.e. until acceptable conditions are permanently provided in some other manner. According to the provisions of international conventions, ratified by Yugoslavia, which determine the status and rights of refugees, the Commissariat initiates requests for support from the UN and other institutions that provide international support, to accommodate the needs of refugees in the territory of the Republic of Serbia.

The Commissariat is headed by the Commissioner, appointed by the Government. Commissioner has a Deputy and two Assistants. In the Commissariat there are two sectors: Sector for Accommodation and Sheltering, Return and Durable Solutions of Refugees and Sector for General and Legal Issues and HR Affairs.

Within the projects for capacity building of the Institutions of the Government of Serbia dealing with Refugees and IDPs funded by EU and managed by EAR, special attention is given to professional skills development. Therefore, Commissariat has established a team that is continuously trained in Project Cycle Management.

The Ministry for Kosovo and Metohija

The Ministry for Kosovo and Metohija established by the 2007 Law on Ministries¹⁷ executes functions of the state management that refer to the following: functioning of the institutions of the Republic of Serbia on the territory of Kosovo; education, health care, social policy, culture, infrastructure and telecommunications in Serbian populated areas in Kosovo; cooperation with Serbian Orthodox Church; restoration of spiritual and cultural heritage; financial, legal, technical and professional assistance in all areas significant for Serbs as well as other non-Albanian communities on the territory of Kosovo; cooperation with the CRS pertaining to IDPs from Kosovo; drafting law proposal regulating the substantial autonomy of Kosovo; cooperation with the civilian and military UN mission in Kosovo (UMNIK and KFOR); issuing proposals to the Government and the new state negotiating team accountable for all international activities regarding the continuation of talks on Kosovo's future status; management of the

¹⁷ Official Gazette of the Republic of Serbia (RS) No. 43/2007 of 15 May 2007.

activities of the state negotiating team; maintaining constant international contact with parties involved in international talks on Kosovo's future status, as well as all other functions determined by law¹⁸.

The Ministry for Kosovo and Metohija was created in the spring of 2007 and it has subsumed the competences of the Coordination Centre for Kosovo (CCK), the governmental institution in charge, until recently, of coordinating the activities of the GoS in Kosovo.

The system is comprised of the following sectors¹⁹:

1. Sector in charge for international cooperation
2. Sector in charge for cooperation with international missions in Kosovo
3. Sector in charge for affairs of the Republic of Serbia in Kosovo – Coordination Centre for KiM

This sector is comprised of following departments:

- Department for economy and economic development
 - Department for labour, employment and social support
 - Department for education, health, environment and sport
 - Department for culture, media, cultural and natural inheritance and cooperation with Serbian Orthodox Church
 - Department for return and humanitarian aid
 - Department for administration and coordination of local self-government
 - Department for justice, human rights and property
4. Field unit of the Ministry for KiM – the Ministry office in Kosovska Mitrovica

This sector includes the following department:

- Group for media and communication – Press centre Kosovska Mitrovica
5. Special internal units

This sector is comprised of the following departments:

- Minister cabinet
- State secretary
- Secretariat of the Ministry

Secretariat of the Ministry

The Secretariat is comprised of the following departments:

¹⁸ The Law on Ministries, Article 24.

¹⁹ See the *Rulebook on Internal Organization and Systematization of Positions in the Ministry for Kosovo and Metohija*, approved on 05 July 2007 (the GoS' decision 05 No. 110-3864/2007-2), e.i.f. 15 July 2007. Drafting of a new rulebook that would fully correspond with the need and duties of the Ministry is planned for the near future.

- Department for human recourses
- Department for financial-material affairs
- Department for IT affairs
- Department for translation

ANNEX 4: REFERENCE LIST TO LAWS, REGULATIONS AND STRATEGIC DOCUMENTS

Reference list to relevant laws and regulations

[indicate the title of laws and regulations relevant for the project, date of adoption, reference to official journal - to easily find the document] *[indicate briefly the linkages between the law and regulation and the project proposal.]*

Reference list to strategic documents

Constitution of the Republic of Serbia
Official Gazette of the Republic of Serbia, No. 98/06.

The Constitution of the Republic of Serbia contains that many norms which for taking roots by the basic constitutional values such as human rights human freedom, the rule of law, market economy, social justice, parliamentarism, territorial autonomy, and local self-government. In such a way almost all freedoms and rights in the sphere of individual and political rights are elaborated in the Constitution. The Constitution also provides protection of the moveable and immoveable property.

Law on Refugees
Official Gazette of the Republic of Serbia, No. 18/92 and 45/02.

This law regulates conditions for acquisition and termination of refugee status as well as measures for protection during displacement and return.

Public Information Law
Official Gazette of the Republic of Serbia, No. 43/03

This law regulates the right to freedom of information as well as the rights and obligations of all actors in the process of information provision.

Regulation on Taking Care of Refugees
Official Gazette of the Republic of Serbia, No. 20/92, 70/93, 105/93, 8/94, 22/94, 34/95 and 36/04.

This by-law regulates different types of care and assistance to refugees, including accommodation and material aid.

Regulation on Taking Care of Expelled Persons
Official Gazette of the Republic of Serbia, No. 47/95.

This by-law regulates different types of care for expelled persons.

This law regulates issues related to Serbian citizenship and

<p><i>Law on the Citizenship of the Republic of Serbia</i> Official Gazette of the Republic of Serbia, No. 135/04.</p>	<p>the conditions for acquisition of it by refugees.</p>
<p><i>Law on Property owned by the Republic of Serbia</i> Official Gazette of the Republic of Serbia, No. 53/95, 3/96, 54/96,32/97,44/99 and 101/05.</p>	<p>This law regulates management, ownership and use of public resources in Serbia.</p>
<p><i>Law on Planning and Housing</i> Official Gazette of the Republic of Serbia, No.47/03.</p>	<p>This law regulates procedures for issuing building certificates and permits. Articles 161, 162, 163 and 164 are related to the legalization of constructions.</p>
<p><i>Law on Public Procurement</i> Official Gazette of the Republic of Serbia, No. 39/02 and 55/04.</p>	<p>This law regulates public procurement for selection of the bidders for construction of the housing units.</p>
<p><i>Law on Local Self Government</i> Official Gazette of the Republic of Serbia, No. 9/02,33/04 and 135/04.</p>	<p>This law regulates the jurisdiction of local self-governments that is important for refugees and IDPs as it enables forcible eviction of illegal occupants, issuing construction permits, legalisation of illegal construction, primary health protection, education, agricultural land and free legal aid.</p>
<p><i>Law on Financing the Local Self Government</i> Official Gazette of the Republic of Serbia, No. 62/06.</p>	<p>This law regulates issue of financing of local self-governments.</p>
<p><i>Family Law</i> Official Gazette of the Republic of Serbia, No. 18/05.</p>	<p>The law regulate family-related property and other rights (e.g. family reunification) relevant to IDPs and Refugees.</p>

Reference list to strategic documents

This project fiche addresses number of key objectives of European Partnership, primarily those concerning rights of IDPs, refugees, with a special emphasis on displaced RAE community.

The project fiche address following sections of the document:

Short term priority

Political criteria / Democracy and the rule of law / *Human rights and protection of minorities*

EP document in this section require from GoS to “*Ensure compliance with the human rights provisions of the new constitution*”.

In same section under the *Civil and political rights* EP requires “*development of civil society organizations and regular dialogue with civil society on policy initiatives*” and under chapter *Minority rights, cultural rights and protection of minorities* reaffirms needs of Roma integration.

Short-term priority

Political criteria /*Regional issues and international obligations.*

This section requires from all stakeholders to “*ensure adequate cooperation and the legislative basis for and practical protection of the rights of refugees and internally displaced persons*” as well as to “*ensure right of a real choice between sustainable return and integration*”.

Medium-term priorities

Political criteria/Democracy and the rule of law/*Public administration*

EP also requires “*Further strengthen European integration capacity within the public administration, embedding the necessary structures within line ministries and throughout government, and improve cooperation mechanisms with all departments dealing with European integration*”.

Political criteria/Democracy and the rule of law/*Regional issues and international obligations*

This section requires “Facilitation of integration of refugees who choose not to return”.

European standards/*Employment and social policies/* section require “*Further development of social inclusion and social protection policies*”.

MIPD 2007-2009

The MIPD in (Section 2.2.1.1 (7)) as one of the main priorities and objectives points out that “*fighting against any kind of discrimination and promoting human and minority rights, including Roma as well as the provision of legal assistance*”. Taking into consideration that the overall objective of the project is *to contribute to resolving problems of refugees and IDPs in Serbia in compliance with the National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons of the Republic of Serbia and the EU Council Decision on principles, priorities and conditions contained in the European Partnership (EP)*, Project fiche fully correspond with main priority through number of activities. Expected results include provision of housing, income-generation, free legal aid/assistance and dissemination of information relevant for refugees/IDPs.

Stabilisation and Association Agreement

The Stabilisation and Association Agreement (SAA) between the EU and Serbia was initiated on 7 November 2007.

National Action Plan for EU Integration

Section 4.1.9 sets the protection of the rights of refugees and IDPs as one of the state priorities.

National Plan for Approximation to the Acquis

N/A

National/sectoral Investment Plans

Poverty reduction strategy paper (PRSP)
PRSP priorities section 10.

The PRSP process represents an integral part of the continuation of economic reforms and the establishment of rule-of-law state and democratic institutions. Alleviation of poverty does not concern only material subsistence and the realization of human rights – it also includes the creation of equal opportunities for all in the field of employment, education, health care and social protection. The PRSP therefore focuses on the efficient implementation of the defined poverty reduction

programmes, both across different sectors and in relation to the most vulnerable groups which have been identified.

Same strategy in section: *Activity Matrices /More Efficient Social Protection, Assistance to Vulnerable Groups/Related policies/strategies/activities* require “Increase access to those currently eligible but not participating through improving public relations/communications campaigns and investigating the cost-effectiveness of streamlining administrative procedures”.

According to economic and social position, refugees and internally displaced persons belong to particularly vulnerable groups in Serbia, and compared to other vulnerable groups, Roma are the poorest and most vulnerable and project fiche will fully take in to consideration specific needs of this groups

National strategy for resolving the problems of refugees and internally displaced

The Strategy is a framework for generating initiatives and implementation of activities in connection with refugee and IDP issues. The return of refugees/IDPs, integration of refugees and IDP livelihood enhancement are contained in the Strategy as basic directions aiming at resolving problems of refugees and IDPs. The Project fiche relays on Section 4 of the Strategy, “Legal, property and information aspects of integration and return”. The Strategy requires that media campaign and continuous informing should be undertaken in respect of all refugee and IDP issues (sections 4.1.2.2(7) and 4.2.2 (4), respectively) as a necessary precondition to its successful implementation. It further emphasizes (Section 4.2.1) that “[t]he international community must recognize, protect and return the rights to mobile property and real estate that the IDPs owned in Kosovo and Metohija pursuant to the established standards and norms of the international law, irrespective of current residence of the displaced persons. The right to property may not be conditioned by a physical return of the displaced”.

Link with National Economic Development Strategy (NEDS)

N/A

ANNEX 5: DETAILS PER EU FUNDED CONTRACTS

1. Grants Contract (Call for proposals)

Housing and Income Generation Component

Grant contracts will be awarded to organizations that will be responsible for implementing the housing and income-generation component, i.e housing solutions for refugees, improving housing conditions for IDPs and income-generating activities.

Clear criteria for the Call for Proposals will be developed by the Commissariat and approved by the Steering Committee.

Specifically, the outputs will include the following:

- Provision of 110 village houses
- Distribution of 200 construction material packages
- Delivery of material for 30 prefabricated houses
- Construction of 60 housing units in social protected environment
- Delivery of 400 sets for income-generating activities

Follow-up, monitoring and evaluation of the activities supported by the grant funds will also be the responsibility of grant awardees, in cooperation with the Commissariat.

Applicants for Grants will have to demonstrate that they have an active working partnership with the Commissariat, local governments, NGOs, other relevant stakeholders involved in addressing refugee and IDP issues and sound experience in implementation of similar actions within grants schemes

Procurement by grant beneficiaries will be done in accordance with procurement procedures of the Practical Guide to Contract procedures for EC external actions.

All grant recipients should provide a minimum 5% of co-financing.

2. Service Contract

Legal Aid/Assistance component

A service contract for Technical Assistance will be awarded for the legal aid/assistance and information provision.

The implementing agencies will do the following for the *Legal Aid component*:

1. Engage short-term experts that possess formally required qualifications for the provision of legal aid and coordinate legal aid/assistance offices that will receive IDPs and refugees seeking legal aid/assistance on a daily basis, register the cases and undertake the most appropriate legal actions/assistance (including legal representation, legal counselling and assistance in obtaining documents necessary for the realization of their rights to property, health, education, employment and social welfare) and undertake regular case follow-up and inform individual legal aid/assistance seekers on the actions performed;

2. Undertake staff development by organizing and conducting a one-week workshop which will cover a range of topics that are relevant to ensuring the rights of refugee and IDP populations;
3. Develop an internal operational manual, rules of procedure and internal monitoring tools;
4. Create a legal database for registering cases received and conducting regular case follow-up;
5. Produce and disseminate on a regular basis a newsletter containing overview of the cases received;
6. Establish a thematic working group for horizontal co-ordination aiming at more efficient delivery of legal aid/assistance and advocacy activities;
7. Increase capacities of local governmental and non-governmental stakeholders, included in delivery of legal aid/assistance and advocacy activities, by organizing human rights trainings related to issues of forced displacement.

The implementing agencies will do the following for the *Information Provision component*:

1. Undertake systematic field research with an aim to identify information gaps among the IDP and refugee population and produce map of media coverage of the target group communities in Serbia;
2. Build capacity and assist local IDP and refugee associations to develop and conduct media campaigns;
3. Establish a call centre for IDPs and refugees;
4. Organise thematic workshops and round tables.