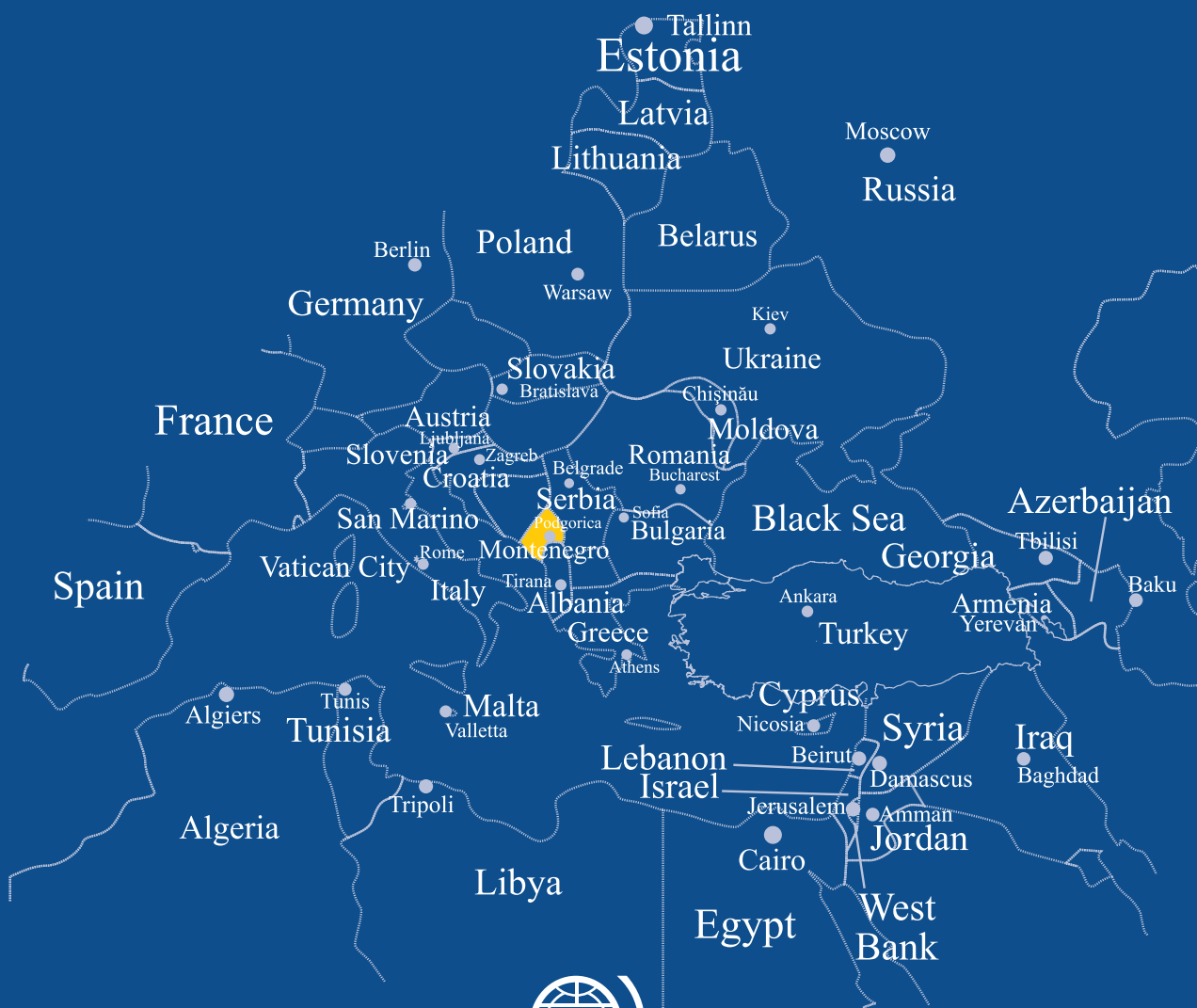


Migration in Serbia: A Country Profile 2008



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IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

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Migration in Serbia:

A Country Profile

October 2008



IOM International Organization for Migration

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ACRONYM LIST

AVR	Assisted Voluntary Return
BSEC	Organization of the Black Sea Economic Cooperation
CARDS	Community Assistance for Reconstruction, Development and Stabilisation Programme
CIREFI	Center for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration
CRS	Commissariat for Refugees
CRM	Central Review Mechanism
DPP	Department for Population Policy
DRC	Danish Refugee Council
EAR	European Agency for Reconstruction
EU	European Union
ICMPD	International Centre for Migration Policy Development
IDP	Internally Displaced Person
IBM	Integrated Border Management
IMF	International Monetary Fund
IOM	International Organization for Migration
IPA	Instrument of Pre-Accession Assistance
KFOR	Kosovo Force
KPS	Kosovo Police Service
MCR	Ministry of Communities and Returns
MERD	Ministry of Economy and Regional Development
MFA	Ministry of Foreign Affairs
MfD	Ministry for Diaspora
MFE	Ministry of Finance and Economy
MHMR	Ministry for Human and Minority Rights
MLGA	Ministry of Local Government Administration
MLSW	Ministry of Labour and Social Welfare
Mol	Ministry of Interior
NGO	Non-governmental organization
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights
OPM	Office of the Prime Minister
OSCE	Organization for Security and Co-operation in Europe
RCP	Regional Consultative Process
SDF	Serbian Democratic Forum

SRSG	Special Representative Secretary-General
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNMIK	United Nations' Mission in Kosovo-Metohija
UNOCHA	UN Office for the Coordination of Humanitarian Affairs
VET	Vocational and education training
WGCC	Working Group on Combating Crime

FOREWORD

International migration is a prominent feature of globalization and one of the defining issues of this century. Increasingly, migration entails economic, social, demographic, cultural, security and environmental effects on both sending and receiving societies. The task of formulating effective and coherent approaches for the management of international migration poses formidable challenges and frequently has led to regional initiatives such as Regional Consultative Processes (RCPs).¹ These initiatives – which address a wide range of migration issues including migration and development, integration of migrants, smuggling of and trafficking in persons, irregular migration and so on – often reflect the different migration agendas of governments even though the challenges they face may be similar in nature.

Within this context and considering its proactive role in various RCPs, the International Organization for Migration (IOM) signed a Memorandum of Understanding with the Organization of the Black Sea Economic Cooperation (BSEC) in 2006. One of the main aims of this agreement is to enhance cooperation in addressing irregular migration and combating trafficking in persons in the Black Sea region, an area that experiences significant migration challenges as a transit, origin, and destination hub for migrants. Consequently, in 2007, IOM launched the “Black Sea Consultative Process on Migration Management”, a joint project with the BSEC’s Working Group on Combating Crime (WGCC) (Particularly its Organized Forms).

The project aimed to contribute to effective migration management in the Black Sea region as well as combating irregular migration through strengthened regional cooperation and capacity building of relevant authorities in all twelve member states of the BSEC.² Specifically, IOM has drafted national **Migration Profiles** for those countries where such documents did not exist, and has reviewed and updated existing Profiles.³

Why country Migration Profiles? A concept and tool promoted by the European Commission (EC), the Profiles are an evidence-based approach to assess the migration situation in a country. IOM has adopted and further developed this

¹ Regional Consultative Processes bring together representatives of states, international organizations and, in some cases, non-governmental organizations (NGOs) for informal and non-binding dialogue and information exchange on migration-related issues of common interest and concern.

² Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, the Russian Federation, Serbia, Turkey and Ukraine.

³ Within the framework of the Slovenian presidency of the EU, IOM prepared Migration Profiles for the Western Balkan Countries including BSEC members Albania, Serbia and Turkey.

concept and has since implemented it in various regions such as the Balkans, Western and Central Africa, and Latin America. The intention is to contribute towards greater coherence of national migration policies and enhanced regional cooperation. This requires appropriate compilation of internationally comparable data among other features such as national coordination and cooperation among involved authorities and pursuit of an active international cooperation at bilateral, regional and global levels. The Profiles, using a common template, allow for comparability despite data limitations⁴ and different national contexts.

Furthermore, to ensure the legitimacy and recognized value of the Profiles, the BSEC member states and the BSEC WGCC provided substantial feedback on the Profiles. Drafted in IOM's office in Budapest and coordinated with IOM's Research Unit at IOM Headquarters in Geneva and the respective IOM office in each of the BSEC countries – to ensure high-quality – the Profiles also offer a set of policy recommendations for effective migration management in the region. These were thoroughly discussed during an expert meeting of the BSEC's WGCC in Istanbul on 10 September 2008. Subsequently, the recommendations were approved by the BSEC's Council of Ministers of Foreign Affairs that convened in Tirana on 23 October 2008.

This set of Profiles is the result of intensive cooperation between many individuals within IOM and among IOM and other stakeholders. The input of the following people is highly appreciated: Christine Aghazarm and Verónica Escudero, Research Unit in IOM Geneva, as authors of the regional overview and for their extensive review of all the Profiles, Frank Laczko, head of the Research and Publications in IOM Geneva, for his supervision throughout the project, IOM staff in IOM offices in all the BSEC countries, and the dedicated finance and administrative colleagues in IOM Budapest. Special thanks to IOM's 1035 Facility who funded this project. Moreover, particular gratitude is warmly given to the Organization of the Black Sea Economic Organization as the associate organization in this project, especially the Permanent International Secretariat who kindly arranged the meetings related to the implementation of the project. Not least, IOM gratefully acknowledges the support of the BSEC Member States in the production of the Profiles, above all for their input to their specific country profile and the endorsement of the regional migration policy recommendations.

Argentina Szabados, Regional Representative
Alin Chindea, Project Coordinator
International Organization for Migration
Mission with Regional Functions for Central and South-Eastern Europe

⁴ For a discussion on the quality and limitations migration data, see the regional overview.



Serbia – Basic facts	
Population	10,150,265 (July 2007 estimate)
Total Area	88,361 sq. km
Gross Domestic Product (GDP) per Capita PPP	USD 7,265 (2007 estimate)
Human Development Index (HDI) Rank	0.811 (high)
Net Migration Rate	-1.9 migrants/1,000 population
Sources: United Nations Department of Economic and Social Affairs, Population Division's World Population Prospects: The 2006 Revision Population Database; CIA Factbook.	

Note:

Any data contained in this publication, the source of which refers to the period prior to the independence of Montenegro (which constitutes the majority of data available), apply to both Serbia and Montenegro. No separate data are available.

Throughout this document reference is made to UNSC Resolution 1244-administrated Kosovo. Hereinafter referred to as: Kosovo/UNSC 1244.

Depending on the source, some data include estimates for Kosovo/UNSC 1244, and some do not. Also, separate references or data are given for Kosovo/UNSC 1244 as needed to better reflect the reality. These are given in Annex 1.

The designations employed and the presentation of materials throughout the report do not in any way represent the opinion of IOM concerning the territories' legal status, or their authorities, or their frontiers or boundaries.

EXECUTIVE SUMMARY: GENERAL ASSESSMENT OF MIGRATION ISSUES

At the outset, it must be highlighted that several limitations exist that hinder the conduct of a comprehensive analysis of the current situation concerning migration trends in the Republic of Serbia. One of these is the lack of adequate statistical resources, which imposes a need to use the incomplete resources of national services, immigration countries, and international organizations. Some difficulties also arise in the effort to classify migrants for the Republic of Serbia only (particularly as separate from Montenegro, and with the discussions on the status of the UNSC Resolution 1244-administrated Kosovo¹) due to the lack of unique records or the lack of differentiated ones for the Republic of Serbia proper. Therefore, any analysis must necessarily refer to partial studies and estimates only.

What is clear, however, is that migration is an issue of primary importance in Serbia. Migratory movements of the Serbian population have been caused by various historical, social, political, economic, and demographic factors. Serbia has been and continues to be a country of emigration. Inflows, mainly from other countries in the region and also from further East (e.g., China), are moderately increasing in recent years.

After the Second World War, migration flows occurred mainly in response to labour demand in the host countries, mostly for skilled and low-skilled workers, which in turn absorbed the labour force surplus in Serbia. The next movement of emigrants from Serbia (then a territory of Yugoslavia) was directed towards certain overseas countries, such as the United States of America and Australia during the 1960s and 1970s. During that period, the number of migrants within Europe was of smaller significance. Political crisis, ethnic conflicts, and disintegration of the country during the 1990s resulted in forced migrations within the former Yugoslav republics, as well as in a new wave of external migrations. In recent years, emigration from the Balkans has taken a more economic character and is frequently conducted through the use of irregular channels.

Estimates point to as many as four million people of Serb origin living today outside of Serbia, many of them young and educated. Balancing the negative impact of “brain drain” are the significant amounts of remittances received by

¹ Hereinafter referred to as Kosovo/UNSC 1244

the country, which have been its largest source of foreign currency inflows. Besides privatization revenues, foreign direct investment, grants, and foreign loans, remittances make an important and probably the most substantial source of increased foreign financial inflows. However, the questions on whether remittances can neutralize the negative results of high emigration, and whether their effects can be made more useful and act as a positive force in the development of the economy remain. Some authors point that, until now, the remittance inflows to Serbia have not been utilized in the best way possible for expanding development and reducing poverty.²

Serbian diasporas have the potential to contribute to Serbia's economy and overall development, not only through the positive impacts of remittances but also through the transfer of know-how acquired abroad and possibly through the migrants' return to their home country. However, due to strict visa regimes and the still limited opportunities back home, few Serbs choose to return home.

The unresolved issue of internally displaced persons (IDPs) and refugees still requires serious attention. The government and the international community need to find durable solutions for the 325,205 refugees and IDPs in the Serbian territory. Sustainable measures that combine capacity building of the responsible institutions and direct assistance to these groups through income-generating activities are necessary.

Serbia (and Montenegro) is among the countries in the region that has evolved from a net emigration country to a net immigration one.³ Moderately increasing immigration flows also call for renewed immigration policies and enhanced cooperation with third countries of origin.

As regards irregular movements, particularly to the European Union (EU), the number of irregular entries of Serbian nationals to the EU has been decreasing. Although efforts must continue in the areas of prevention and border management, it must also be realized that there are possibilities for channelling migration through regular paths, as visa regimes gradually open up and mobility partnerships with main EU countries of destination develop.

² Mitrovic, R.D., and M. Jovicic (2006) *Macroeconomic Analysis of Causes and Effects of Remittances: A Panel Model of the SEE Countries and a Case Study of Serbia*, Global Development Network.

³ World Bank/IBRD (2006) *Migration and Remittances. Eastern Europe and the Former Soviet Union*.

1. IMMIGRANTS

1.1. Number of immigrants

Stocks ⁴	512,336 (2005)
As percentage of total population.....	4.9%
Gender ratio.....	56.9% female
Flows ⁵	16,292 (2007)

Table 1. Reasons for granting resident permits, 2007

Reason	No.
Employment/regular contract	5,899
Marriage with Serbian citizens	5,481
Family relationship with Serbian citizens	2,802
Education	360
Employment/fixed-term contract	303
Private visit	158
Consultancy services	122
Apprenticeship	28
Academic research	1
Other reasons	1,138
Total	16,292

Source: Ministry of the Interior, Republic of Serbia.

1.2. Status of immigrants

Refugees	97,417 (excluding Kosovo/UNSC 1244, 2007) ⁶
----------------	--

⁴ UN Population Division, Department of Economic and Social Affairs (2007) *Trends in Total Migrant Stock: The 2005 Revision*. Note: Figure includes Serbia (including Kosovo/UNSC 1244) and Montenegro and refers to the estimated number of foreign-born at mid-year. Many of those categorized as foreign born today were born in other states of the former Federal Republic of Yugoslavia. Therefore, this figure may reflect the country's changed geopolitical status rather than its immigration trends.

⁵ Ministry of Interior, Cabinet of the Minister (2008) Letter 01 Num. 8195/07-10, 16 January 2008, *Migration Trends Analysis*. Information based on residents permits granted.

⁶ UNHCR (2007) UNCHR *Belgrade Statistics*. 27,314 refugees from Bosnia and Herzegovina and 70,103 refugees from Croatia.

Asylum seekers.....	64 (2007) ⁷
Labour immigrants	6,324 (2007) ⁸
Gender ratio	29.5% female
Top five countries of origin: China (2,918), Romania (513), the former Yugoslav Republic of Macedonia (286), Bulgaria (177), and Slovakia (174)	
Students	2,369 (2002) ⁹
Transit migrants.....	39,364 (2002) ¹⁰
Irregular immigrants.....	773 (2002) ¹¹

1.3. Main countries of origin

Bosnia and Herzegovina, China, Croatia, United States, Greece, Germany, the former Yugoslav Republic of Macedonia, and Romania.¹²

⁷ Ibid

⁸ Ministry of Interior, Cabinet of the Minister (2008) Letter 01 Num. 8195/07-10, 16 January 2008, *Migration Trends Analysis*. Note: Figure refers to “foreigners granted with temporary residence permits on the basis of employment”.

⁹ Statistical Office of the Republic of Serbia (2002) *Communication No. 295, Final Results of the Census 2002*. Note: The 2002 Census excludes Kosovo/UNSC 1244.

¹⁰ Ibid. Note: Figure refers to number of transit visas.

¹¹ Ibid.

¹² Serbian European Integration Office (SEIO) (2007) *Response to EC Questionnaire on Justice and Home Affairs*; and Vladimir Garic, Assistant Minister, Ministry of Labour and social policy, *Official Response to IOM's Migration Profile Update Request, 14 January 2008*.

2. EMIGRANTS

2.1. Number of emigrants

Stock.....	2,298,352 (2005) ¹³
As percentage of total population.....	4.9% ¹⁴

2.2. Status of emigrants

Refugees	174,027 (2006) ¹⁵
Asylum seekers.....	21,151 (2006) ¹⁶
Labour migrants	414,839 (2002) ¹⁷

2.3. Main countries of destination

Based on World Bank estimates

Germany, Austria, Switzerland, United States, Turkey, Croatia, Sweden, Italy, Canada and Australia¹⁸

¹³ idem

¹⁴ idem

¹⁵ UNHCR (2006) *Statistical Yearbook 2006*.

¹⁶ Ibid.

¹⁷ Serbian Ministry of Labour and Social Policy, on the basis of *Communication No. 295, Final Results of the Census 2002*.

¹⁸ World Bank, Development Prospects Group (2005) *Migration and Remittances Factbook*.

Note: Countries of destination refer to Serbia and Montenegro nationals.

Table 2. Estimates of Serbian (and Montenegrin) emigrants:
Top countries of destination, 2005

Country of destination	No.
Germany	871,805
Austria	176,046
Switzerland	167,061
United States	128,896
Turkey	118,581
Croatia	95,699
Sweden	77,865
Italy	72,702
Canada	69,884
Australia	55,691
Netherlands	53,845
United Kingdom	34,728
Other	375,549
Total	2,298,352

Source: World Bank, Development Prospects Group (2008) *Migration and Remittances Factbook 2008*. Data taken from Ratha and Shaw (2007) *Bilateral Estimates of Migrants Stocks Database, South-South Migration and Remittances*, World Bank Working Paper No. 102, <http://go.worldbank.org/ON5YV3Y480>

Based on the Serbian Ministry of Labour and Social Policy estimates (2002)

Table 3. Estimates of labour emigrants in main destination countries, 2002¹⁹

Country of destination	No.
Germany	102,799
Austria	87,844
Switzerland	65,751
France	27,040

Source: Serbian Ministry of Labour and Social Policy, on the basis of *Communication No. 295, Final Results of the Census 2002*.

Based on Eurostat estimates (2003)

Among third country citizen groups larger than 100,000 in the EU member states in 2003,²⁰ citizens from Serbia and Montenegro were in second place (after Turkey) with 750,067 individuals present in the EU 15.

¹⁹ Serbian Ministry of Labour and Social Policy, on the basis of *Communication No. 295, Final Results of the Census 2002*. The average length of stay abroad is 12.9 years.

²⁰ GéDAP/Eurostat (2006) *Migration and Asylum in Europe, 2003*.

Note: Missing data for France, Ireland, Italy, Portugal, and United Kingdom.

Based on the Organisation for Economic Co-operation and Development (OECD) estimates (2004)

Table 4. Serbia (and Montenegro) nationals in OECD countries, 2004²¹

Country of destination	Inflows of foreign population	Stock of foreign population	Inflows of asylum seekers	Stock of foreign-born population	Acquisition of nationality
Australia	-	-	-	68,900	-
Austria ¹	10,800	-	2,835	(from the former Yugoslavia (excluding Bosnia and Herzegovina): 139,000)	-
Belgium	-	-	1,294	-	-
Czech Republic	1,000	3,400	-	34,000	42
Finland		3,300	-	-	-
France	1,900	-	3,812	-	2,459
Germany	21,700	125,800	3,878	-	
Hungary	1,100	13,600	-	-	3,539
Italy	6,300	46,800			
(in 2003)	-	-	-		
Luxembourg	-	-	-	6,500	
(in 2001)	-				
Norway	600	5,800	-	9,700	-
Poland	-	-	-	3,600	
(in 2002)	-				
Slovakia	100	-	51	800	506
Switzerland	5,700	300,200	1,777	-	7,854
Sweden	-	4,022	4,022	74,600	-
United Kingdom		-	405	-	-

Source: OECD/SOPEMI (2006) *International Migration Outlook 2006*.

¹ According to the European Foundation for the Improvement of Living and Working Conditions, 26.1 per cent of the total foreign workers in Austria are from Serbia and Montenegro

²¹ OECD/SOPEMI (2006) *International Migration Outlook 2006*.

Note 1: Data refer to both Serbia and Montenegro.

Note 2: Fields where there is “-“ mean that the figures are not worth mentioning because they are not among the top figures within that category or the figure is not available.

Based on the Government of Slovenia estimates

Slovenia is also one of the main countries of destination of Serbian (and Montenegrin) nationals. According to the European Foundation for the Improvement of Living and Working Conditions, there were 7,877 migrant workers from Serbia and Montenegro in 2005 and 6,521 work permits were issued to Serbian and Montenegrin nationals in 2006.

3. REMITTANCES

3.1. Quantitative aspects of remittances

The World Bank has placed Serbia in the top 11 countries in the world in terms of the value of remittances in 2004, highest of all the South Eastern European countries, and specifically in the eighth position in relation to the share of remittances in the GDP.²² According to the National Bank of Serbia, remittances reached USD 2.1 billion in the first eight months of 2007.²³

Table 5. Estimates of remittances per annum (million USD) in Serbia and Montenegro (2000-2005)

Source	2000	2001	2002	2003	2004	2005
National Bank ¹	512	405	520	779	988	1,182
World Bank ²	1,132	1,698	2,089	2,661	4,129	4,650

¹ Mitrovic, R.D., and M. Jovicic (2006) *Macroeconomic Analysis of Causes and Effects of Remittances: A Panel Model of the SEE Countries and a Case Study of Serbia*.

² World Bank Group [2005] *World Development Indicators (WDI)*.

As percentage of GDP 17.2% (2004)²⁴

As percentage of imports..... 22% (“constant ratio”)²⁵

Contribution to the balance of payments..... USD 1,397 million (2003)²⁶

²² World Bank (2006) *Global Economic Prospects: Economic Implications of Remittances and Migration*, p.90

²³ Neda Maletic, State Secretary, Ministry of Diaspora, Email on 25 January 2008.

²⁴ Mitrovic, R.D., and M. Jovicic (2006) *Macroeconomic Analysis of Causes and Effects of Remittances: A Panel Model of the SEE Countries and A Case Study of Serbia*. Information based on the World Bank report (2006), p. 90.

²⁵ Ibid.

²⁶ World Bank/IBRD (2006) *Migration and Remittances. Eastern Europe and the Former Soviet Union*. Note: Figure refers to both Serbia and Montenegro and to the year 2003.

3.2. Qualitative aspects of remittances²⁷

Remittances are mainly received from (in order of importance) Germany, Switzerland, United States, Austria, Croatia, and Russian Federation.²⁸

According to the Serbian Ministry for Diaspora (MfD), some 80 per cent of the remittances received in Serbia are transferred through informal channels and spent on consumption. Money transfer through banks is a slow and expensive process, taking up to five days, and the banks in Serbia do not show great interest in remittances. Remittances are mainly used to cover basic running costs of the receivers and to raise their general living conditions. They are rarely kept as savings or used for the development of the home community. So far, there is no state strategic plan on the use of remittances, and remittances have never been invested in large development projects.²⁹ Much of the poorest population in Serbia does not seem to benefit from remittances.

An IOM study on the impact of remittances from Switzerland on migrant-sending households in two regions in Serbia indicates that remittance-receiving households use most of the received transfers to help pay for recurrent living costs and basic needs. Beyond consumption expenditures, recipients also use remittances for social expenditures such as basic education and health care, although at much lower rates. Results also show that Serbian migrants residing in Switzerland prefer to bring remittances personally or to send them through a friend or an acquaintance when they travel to Serbia for a visit.³⁰

Substantial remittance inflows finance the foreign trade deficit and seemingly show a positive effect in maintaining external balance. As a negative effect, however, large remittance flows may lead to the reduction of the domestic production's competitiveness.³¹ The increase of the real exchange rate of dinar has been made possible mostly by the inflow of remittances. Consequently, there is an underestimation of foreign currencies, making imports relatively cheaper and

²⁷ In the last years, two institutions have analysed in detail the rate and dynamics of remittances: (1) the World Bank assessed remittances relation between Germany and Serbia, and (2) the European Bank for Reconstruction and Development (EBRD), i.e., the Swiss Government through IOM, assessed remittances dynamics between Switzerland and Serbia.

²⁸ Neda Maletic, State Secretary, Ministry of Diapsora, 25 January 2008.

²⁹ Ibid.

³⁰ Jennifer Petree and Nilim Baruah, IOM (2007) *A Study of Migrant-Sending Households in Serbia Receiving Remittances from Switzerland*, IOM Migration Research Series No. 28, Commissioned by the Swiss Secretariat for Economic Affairs of the Government of Switzerland (SECO) as part of the survey "Development Financing and the Remittance Market in Serbia and Switzerland".

³¹ Mitrovic, R.D., and M. Jovicic (2006) *Macroeconomic Analysis of Causes and Effects of Remittances: A Panel Model of the SEE Countries and a Case Study of Serbia*.

domestic production less competitive, thus resulting in growing imports and decreasing exports. In addition, imports of consumer goods show a firm consumer preference for foreign goods, thus indicating external balance problems that remittance inflows alone cannot solve.

The structure of consumer goods imports shows that a large part of remittances sent by Serbian emigrants appears to be returning to the migrants' host country as payment of the recipients for the imported products.³²

³² Ibid.

4. MIGRANT COMMUNITIES/DIASPORAS

4.1. Estimates

Based on latest estimates, between 3.2 and 3.8 million Serbs or persons of Serbian origin live outside Serbia's borders.³³

Estimates of Serbian emigrants by the MfD range, however, from 3,908,000 to 4,170,000,³⁴ the highest among the figures provided by other sources. These high estimates stem from the fact that MfD's definition of diaspora is wide and includes not only citizens of Serbia living out of the country but also members of the Serbian people and others who think of Serbia as their country of origin regardless of the citizenship they hold. For instance, these could be representatives of second and third generation Serbian emigrants or descendants of emigrants from other parts of ex-Yugoslavia who have never obtained Serbian citizenship but are ethnic Serbs.

Table 6. Serbian diaspora, 2007

Country	Serbian diaspora	Sub-total per continent
Africa		25,000
South Africa	20,000	
Lybia	2,000	
Other African countries	3,000	
North America		1,000,000-1,200,000
United States	750,000 -1,000,000	
Canada	200,000 - 250,000	
Middle and South America		20,000
Brazil	6,000-8,000	
Venezuela	1,000	
Mexico	1,000	
Argentina, Chile	5,000 – 7,000	
Other counties	3,000	
Australia	130,000	130,000
New Zealand	5,000 -7,000	5,000-7,000
Asia		18,000

³³ MARRI (2006) MARRI Questionnaire on Migration – Response of Republic of Serbia.

³⁴ Neda Maletic, State Secretary, Ministry of Diaspora, Email on 25 January 2008.

Turkey	15,000	
Other Asian countries	3,000	
Middle East (Kuwait, Saudi Arabia, Qatar, United Arab Emirates, etc.)	5,000	5,000
Europe		2,705,000 - 2,765,000
Austria	250,000 – 300,000	
Belgium and Luxembourg	5,000 + 3,000	
Netherlands	20,000	
United Kingdom	80,000	
Ireland	2,000	
Sweden	75,000	
Norway	2,500	
Finland	4,000	
Denmark	7,000	
Germany	580,000	
France	120,000	
Switzerland	120,000	
Spain	1,000	
Portugal	500	
Italy	50,000	
Albania	10,000 – 20,000	
Greece	15,000	
Cyprus	5,000	
Czech Republic	3,000	
Slovakia	2,000	
Russia	30,000	
Belarus	500	
Ukraine	500	
Poland	1,000	
Hungary	10,000	
Romania	22,000	
Bulgaria	2,000	
The former Socialist Federal Republic of Yugoslavia		1,284,000
Croatia	200,000	
Bosnia and Herzegovina	1,000,000	
The former Yugoslav Republic of Macedonia	45,000	
Slovenia	39,000	
GRAND TOTAL		3,908,000 - 4,170,000

Source: Ministry of Diaspora, Republic of Serbia

4.2. Relationship between migrant communities and country of origin

Serbian emigration can be characterized by its different waves: (1) economic emigration from the end of the 19th century to the beginning of the 20th century up to 1941; (2) political emigration of the anti-Communist regime members (1941-1947); (3) economic emigration in the 1960s-1980s mostly of labourers with low level of education; and (4) political-economic emigration in the 1990s of highly educated people, resulting in brain drain, and of a number of refugees from the former Yugoslavia.³⁵ The relationship between the different groups and their homeland naturally varies.

On the whole, majority of the large numbers of Serbian men and women who are now permanent residents in other countries continue to maintain close contact and relationship with their family members and friends back home. An indicator of the importance of these transnational ties is the extensive practice of sending remittances as illustrated in the previous section, either to contribute to the economic maintenance and wellbeing of their relatives or for the purpose of private investment.³⁶

The MfD was established as a distinct ministry within the Serbian government in February 2004 as the main body for monitoring and maintaining the links with the Serbian diasporas (see Section 6.1 for details of its functions).

4.3. Migrant communities/diasporas' organizations

There are some 1,000 associations abroad that bring together Serbian (and Montenegrin) people from all continents. Most of them are active in the EU member states and in North America and Australia.³⁷ There are 191 countries where Serbian diasporas' organizations are registered. Most associations are focused on the preservation of cultural heritage and less on political activism. The establishment of diasporas' organizations based on profession (e.g., medical doctors, writers, lawyers) is on the rise.

The most important associations are based in the neighbouring countries, countries of the former Yugoslavia, and in Western Europe and overseas (United States, Canada, Australia).

³⁵ Neda Maletic, State Secretary, Ministry of Diapsora, Email on 25 January 2008

³⁶ Swiss Federal Department of Economic Affairs / Swiss Forum for Migration and Population Studies/IOM/EBRD (2007) *Development Financing and the Remittance Market in Serbia and Switzerland*.

³⁷ Ministry of Foreign Affairs, "Diaspora", <http://www.mfa.gov.yu/Diasporaframe.htm>

The MfD is in the process of creating a database that would provide systematic information on associations of diaspora. In cooperation with the Strategic Marketing Research Agency, it developed a questionnaire to update its directory of diaspora associations.³⁸ The questionnaire is meant to collect information that would inform policy on the most important issues of the diasporas: their voting participation, military service problems, links with their homeland, and the MfD's cooperation with Serbian citizens living abroad.³⁹ It is also intended as the starting point for the development of the aforementioned database of diasporas, which is envisioned to assist in the systematic collection and analysis of issues affecting migrant communities.

³⁸ <http://www.mzd.sr.gov.yu/>

³⁹ http://www.mzd.sr.gov.yu/_eng/MZDanketae.asp

5. IRREGULAR MIGRATION

5.1. Numbers/estimates of irregular movements

5.1.1. Serbia as a country of origin

Table 7. Citizens of Serbia (and Montenegro) in EU 15 and non-EU 15 countries, 2003⁴⁰

Country/ Status	Belgium	Czech Republic	Denmark	Germany	Estonia	Hungary	Malta	Italy
Refused	115	1,473	-	4,554	316	2,673	27	1,442
%	2.8	4.7	-	10.8	6	12.6	3.4	6
Apprehended	616	-	66	1,157	-	51	-	1,843
%	2.8	-	4	4.4	-	10	-	3.1
Removed	287	-	713	4,508	177	233	21	776
%	2.9	-	23	14.9	0	4.9	2.5	2.5

Country/Status	Slovenia	Nether- lands	Austria	Slovakia	Finland	Sweden	Bulgaria	Romania	Norway
Refused	6,072	-	841	242	-	47	239	9,342	44
%*	15.7	-	3.8	1.3	-	2.9	5.1	16.7	2.6
Apprehended	1,135	205	1991	-	311	4,892	-	-	49
%	26.9	3.2	4.6	-	19.6	18	-	-	6.2
Removed	954	1,176	875	17	99	1042	-	14	1,184
%	29.7	5.9	7.9	1	3.6	14.2	-	2.8	13.7

TOTAL	No.
Refused	27,427
Apprehended	12,316
Removed	12,076

Note : % refers to the percentage out of the total number of refused/apprehended/removed aliens in the given country.

Source: Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI).

According to a European Commission report,⁴¹ a total of 12,530 Serbian (and Montenegro) citizens were apprehended in the EU 25 in 2005.

⁴⁰Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI)

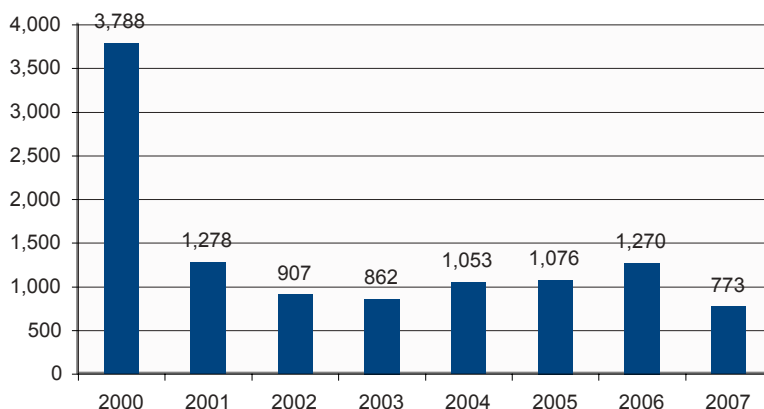
Note 1: Only the data of the countries included in the top ten of each specific country are displayed.

Note 2: Data from some countries are missing/not available.

⁴¹European Commission Working Document (2006) Annex to the Communication from the EC on *Policy priorities in the fight against illegal immigration of third-country nationals. Second annual report on the development of a common policy on illegal immigration, smuggling and trafficking of human beings, external border controls, and the return of illegal residents*

5.1.2. Serbia as transit/destination country

Figure 1. Illegal entry of aliens into Serbia, 2000-2007⁴²



Source: Border Police Directorate, Ministry of Interior, Serbia (2007)

In the first 11 months of 2007, some 773 foreigners were charged with offence for illegally crossing the state border: citizens of Albania (39%), the former Yugoslav Republic of Macedonia (14.6%), Turkey (9.3%), Bosnia and Herzegovina (5.4%), Romania (4.9%), and Bulgaria (4.5%).⁴³

5.2. Figures and information on return migration flows

5.2.1 Return to Serbia

Table 8. Removed Serbian (and Montenegrin) aliens from EU-25, 2002-2004⁴⁴

From	2002	2003	2004
Federal Republic of Yugoslavia*	11,925	11,087	
Serbia and Montenegro			5,961

Source: CIREFI, EC (2005) Working Paper accompanying the Proposal for the Establishment of a Framework Programme on Solidarity and Management of Migration Flows.

*Serbia and Montenegro since February 2003.

⁴² Border Police Directorate, Ministry of Interior, Serbia (2006).

⁴³ Serbian Ministry of the Interior, Cabinet of the Minister (16 January 2008) Letter 01 Num. 8195/07-10. *Migration Trends Analysis*.

⁴⁴ CIREFI, EC (2005) Working Paper Accompanying the Proposal for the Establishment of a Framework Programme on Solidarity and Management of Migration Flows.

Note: In some cases, data were not provided by EU member states and the Commission had to make estimates. As no definitions exist yet of “voluntary return”, “enforced return”, or “return decision” in Community law, data were collected on the basis of existing information and data collections. No statistical validation was done to the data, so it must be taken with caution.

Table 9. IOM-assisted voluntary return to Serbia (and Montenegro)

Emigration Country	2002	2003	2004	2005	2006	2007	Total
Austria	325	282	195	302	620		1,647
Belgium	214	178	172	135	94	1	793
Bulgaria	5						5
Czech Republic	8	4	7	5	9		33
Denmark		23	13				36
Finland	6	3	1	11	3		24
Germany	3,766	3,006	1,929	909	492	146	10,248
Hungary	43	29	20	116	135		345
Ireland		7	23	54	9		93
Italy	14	15	8	17	4	3	61
Netherlands	289	338	328	274	104		1,269
Slovakia	1			1	16		18
United Kingdom		105	151	190	147	5	576
Norway	87	148	160	99	98	1	565
Switzerland			35	35	21	62	153
Albania	2	2	4				7
Bosnia and Herzegovina	63	220	70	102	39		494
Croatia		46					
Total	4,823	4,406	3,116	2,250	1,791	218	16,604

Source: IOM's Assisted Voluntary Return Database (data for 2007 and for Germany are provided by IOM Belgrade).

According to an in-depth research on return from Western Europe to Serbia and Montenegro, carried out by Group 484 (a Serbian non-government organization), in consultation with a number of partners involved in return, there is a serious lack of official data on the scale of return to Serbia. In 2004, there were 22,300 requests for asylum received from citizens of Serbia and Montenegro, which is second in Europe. However, there are no precise data for proper estimations of return as to the number of people whose temporary protection has been withdrawn in the countries of Western Europe or whose asylum claim has been refused. There are also no precise data from Serbian (and Montenegrin) administrations on the number of returnees that have been accepted, nor does the EU have accurate data on the number of individuals that it has returned with the exception of the limited figures presented in Table 8.⁴⁵ Unofficial data point to the fact that the actual numbers are larger than what have been stipulated in the table. Only in the framework of IOM's Assisted Voluntary Return (AVR) programme from

⁴⁵ Group 484 (Serbian NGO) (2005) *Return from Western Europe of nationals of Serbia and Montenegro who were not granted asylum or whose temporary protection ended*.

Germany to Serbia is it possible to develop a picture about the scale of return. The programme was launched in 2000, and by the end of 2007, a total of 12,525 persons had received aid through the programme.⁴⁶

Despite the fact that the overall number of asylum seekers from Serbia and Montenegro in Western Europe has been substantially reduced, host countries are now faced with additional Serbian (and Montenegrin) nationals who have migrated irregularly, who have had their temporary protection withdrawn, or whose asylum applications were rejected.

The return of Serbian (and Montenegrin) nationals will continue, which calls for sustainable reintegration measures at the receiving end. Continued and reinforced cooperation in this area between EU host countries and the EU on the one hand, and Serbia (and Montenegro) on the other, is important for the development of durable solutions.

5.2.2 Return from Serbia

From 1 November 2005 to 31 January 2007, 351 irregular migrants were referred to IOM. Of this number, 322 migrants voluntarily returned to their country of origin. IOM's AVR programme for irregular migrants from Serbia (and Montenegro), which is being implemented since 2002, offers a good snapshot of the profile of irregular migrants in Serbia (and Montenegro), such as their characteristics, motivations, and routes used. However, such data cannot be generalized to draw conclusions about the entire irregular migrants' group in Serbia. Nevertheless, they provide interesting insights on the characteristics of irregular migrants that are worthy of discussion.

The highest number of migrants assisted by IOM Belgrade and IOM Podgorica originated from Albania, followed by Moldova, Ukraine, Romania, Turkey, and China. A large number of irregular migrants assisted by IOM Belgrade seems to have been smuggled to Eastern and South Eastern Europe en route to Western Europe. All migrants declared that they had paid a certain amount (approximately EUR 200 to EUR 1,000) before the trip and that they would have been expected to pay an additional amount at the final destination. The price of such trips depends on the nationality of the migrants and can range from EUR 2,000 to EUR 7,000. These higher costs appear to apply primarily to Chinese migrants. During the trip, some of them paid for the food, accommodation, transport, or escort while irregularly crossing the border(s).⁴⁷

⁴⁶ IOM (January 2005). Note: Missing data or partly missing data from the Netherlands, United Kingdom, and Luxembourg.

⁴⁷ IOM Belgrade and IOM Podgorica (2006) *Assisted Voluntary Return Questionnaire on irregular migrants stranded in Serbia and in Montenegro*.

Of the 322 migrants profiled, 62 per cent of them are adult males, 9 per cent are adult females, and 29 per cent are male and female minors. The largest group of irregular migrants are males between 20 and 30 years old.

Other information gathered included the following:

- Marital status: 85 per cent are single.
- Level of education: 90 per cent completed elementary school.
- Family economic status: 75 per cent described their family status as “standard”.
- Language skills: Predominantly speaking the native language.
- Working experience: 55 per cent never worked, 35 per cent worked occasionally. Many of the assisted migrants have been employed in agriculture or as physical workers.
- Social status: All migrants referred to IOM during the reporting period were unemployed in their countries of origin. Some of them were previously employed in industry and agriculture.
- Reason for leaving: 100 per cent cited better economic opportunities and poverty or low standard of living.
- Assistance in trip: 75 per cent were assisted by smugglers, 25 per cent left the country on their own.
- Ever aboard before: 90 per cent have never been abroad in their lives.
- Intended destination: 53 per cent declared that they intended to go Italy, while 9 per cent wanted to go to Serbia and Montenegro as their final destination country. Also, 19 per cent of migrants intended to go Switzerland, 15 per cent to the United Kingdom, and 4 per cent to any EU country. The majority of the assisted migrants reported that they intended to join relatives or friends already living in an EU country.
- Main routes: (a) Albania – Kosovo/UNSC 1244 – Serbia – Croatia – EU countries; (b) Moldova - Romania - Serbia - Croatia – EU countries.
- Unaccompanied minors: IOM escort accompanied 59 unaccompanied minors from Belgrade to their country of origin. Three unaccompanied minors gave a testimony against the smugglers in the Special Court for Organized Crime and War Crimes in Serbia and Montenegro.

5.3. Figures and information on trafficking in human beings

Serbia is a source, transit, and destination country for women and girls trafficked internationally and internally for the purpose of commercial sexual exploitation. Foreign victims originated primarily from Romania, Ukraine, Moldova, Bosnia and Herzegovina, Bulgaria, and Albania, and some use Serbia as a transit country on their way to Western Europe. Internal sex trafficking of Serbian women and girls has increased over the past year with traffickers increasingly

utilizing short messaging service to recruit young people. In some cases, children were trafficked for the purpose of forced labour or forced street begging.

Table 10. Number of assisted victims trafficked to or originating from Serbia, 2001-2004⁴⁸

Nationality	2001	2002	2003	2004	Total
Foreign	36	53	37	43	169
Serbian	1	10	13	21	45

Source: RCP Second Annual Report on Victims of Trafficking in South-Eastern Europe

Table 11: Serbian trafficking victims assisted between 2004 and 2007⁴⁹

Nationality	2004	2005	2006	2007	Total
Foreign	18	21	46	12	97
Serbian	20	32	16	48	113

Source: Agency for Coordination of Victims' Protection

It is also becoming increasingly apparent that Serbian victims are being trafficked within Serbia as well as abroad (common to other Western Balkans states). As to the national victims, many argue that the number of assisted Serbian victims reflected in Table 11 is only a fraction of the actual number of trafficked Serbian nationals.

In 2007, according to the Agency for Coordination of Victim Protection, the majority of the identified victims were trafficked for sexual purposes, nine for forced labour, nine for forced begging and similar misdemeanor acts, two for forced marriage, and two for trafficking of newborn babies. A total of 56 per cent were adults and 44 per cent were minors. The majority of the identified victims (84%) were females. The main country of origin was Serbia (45 victims), then China (4), Bulgaria (3), Moldova (1), Ukraine (1), and Croatia (1). Looking back at the Agency statistics for 2004-2006, a significant increase can be observed in 2007 in terms of the number of trafficked victims used for forced begging.

⁴⁸IOM/Surtees, R. (2005). *Second Annual Report on Victims of Trafficking in South-Eastern Europe*. Regional Clearing Point, IOM. Note: Figures presented in the table comprise the number of trafficked foreign victims identified within Serbia and voluntarily returned to their countries of origin. Victims who were identified as trafficked but refused return were not included.

⁴⁹Agency for Coordination of Victims' Protection (2007).

6. ASSESSMENT AND ANALYSIS OF MIGRATION ISSUES

6.1. Government institutions responsible for migration policy

The **Ministry of Interior (MoI)** is the main institution dealing with migrants in the Republic of Serbia and the most relevant counterpart in the existing migration-related projects in Serbia. MoI works on a wide range of different programmes.

Within the MoI, the **Directorate of Border Police** is the main coordinator for developing and updating strategies and legislations regarding issues such as visa regime, migration flows, border management, readmission agreements, fight against smuggling and trafficking, and asylum. The Head of the Directorate of the Border Police is also the designated National Coordinator for Countering Trafficking in Human Beings.

In light of new regulations, the MoI, in coordination with the Commissariat for Refugees (CRS) of the Republic of Serbia and the United Nations High Commissioner for Refugees (UNHCR), will be managing temporary protection as well as protection and integration of foreign migrants granted asylum. The new Law on Asylum⁵⁰ was adopted on 24 November 2007 by the Parliament of Serbia, and came into force on 1 January 2008; its regulations are to be implemented starting on 1 April 2008. It replaces the outdated Law on Movement and Residence of Aliens and its Provisions on Asylum (Art. 44 – 60)⁵¹ and the Law on Asylum of Serbia and Montenegro.⁵² The new Law improved the provisions of Part II (“Basic Principles”) by adopting some very important principles such as non-punishment (in case of illegal entry or illegal residence in the Serbian territory of the asylum seeker), free information and legal assistance, free translation services, and gender equality (Art. 6 – 18).

As of January 2007, the Border Police has taken full responsibility over state border control. In February 2007, the MoI and the Minister of Defence exchanged the chart of control over the state border, officially marking the shift of responsibilities between the army and the police. Seven regional centres, 38

⁵⁰ “Official Gazette of the Republic of Serbia No.109/07.

⁵¹ “Official Journal of SFRY Nos. 56/80, 53/85, 30/89,26/90, and 53/91, and Official Journal of SRY No. 68/02.

⁵² “Official Journal of Serbia and Montenegro No. 12/05.

border crossing points, and 44 police stations for border surveillance have been established. There are currently around 2,500 border police officers employed, and their number is expected to increase to over 4,000 in the coming years. The equipment and premises of border police have improved, but there is still lack of infrastructure and modern equipment at the borders. Border crossing points are not yet connected to the Interpol system.⁵³

The **Government Agency for Human and Minority Rights** was established as a government agency after Montenegro's independence on 8 June 2006 and succeeding the **Ministry for Human and Minority Rights (MHMR)**. Among its various competencies, the Agency was responsible for monitoring of human and national minority rights and civil liberties, including protection and improvement of collective and individual rights; drafting of legislation on human and minority rights; ensuring of national laws' correspondence to international treaties and other international legal acts concerning human and minority rights; and following up of status of national minorities living in the Serbian territory. It was also responsible for the protection of vulnerable migratory groups and has been dealing with different issues related to migration management. **In June 2008, the agency was re-established as a Ministry** (for Human and Minority Rights) and in addition to the tasks above the MHMR is also concerned with matters related to the human rights of IDPs and returnees from readmission, particularly Roma. The MHMR runs two reception centres for returnees from readmission, one at Belgrade airport and the other in Belgrade city. It has also established a small Migration Policy unit.

The Agency's mandate includes the reintegration of returnees under the different readmission agreements. The Agency has taken over the responsibility over the management of the Readmission Office, located at the Belgrade Airport Nikola Tesla. This is the first point where returnees can receive information once they have returned home. A sub-section also involved with reintegration issues is the **Centre for Reintegration of Returnees (CIR)**. The CIR was established in 2006 and has a twin mandate of providing counselling and legal assistance to returnees, and developing, coordinating, and supervising the implementation of mechanisms set for the returnees' integration. The most important document created by the CIR is the *Information Manual for Returnees in the Process of Readmission* intended for the state institutions' officials.

A Strategy for the Integration of Returnees resulting from the readmission agreements is currently being drafted (its adoption is planned for 2008). The Agency will have increased responsibilities to prepare and educate returnees and

⁵³ Ibid.

the officials of all relevant institutions from the national to the local levels. Its programmes are aimed at building the capacity of relevant institutions (police, social services, school administration, medical centres, national employment agencies, health insurance agencies) to address the needs of returnees.⁵⁴

The **Ministry for Diaspora (MfD)** (http://www.mzd.sr.gov.yu/_eng/news.asp) has been set up to organize and regulate issues concerning the relations between the homeland and the Serbian migrant communities. Among other areas of activity related to economic, tourism, and electoral issues, the Ministry performs duties related to the access to rights of the Serbian nationals living abroad as well as fostering their smooth return and their economic, social, and political inclusion in the country. According to Article 22 of the Law on Ministries (Official Gazette No. 43/07), the jurisdiction and scope of work of the MfD encompass the following: (1) monitoring of situation of Serbian citizens living abroad; (2) improvement of conditions of Serbian citizens living abroad and ensuring that they are able to exercise their voting rights; (3) improvement of the link of emigrants, persons of Serbian origin, and Serbian citizens living abroad with the homeland; and (4) creating conditions to include emigrants, persons of Serbian origin, and Serbian citizens living abroad in the political, economic, and cultural life in Serbia and encouraging their return.

In terms of migration issues, the **Ministry of Health (MoH)** is not specifically and directly involved in the implementation of projects. However, its coordination role as well as its facilities and services are essential to support and assist migrants, especially vulnerable groups (i.e., trafficked victims, IDPs, refugees).

The major involvement of the **Ministry of Labour and Social Policy (MOLASP)** (<http://www.minrzs.sr.gov.yu/portal/>) in migration issues began in 2001, when it became part of the National Team for combating trafficking in persons. In 2004, the Ministry helped in the establishment of the **Agency for Coordination of Protection of Victims of Trafficking**. The Agency is part of the Reception Home for children without parental care based in Belgrade. It is directly under the responsibility of the MOLSP and its jurisdiction spreads over the country. As of the end of 2005, the MOLSP has fully taken responsibility for this office, which is currently staffed with two persons, a psychologist/social worker and a lawyer/social worker. According to the newly adopted state budget, the Agency is to be upgraded by adding two more staff.

Formed in mid-2007, the **Department for Population Policy (DPP)** is authorized to: (1) create measures of population policy development and family

⁵⁴ Zoran Panjković, Advisor in the Agency for Human and Minority Rights, in "Danas" (14 August 2007).

planning; (2) analyse present conditions and create measures for enhancing living standards, especially of the marginalized and insufficiently integrated population groups; (3) enhance social inclusion and promotion of anti-discrimination policy; (4) analyse the present state of affairs and create measures for integration of IDPs, returnees under readmission agreements, labour migrants, Roma people, victims of human trafficking, drug dependents, HIV-infected people, former prisoners, and other marginalized groups; (5) draft laws, regulations, and strategies for the abovementioned groups; (6) provide comments on draft laws, regulations, and strategies prepared by other state institutions; and (7) collaborate with institutions and organizations that are active in dealing with the abovementioned groups. The Head of the DPP is an Assistant Minister, and is also the Secretary of the **State Council for Integration of Returnees** under the readmission agreements. The Council was formed on 22 November 2007.⁵⁵ Chaired by the Minister of Labour and Social Policy, it consists of members that include the Ministers of Interior, Finance, Foreign Affairs, Education, Health, Economy and Regional Development, Local Self-government, and Agriculture, the Minister for Kosovo-Metohija, the Minister without portfolio for the National Investment Plan, and the Director of the Serbian European Integration Office. The Council has four key tasks, namely: (1) to assess and propose measures and activities for providing shelter and assisting in the integration of returnees; (2) to assist local municipalities in defining and implementing measures needed to assist returnees; (3) to propose the creation of a venue for a dialogue between the states on the issues of protection and rights of the migrants and problems of illegal migration in order to promote regional cooperation in addressing issues affecting returnees; and (4) to follow up the implementation of the proposed measures and provide suggestions and opinions to the government on the different issues.

The **Ministry of Foreign Affairs (MFA)** (<http://www.mfa.gov.yu/>) is involved in migration issues through its central office as well as embassies and consulates abroad (64 missions abroad). It is part of the National Readmission Team, the Government Council for Counter Trafficking, and the White-Schengen Working Group. Very close cooperation has been established with IOM on issues related to visa and documentation within the AVR programme. The MFA has also participated in the National Team for Counter-Trafficking since 2001. Beyond its institutional support and presence within the Team, the MFA has issued in February 2006 an instruction to all embassies and missions abroad to ensure that travel documents are issued to Serbian nationals identified as victims of trafficking free of charge.

The **Ministry for Kosovo-Metohija (MKM)** was established in May 2007 with the formation of the new Government of the Republic of Serbia. The Minis-

⁵⁵ Official Gazette of the Republic of Serbia No. 107, 23 November 2007.

try is tasked with the functioning of the institutions of the Republic of Serbia in the Kosovo/UNSC 1244 and Metohija territory and cooperates with the CRS in addressing issues of IDPs from Kosovo/UNSC 1244 and Metohija.

The **Commissariat for Refugees (CRS)** (<http://www.kirs.sr.gov.yu/>) is a special institution established by the Law on Refugees. According to the Law's provision, the Commissariat performs tasks related to the identification of refugee status, taking care of refugees, keeping records determined by this Law, coordination of humanitarian aid provided by other agencies and organizations in the country and abroad, as well as ensuring the equal and timely provision of such aid, providing accommodation, providing conditions for the return of refugees back to areas they left, and other tasks determined by the Law. According to the provisions of international conventions ratified by the former Yugoslavia, which determine the status and rights of refugees, the Commissariat also initiates requests to the UN institutions and other aid agencies for the purpose of accommodating refugees in the territory of the Republic of Serbia.

The basic goals and policies of the Commissariat in view of coming up with durable solutions for refugee problems in the Republic of Serbia are defined through the National Strategy for Resolving Issues of Refugees and IDPs, which was adopted by the government in May 2002.

According to the Law on Ministries of the Republic of Serbia, as of 15 May 2007, the **Ministry of Economy and Regional Development (MERD)** (<http://www.merr.sr.gov.yu/>) is tasked with the following duties: employment in the country and abroad and financial support for the unemployed; registration of labour force and employment; conclusion of general agreements with foreign employers and their associations; follow-up of movements in the national and international labour market; collection, processing, and publishing of data and information on employment and unemployment in the country and employment of Serbian citizens abroad; and follow-up of outer migration.

Pursuant to the Serbian Government Regulation of 28 December 2007, the European Integration Office (<http://www.seio.sr.gov.yu/>) was established under a new name in Serbian (Kancelarija za evropske integracije). The new Office shall retain the activities, rights, liabilities, and all employees of the previous Office, thus maintaining a full continuity of the two government bodies. The establishment of the new Office reflects a new development in relations with the EU, following the finalization of negotiations on the Stabilization and Association Agreement and new requirements relating to a more efficient coordination of the EU association process. The Office prepares for adapting the acts of the Serbian government for supervising, directing, and harmonizing the activities of minis-

tries and special organizations in relation to the EU association and accession process. It also performs other activities in the domain of the EU accession and association as delegated to it by the government. It currently employs 42 people, with a budget for ten additional staff. In May 2007, the Head of the Office was reappointed for a term of five years.

The **National Employment Service** (<http://www.rztr.co.yu>) and agencies in line with the Law on Employment and Unemployment Insurance (Official Gazette of the Republic of Serbia No. 71/2003) act as mediators in the employment of citizens abroad and of foreigners in Serbia. The National Employment Service is responsible for collecting and managing the record of issuance of work/residence permits to foreign citizens.

The **Statistical Office** (<http://www.statserb.sr.gov.yu>) is responsible for collecting and managing all statistical data on migration in the field of employment. Concerning Serbian citizens working abroad (either with a foreign employer or self-employed) and their accompanying family members, the data are segregated by country and by employment duration. Unfortunately, the Office lacks up-to-date data. The available data are based on the 2002 Census (showing that most of the citizens employed abroad totaling 414,839 are situated in Germany (102,779) and the least part are in Great Britain (4,153)).⁵⁶ The Office also lacks more recent data on internal migration (i.e., population migrating within the Serbian borders, by town, and other types of settlement) and the municipalities and districts of Central Serbia and Vojvodina concerning the changing place of permanent settlement.⁵⁷ There are also available data on migration on a daily basis concerning citizens working or going to school out of their place of living.⁵⁸

The **National Team for Combating Trafficking in Human Beings** was established in 2002 following the establishment of a Yugoslav Team in May 2001. The Team is composed of representatives of relevant ministries, non-governmental organizations (NGOs), and international organizations dealing with the human trafficking issue. It operates through four working groups: prevention and education; victim assistance through the establishment of victim protection mechanisms; child trafficking; and law enforcement.

⁵⁶ "Serbian Citizens working abroad and their family members, Demography/Tables, <http://www.webrzs.statserb.sr.gov.yu> CHECK THIS.

⁵⁷ *Migration Profile (by settlements)* in: Statistical Book No. 8, 2004, <http://www.webrzs.statserb.sr.gov.yu>

⁵⁸ *Daily Migrants (by municipalities)* in: Statistical Book No. 13, 2004, <http://www.webrzs.statserb.sr.gov.yu>

In February 2004, the National Coordinator set up an Advisory Body for combating human trafficking, which includes the National Coordinator and his staff, the Coordinators of all working groups, and representatives of IOM, OSCE, and UNICEF.

A key role of the Advisory Body is to assist in and support efforts of the National Coordinator in the coordination and implementation of anti-trafficking measures and activities. Towards this end, it connects, through the Working Group Coordinators, with other members of the National Team, for the purpose of better communication and regular exchange of information among actors.

Through the Decision of the Government of Serbia No. 02-6783/2004-I in October 2004 (published in the Official Gazette No. 113 on 15 October 2004, page 2), the Anti-Trafficking Council was established, comprising the Ministers of the Interior, Justice, Labour, Employment and Social Policy, Health, Education and Sport, and Finance.

The role of the Council is to define the national anti-trafficking policy. The Council discusses the reports of relevant international bodies and takes positions and proposes measures for the implementation of recommendations for combating human trafficking made by international bodies. The Council draws up and adopts strategic and general objectives in the fight against trafficking in human beings.

6.2. International legal framework in place

International Treaties Ratified by Serbia

- C97 Migration for Employment Convention (revised) 1949, ratified on 24 November 2000
- Convention related to the Status of Refugees, ratified on 12 March 2001
- International Covenant on Economic, Social and Cultural Rights (CESCR), ratified on 27 April 1992
- International Covenant on Civil and Political Rights (CCPR), ratified on 27 April 1992
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD), ratified on 27 April 1992
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified on 11 April 2001
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified on 27 April 1992

- Convention on the Rights of the Child (CRC), ratified on 2 February 1991
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC), signed on 11 November 2004
- UN Convention against Transnational Organized Crime, ratified on 12 December 2000
- Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing the UN Convention against Transnational Organized Crime, ratified on 12 December 2000
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, ratified on 12 December 2000
- International Labour Organization (ILO) Convention on Migrant Workers, ratified on 24 November 2000
- Council of Europe Convention on Action against Trafficking in Human Beings, signed on 16 May 2005 by the State Union of Serbia and Montenegro (ratification pending)

Bilateral Labour Agreements

At present, Serbia has no bilateral labour agreements with any EU member state, according to the World Bank.⁵⁹

Nevertheless, the MERD is working towards the following⁶⁰:

- Bilateral agreement between Serbia and Germany on the employment of Serbian labourers in German enterprises on the grounds of contracts for specific tasks. Yearly quota determined by Germany is set to 2,630 labourers; in average, only 20 per cent of this is registered each year.
- Bilateral agreement between Serbia and Libya on cooperation in the health field. In 2006 and 2007, some 17 health workers found employment.
- Mediating in the employment of Serbian citizens abroad on the grounds of general contracts on employment with foreign employers.

Currently in progress are negotiations on employment of citizens of Serbia in Belarus and vice versa and employment of health staff from Serbia in Algeria. Both will be defined in bilateral agreements.

⁵⁹ World Bank/IBRD (2006) *Migration and Remittances. Eastern Europe and the Former Soviet Union*.

⁶⁰ Jadranka Bubalo, MERD, Email on 10 January 2008.

In progress are also negotiations on employment of welders from Serbia in Hungary, on the grounds of general service contracts between the MERD and the company GANZ Transelectro Electric Co.Ltd. Finally, negotiations are underway with Romanian employers for the employment of workers from Vojvodina in the neighbouring area with Romania.

Social Security Agreements

- Serbia and Montenegro has concluded agreements with the former Yugoslav Republic of Macedonia (signed on 29 December 2000, ratified on 9 May 2001, entered into force on 1 April 2002),⁶¹ Croatia (signed on 15 September 1997, ratified in 2001, entered into force on 1 May 2003),⁶² and Bosnia and Herzegovina (signed in 2002, entered into force on 1 January 2004).⁶³
- Serbia and Montenegro has renewed agreements with Austria, Luxemburg, and Czech Republic.
- Agreements that had been concluded with the Socialist Federal Republic of Yugoslavia, Belgium, United Kingdom, Denmark, Italy, Holland, Norway, France, Switzerland, and Sweden remain in force.
- Serbia concluded an agreement with Montenegro on 17 December 2006, entered into force on 1 January 2008,⁶⁴ regulating a number of issues in the social and health insurance fields, as well as student benefits, which are particularly important for Montenegrin students studying in Serbia.

Readmission Agreements⁶⁵

Serbia has signed a total of 15 bilateral readmission agreements with 17 countries:

- Canada (16 March 2006)
- France (26 April 2006)
- Austria (25 June 2006)
- Germany (1 April 2004)
- Switzerland (29 April 2004)
- Sweden (15 March 2003)
- Denmark (8 March 2003)
- Italy (1 April 2005)

⁶¹ Official Journal of SRY, International Agreements, No. 1/01.

⁶² Official Journal of SRY, International Agreements, No. 1/01

⁶³ Official Journal of Serbia and Montenegro, International Agreements, No. 7/03.

⁶⁴ Official Journal of the Republic of Serbia, International Agreements, No. 102/07.

⁶⁵ MARRI (December 2006) MARRI Questionnaire on Migration; and Ministry of Interior, Republic of Serbia, Official Letter from the Cabinet of the Minister, dated 29 August 2007 (ref. 7646/07-3) and signed by the State Secretary Mrs. Mirjana Orasanin.

- Benelux countries Belgium, the Netherlands, Luxembourg (29 May 2004)
- Slovakia (27 July 2002)
- Hungary (29 March 2003)
- Slovenia (21 December 2001)
- Croatia (17 June 2004)
- Bosnia and Herzegovina (ratification instruments have not been exchanged yet)
- Bulgaria (9 August 2001)

Negotiations are underway with another 11 countries:

- Czech Republic and Norway (agreements have been finalized)
- Great Britain, Latvia, Greece, and Romania (agreements in final phase)
- Poland, Spain, Portugal, and the former Yugoslav Republic of Macedonia (drafts exchanged, negotiations have been initialized)
- Latvia

Negotiations are also planned with Finland, Estonia, Cyprus, Malta, Ireland, Russian Federation, Ukraine, Turkey, Albania, Moldova, Georgia, Israel, China, and Armenia.

The EU-Serbia Readmission Agreement was signed on 18 September 2007 in Brussels, ratified on 7 November 2007, and came into force on 1 January 2008.⁶⁶ The Readmission Agreement regulates return and reception of the citizens of the agreed parties, third country citizens, and stateless persons illegally staying in the territories of the EU. It defines the process of return, deadlines, expenses, and protection instruments.

A Visa Facilitation Agreement between the Republic of Serbia and the European Community was signed and ratified on 7 November 2007. The Agreement will simplify procedures for issuing visas for certain categories of citizens of Serbia, including students, academics, business people, journalists, and tourists. It will keep the costs of visas at its current level and in some cases, visas free of charge will apply.

6.3. Migration policies in place

Although it must be acknowledged that in the past years, the government has made great progress in defining and drafting strategies and action plans in

⁶⁶ Ministry of Interior, Republic of Serbia, Cabinet of the Minister, Letter 01 Num. 8195/07-10 with Migration Trends Analysis (16 January 2008).

migration-related areas, a streamlining process in migration policy and practice/management is lacking, thus hampering overall effective migration management.

The following sectoral policies and strategies are worth mentioning:

6.3.1. Counter-trafficking

The **Counter-Trafficking Strategy 2006-2009** (http://www.srbija.sr.gov.yu/vesti/dokumenti_sekcija.php?id=45678) contains a set of measures and activities to be taken to respond duly and comprehensively to the issue of trafficking in human beings (THB) in the country, especially focusing on the protection of the victims' human rights. The Strategy established clear goals that have to be implemented through various activities performed by the state institutions, NGOs, and international organizations. These strategic goals include activities in the area of prevention, identification, assistance, protection, and reintegration of THB victims, as well as prosecution of perpetrators. (See Section 6.4 for developments in practice in the counter-trafficking field.)

In July 2004, as a direct result of a successful cooperation on an IOM regional project, the MoI adopted the Instruction for Granting Temporary Residence to Foreign Victims of Trafficking. It is linked to the current law on aliens and its features are also incorporated in the draft new law. With this protection tool, Serbia fulfilled both the regional and EU standards.

6.3.2. Refugees/IDPs

The **National Strategy for Resolving the Problems of Refugees and IDPs 2002** (http://www.brookings.edu/fp/projects/idp/Serbia-Montenegro_IDP-strategy.pdf) represents an integral part of the long-term state policy and asserts the commitment of the country to reforms. Two basic, equally treated strategies for durable solutions of refugee problems in the Republic of Serbia are being implemented: one is for the improvement of conditions in the return of refugees to their country of origin and the other is for providing conditions for the local integration of refugees who have filed requests for Serbian citizenship or have already been granted citizenship. The successful implementation of the National Strategy in ensuring conditions for local integration and repatriation calls for the establishment of concrete mechanisms, instruments, and measures at the federal and local levels. It also requires more intensive cooperation with international agencies and donors and numerous solutions with respect to organizational, legal, and financial issues. The Strategy continues to provide guidance in the resolution of issues that remain unresolved. Numerous NGOs, representatives of refugee as-

sociations, and local communities participated in the preparation of the National Strategy.

6.3.3. Minorities/vulnerable groups

The former Ministry of Human and Minority Rights has set up a team with the assistance of international organizations (OSCE, UNHCR, UNDP, IOM, OHCHR, UNOCHA, UNICEF, and World Bank) for the development of the **Strategy for Integration and Empowerment of the Roma**. The Strategy covers the fields of housing, education, economic empowerment, social welfare and health care, political participation, information dissemination and media, culture, and discrimination problems, addressing in particular the issues of the status of women, IDPs, and asylum seekers returning from abroad. The Strategy has not yet been adopted, but its four action plans have (housing, education, employment, health).

6.3.4. Controlling migration and border management

The **Integrated Border Management (IBM) Strategy 2006** (http://www.srbija.sr.gov.yu/uploads/documents/strategy_border.pdf) is a document by which the Republic of Serbia determines its policy for establishing a system of IBM, sets a framework for the elaboration of harmonized and synchronized sectors' strategies and implementation plans, defines roles and responsibilities of state subjects, identifies strategic goals, and decides on basic directions for actions during the process of establishing and realizing the long-term sustainability of the IBM system. The Strategy includes: enhancement of inter-agency and international cooperation; updating of legal and regulatory frameworks; re-shuffling of organization and management structures towards more efficiency; simplification of procedures; better recruitment and development of human resources/training; improvement of information exchange and communication; improvement of IT systems, infrastructure, and equipment; and improvement of cooperation on visa, asylum, and migration issues (first instance facilities for irregular migrants and victims of trafficking, and training of police and border guards). The Government of Serbia has appointed on 23 March 2006 a Country Coordinator (a MoI official) for all the activities linked to the IBM. The IBM police tasks are performed by the MoI; other entities authorized to perform control at the border include the Border Police, the Customs Office/Ministry of Finance, and the Border Veterinarian Service and Phyto-sanitary Inspection/Ministry of Agriculture, Forestry and Water Management.

The **Law on Protection of State Border** has been drafted. Its adoption by Parliament is expected in early 2008. The equipment and premises of the Border

Police have improved, but there is still a lack of infrastructure and modern equipment at the borders. Border crossing points are also not yet connected to the Interpol system. Conditions at a number of border crossing points, especially those newly established with Montenegro, are still inadequate.⁶⁷

The **Law on Identification of Documents (2006)** and the **Law on Travel Documents (2007)** are intended to diminish safety concerns when Serbian documents are in question by employing biometric systems for quick and more reliable identification of persons. In relation to this, the MoI is implementing a programme on integrated automated system of personal identification of documents. The programme would enable the harmonization of standards in Serbia with the ones applied in the EU. Multimedia techniques are to be used that provide protected archiving, exchange, and search of documents through an automated fingerprinting and face photo detection system. New document issuance is expected to start on 1 March 2008 and to be concluded by the end of December 2008.⁶⁸

6.3.5. Emigration

The **Diaspora Action Plan 2005** (http://www.mzd.sr.gov.yu/_eng/docs/action_plan_mfd.doc) foresees the implementation of measures in the areas of research/data collection of the numbers and profiles of Serbian migrant communities; cultural and social events involving Serbian migrant communities; parliamentary resolutions regarding Serbian migrant communities' condition of national minorities; information about the offers for tourism, possibilities of investing in Serbia, regulations concerning privatization, taxes, customs, etc.; policy dialogue on Serbian migrant communities and their contributions to their homeland; networking activities involving different Serbian migrant communities; and promotion of business cooperation among businessmen from the diasporas with their homeland.

A **National Strategy on Out-migration** is being developed. It focuses on efficient migration management and defining the conditions and ways of managing human capital as one of the crucial elements of sustainable development. It will also provide for means of use of experience and capital (remittances and investments), and scientific, academic, and business resources of the Serbian diaspora, as well as engagement of all resources of the Serbian labour migrants and their families. Having in mind the complexity of the migration issue and thus the

⁶⁷ Serbia 2007 Progress Report, http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/serbia_progress_reports_en.pdf

⁶⁸ Passport issuance will cost EUR 25, both when issued in the country and abroad. Previously, when issued abroad, it cost EUR 195 (Bozidar Djelic, Vice President of the Government, 18 January 2008), (http://www.rtv.co.yu/sr/vesti/drustvo/drustvo/2008_01_18/vest_47776.jsp).

need for an interdisciplinary approach, all the relevant bodies and organizations based in Serbia will participate in the design of this paper.

6.3.6. Immigration

Drafted but retrieved from parliamentary procedure, it is anticipated that the Serbian government will adopt the new **Law on Conditions for Employment of Foreign Nationals** by April 2008.⁶⁹ The new law will outline the conditions for hiring certain categories of foreign citizens without the need for obtaining a work permit. Based on information from the MoLASP, these categories would include foreign investment companies' management personnel and other persons that might contribute to the economic development of the country.⁷⁰

In addition, a new Law on Aliens is currently being prepared and the final draft as of 27 December 2007 has entered the regular procedure in the Parliament. This Law stipulates the conditions for the entering, movement, and residence of aliens in Serbia, and the competencies of the relevant state bodies regarding entering, movement, and residence of aliens. The new Law on Aliens (which will replace the old one from 1980) will be harmonized with international law standards, especially with the provisions of the Schengen Agreement and the Convention on Agreement Implementation. The novelty of this new legislation is the provision of several different visa types (Art. 16 – 19): airport transit visa (visa A), transit visa (visa B), short stay visa (visa C), and temporary residence visa (visa D). The possibilities of being granted a visa (or to obtain an extension) and a temporary residence permit on humanitarian grounds are the law's other affirmative novelties. The new Law also stipulates prohibition of forced return of the aliens to the country where they feared persecution on the basis of their race, gender, religion, nationality, citizenship, or political opinion (Art. 47).

6.3.7. Returnees

A **Strategy for Reintegration of Returnees** is being drafted under the leadership of the Agency for Human and Minority Rights and in coordination with the MoI, MoLASP, and other bodies involved in the readmission process. The adoption of this Strategy, which is expected in the first quarter of 2008, is of highest priority for the state. The exact number of expected returnees is unclear, with different sources giving figures ranging from 40,000 to 150,000 people.

⁶⁹ Ministry of Labour and Social Policy Letter, signed by Vladimir Garic, Assistant Minister, 14 January 2008.

⁷⁰ Rajka Vukomanovic, Ministry of Labour and Social Policy, January 2008.

6.3.8. Migration as a cross-cutting issue

Migration issues also cut across the **Serbian Poverty Reduction Strategy**⁷¹ (particularly as regards IDPs and refugees) and the **Serbian Employment Plan 2006-2008** (regarding the promotion of mobility for work purposes).

A draft **Law on Record-keeping** in the field of labour has been under preparation and when adopted will provide for the proper registration of Serbian citizens hired abroad.

The **National Action Plan for Employment (2006-2008)** and the **National Strategy for Employment (2005-2010)** both take into account migration and return and reintegration of labourers. In particular, the National Action Plan for Employment details the measures for boosting the development of labour resources in Serbia by developing workers' professionalism and helping them gain knowledge and work experience. It also discusses the measures for creating conditions for reintegration and work engagement of returnees and their families, especially young and educated persons. Measures to prevent brain drain are also envisaged. In the field of employment, special emphasis is placed on the system of measures that would boost the geographical mobility of the labour force, increase the employment rate, especially of young people, and encourage the education of the youth, especially young refugees.

The **National Strategy for Economic Development (2006-2012)** and the **National Strategy for Regional Development (2007-2012)**⁷² both incorporate migration issues linked to economic development and increase of employment rate in the country. The strategies address the relationship between economic development and internal economic migration (both in a daily and seasonal basis). The Strategy for Economic Development particularly addresses migration from rural to urban areas, while the Strategy for Regional Development deals with intraregional and interregional migration. The main motive for the state intervention in this area is the enormous intraregional and interregional discrepancies, which are obstacles to equitable development. Available census data show significant increase of population in urban areas (from 13.9% in 1991 to 28.2% in 2001). Even 46 per cent of urban population in Serbia live in only few urban centres (Belgrade, Novi Sad, Nis, Subotica, Kragujevac). On the other hand, there is an increase in the number of settlements with a few hundred inhabitants (maximum of 500). Economic transition has deepened existing discrepancies and problems affecting the former most important industrial centres (Kragujevac, Bor, Priboj, Loznica, Majdanpek, Niš and Vranje). The strategies aim to decrease

⁷¹ IMF (May 2004) *Serbia and Montenegro: Poverty Reduction Strategy Paper* <http://www.imf.org/external/pubs/ft/scr/2004/cr04120.pdf>

⁷² http://www.srbija.sr.gov.yu/vesti/dokumenti_sekcija.php?id=45678

the level of rural-urban migration flows by making rural areas economically stable with prospective opportunities.

The newly established Ministry of Culture, Youth and Sports has initiated the drafting of the **Youth Strategy (2008-2012)**. Among other issues, the issue of migration was touched from both security and social protection aspects. The Strategy is being designed in a wide consultative process through 167 roundtable discussions that include the participation of 47 local NGOs, government bodies, and UN agencies. IOM's contribution to this important document is the inclusion of promotion of safe migration options. The adoption of the Strategy is expected in April/May 2008.

6.4. Labour market and identified skill shortages

The structure of labour force demand in Serbia is changing. With economic transition, the number of people employed in the private sector is increasing, while the number of employed in state enterprises and public sector is decreasing. There seem to be wide variations in growth rates between different economic sectors, which would in principle imply the need for movement of labour force out of the declining sectors and into the sectors experiencing economic growth. As a consequence of corporate restructuring, employment declined by 2.1 per cent in 2006. Small and medium enterprises and the private sector in general are playing an increasing role in job creation. However, this was not enough to bring about job growth in 2006.⁷³ Official unemployment figures stood at approximately 22 per cent of the total workforce at the end of 2006. Youth unemployment (among the under-24 age group) remains very high at 49 per cent of the total workforce in that age group. Overall, consensus on the fundamentals of a market economy has been maintained, but some dissent between different institutions has been growing in terms of stability-oriented fiscal policy targets. As to the right of establishment and company law, the Serbian Business Registry continues to provide a simplified and rapid registration process, which has resulted in an increase in the establishment of new companies—around 1,000 every month.⁷⁴

According to the National Employment Service (NES), 701,088 vacancies were registered in mining (32.3%), real estate (22.8%), construction (15.8%), running services (10.8%), and trade (9.7%) in the first 11 months of 2007. Com-

⁷³ Ministry of Employment, Labour and Social Policy of Serbia [2005]: *Serbian National Employment Action Plan for 2006-2008*, <http://www.espsrbia.org/download%20eng/NEAP2006.doc>

⁷⁴ Serbia 2007 EU Progress Report, http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/serbia_progress_reports_en.pdf

paring this number of vacancies with the ones issued in the same period in 2006, an increase of 8.1 per cent was registered in 2007. The NES reports a 91.3 per cent rate of filled vacancy, which means that around 60,995 vacancies were left unfilled in 2007.⁷⁵ The NES registered 1,994,727 employed persons in Serbia in November 2007, while another 858,785 persons were registered as actively looking for a job, of which 55 per cent were women. The official unemployment rate registered in November 2007 was 25.4 per cent.⁷⁶

In 2006, the number of newly registered companies increased by 7.6 per cent and in the first half of 2007, about 3,000 new companies were registered.⁷⁷

There are substantial difficulties in estimating the overall demand for labour in Serbia due to the large number of people employed in the informal sector. It is estimated that the informal economy comprises up to 30 per cent of GDP, which means that the actual number of working persons is much larger than the official number of employed persons.⁷⁸

Reforms in the educational system have continued. However, the lack of adequately educated personnel is often identified by foreign investors as an obstacle to further investment. The reform to bring the higher education system into line with the Bologna requirements has started. Efforts need to continue in order to link the university education and curricula with the labour market and economic needs. Progress has also been made with the endorsement of the framework policy documents to develop vocational education and training (VET). However, further action is needed to implement the policies and to strengthen coordination between VET, university education, and other sectors of education and the labour market. The share of education in the overall public expenditures remains low at 3.5 per cent in 2006. Overall, the labour market is still suffering from a mismatch between supply and demand as well as lack of funding.⁷⁹

According to the Serbian National Employment Action Plan for 2006-2008, in the process of transformation towards a competitive economy, Serbia gives priority to modernization and development of agriculture, forestry, tourism, and services by introducing modern technologies and knowledge as well as modern methods. During 2006-2008, the support being offered by the Serbia

⁷⁵ National employment service report, Movements within the unemployment and employment sector in Republic of Serbia, November 2007.

⁷⁶ Ibid.

⁷⁷ Serbia 2007 Progress Report, http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/serbia_progress_reports_en.pdf

⁷⁸ It is estimated that the highest number of illegally hired foreign workers in agricultural, construction and catering in bordering areas (<http://www.ekapija.com/website/sr/page/34754>).

⁷⁹ Ibid.

government to the institutions through active labour market measures will help ensure faster development of small and medium enterprises and entrepreneurship and the creation of new jobs aimed at raising employment levels.

In terms of policies for labour migration or mobility for work purposes, the recommendations of the Serbian National Employment Action Plan for 2006-2008 include support to geographic mobility to promote the flexibility of employment and reduce labour market segmentation. Recommendations go further and touch upon the developmental potential of labour migration, encouraging migrant workers and their family members working and living abroad to engage in Serbia's development.

Following the formation of the new government in May 2007, the responsibilities for employment have been transferred from the MoLASP to the MERD with the aim of boosting job creation through an increase in various credit lines to start or improve business, in particular the small and medium enterprises, and through financial support and counselling services for future entrepreneurs. However, coordination between the two ministries responsible for employment and social policy needs to be further improved.

6.5. Policies to address irregular migration

Effective measures for combating illegal migration are increasingly being undertaken by the MoI.

Aiming to suppress illegal migration in the territory of the Kosovo/UNSC 1244 and Metohija and to establish direct cooperation with the United Nations' Mission in Kosovo-Metohija (UNMIK) policy, the Joint Committee for Suppression of Illegal Migration and Trafficking in Human Beings was formed by the end of 2004, operating within the Security Committee established by the MoI and the UNMIK police. In 2005, quarterly meetings were organized for information exchange and reporting on measures undertaken in the area of the fight against trafficking and people smuggling. According to information from the MoI, control measures have been enhanced by the UNMIK at the airport in Pristina. Potential illegal migrants are being sent back before entering the territory of Kosovo/UNSC 1244. This contributes to the decrease in illegal migrants from Bangladesh, Pakistan, Sri Lanka, and India.⁸⁰

Migrant smuggling and human trafficking are incorporated as criminal offences in the legal system, as separate phenomena under the Criminal Code (entered into force in January 2006).

⁸⁰ Border Police Directorate, Ministry of Interior of the Republic of Serbia (2006).

6.6. Policies to address trafficking in human beings

To address the problem of trafficking in human beings, the Serbian government is conducting efforts to fully comply with the minimum standards for its elimination although it is clear these efforts still need to be reinforced. The government has passed a comprehensive national strategy against trafficking in November 2006 for the period 2006-2009. It has also improved prevention efforts, and carries out continued training at the national and local levels. The Criminal Code of Serbia, which came into effect in January 2006, penalizes trafficking and prescribes penalties for perpetrators. However, traffickers may receive light or suspended penalties. Inefficient administrative procedures may also cause delay and it is not uncommon for convicted traffickers to remain at large. The US Trafficking in Persons report recommends that the government more firmly prosecutes cases and ensures that traffickers receive sentences consistent with the nature of their offence.⁸¹ The organized crime police force includes a full-time trafficking unit and the border police force has a full-time office to combat trafficking and smuggling.

Serbia allows victims to file civil suits against traffickers for compensation. Victims pursuing criminal or civil suits are entitled to temporary residence permits and may obtain employment, or may return voluntarily to their home country.

As far as preventive measures are concerned, the government aired four anti-trafficking public service announcements on national television throughout the soccer championship finals in 2006. A total of USD 100,000 was earmarked for a 13-episode television series entitled “Modern Slavery” devoted to generating awareness on trafficking. The MoI has undertaken several different preventive activities. For instance, a postmark was released in the last week of January 2008 with a counter-trafficking message drawn by a high school student. All the financial contribution will be used for anti-trafficking activities, with a special focus on direct assistance provision and victims of trafficking as main users of the fund.

Serbia was the first country in the region to introduce a non-police body to perform the formal identification of victims of trafficking—a state agency for coordination of victim protection. Initially, this state agency consisted of two persons but further upgrade is in the offing. The state budget for 2008 envisages the agency’s enlargement by hiring two more staff to make it more efficient. IOM also recommended further training and capacity building of the agency.

⁸¹ US State Department (2007) Trafficking in Persons Report 2007.

6.7 Refugees, asylum seekers and internally displaced persons in the country, and policies in place

According to UNHCR's latest statistics on Serbia, there are still 97,417 refugees,⁸² 206,144 IDPs from Kosovo/UNSC 1244,⁸³ and 21,000 IDPs within Kosovo/UNSC 1244.⁸⁴ Data as of December 2007 show that some 6,748 refugees were accommodated in 80 collective centres in the country. Of this number, 62 collective centres accommodating 5,983 refugees are located in Serbia excluding Kosovo/UNSC 1244 and Metohija and some 18 others are based in Kosovo/UNSC 1244 and Metohija.⁸⁵

The latest Council of Europe report on the "Situation of Longstanding Refugees and Displaced Persons in South-East Europe" indicates that as of May 2007, there has been a reduction by more than two-thirds in the number of refugees since 1996. This has been the result of the return process to Croatia and Bosnia and Herzegovina, the local integration of refugees in Serbia, and the relocation to third countries (for instance, approximately 50,000 refugees from the territory of the former Yugoslavia have resettled, mainly in the United States or Canada). In 1996, there were approximately 524,000 refugees from Bosnia and Herzegovina and Croatia registered in Serbia. Of this number, some 27 per cent received citizenship (ID cards) in Serbia, another 27 per cent were repatriated, 4 per cent resettled to third countries through UNHCR, while another 27 per cent have not re-registered in the last registration in 2004 and 2005.

Nevertheless, the decrease in numbers does not necessarily mean that durable solutions have been found. Difficult economic situations—particularly in return areas in Croatia and Bosnia and Herzegovina—and cases of discrimination against minority members have hampered the return process. In addition, the fact that persons have not registered as refugees may indicate that they simply became part of the local poor population.

As a political response, the Republic of Serbia adopted the National Strategy of Serbia (and Montenegro) on Resolving the Issues of IDPs and Refugees in 2002.⁸⁶ Reference to IDPs and refugees is also made in the country's Poverty Reduction Strategy of 2004.⁸⁷ The Serbian policy aims at striking a balance between promoting return (as a priority) and supporting long-term local integration (as secondary measure).

⁸² UNHCR (2007) *UNHCR BelgradeOffice*.

⁸³ UNHCR (2007) *UNHCR BelgradeOffice*.

⁸⁴ UNHCR (2006) *Statistical Yearbook 2006*.

⁸⁵ <http://www.kirs.sr.gov.yu/articles/centri.php?lang=SER&PHPSESSID=7900e1cdde23c82dc8cabe09b626d31d>

⁸⁶ [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/C388C996F751EED0802570B70059F70C/\\$file/national_strategy.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/C388C996F751EED0802570B70059F70C/$file/national_strategy.pdf)

⁸⁷ <http://www.imf.org/external/pubs/ft/scr/2004/cr04120.pdf>

Refugees from Croatia and Bosnia and Herzegovina who were granted refugee status under the Law on Refugees of 1992 enjoy the following rights in Serbia: the right to work (if obtaining work booklets subject to the possession of a refugee card), the right to medical care, access to collective centres, a subsidized monthly pass for public transport, the right to open an account with most domestic banks, and the right to education. It is of concern that de-registration of refugees, following the last census, does not allow for a transition period until refugees could reach a durable solution, e.g., the refugee status of people who had their houses in Croatia reconstructed has been removed. De-registration also makes access to citizenship difficult or impossible. Regarding local integration, it is important to highlight that the legal integration of refugees in Serbia has been improved through amendments that simplified the procedure for obtaining citizenship under the 2004 Law on Citizenship (Article 23).

Unresolved issues hamper IDPs' return to Kosovo, where the majority of them originate. These include security, property claims, and most especially, status determination. Return rates have been low. Estimations vary between 13 and 18,000 people to date, of which some may have already left Kosovo/UNSC 1244 again and returned to Serbia (e.g., a new outflow of IDPs took place after the riots of 2004). As regards their local integration, people's needs for social assistance, health care, and education exceed the level of services the country is capable of providing. Less than 10,000 IDPs still live in collective centres while the vast majority of them reside in private accommodations or with relatives.⁸⁸

Despite efforts by the Serbian government and the international community, the possibilities for either return or local integration remain limited for IDPs, most of whom have been waiting for more than eight years without the possibility of permanently resolving their status. The number of the IDPs has risen since 1999. Back then, there were 176,014 IDPs registered in Serbia; in 2007, some 206,144 IDPs were recorded.⁸⁹

Refugees and IDPs in Serbia are among the poorest of the poor. The most recent figures indicate that approximately 120,000 to 140,000 or 25 per cent of the total number of refugees and IDPs live below the poverty level.⁹⁰

As government resources are not sufficient to cover the needs of these vulnerable groups, they are still largely dependent on external donors' support. In response to the downscaling of international humanitarian assistance (with the phasing out of the DG ECHO's humanitarian assistance in 2003 and under

⁸⁸ UNHCR Representation in Serbia (2007).

⁸⁹ Ibid.

⁹⁰ Government of the Republic of Serbia (2003) *Poverty Reduction Strategy Paper*.

the 2004-2006 CARDS programme), the European Agency for Reconstruction (EAR) has established programmes that are aimed at closing the existing 280 collective centres and providing durable solutions for the most vulnerable refugees and IDPs. Such projects include return assistance to Croatia, Bosnia, and Kosovo/UNSC 1244 and Metohija, as well as local integration activities including the construction of apartment buildings, provision of building materials, rural village houses, and support for income generation, as well as capacity building of local and central government institutions, in line with the National Strategy Paper for Refugees (2002) and the Poverty Reduction Strategy Paper (2003).

The 3x3 initiative, agreed upon in January 2005 by Croatia, Bosnia and Herzegovina, and Serbia (and Montenegro at that time), and supported by the EU, UNHCR, and OSCE, with a view of ensuring a just and durable solution to refugee and internal displacement situations in the three countries, has not been fulfilled to date. The implementation of the Sarajevo Declaration that resulted from this initiative has remained problematic.

Unresolved issues of refugees and IDPs still deserve the highest attention of the government and the international community. They require the full commitment of key government institutions including the MoLASP and the Ministry of Finance.

6.8. Projects and programmes on migration and development

In February 2007, a research on “Development Financing and the Remittance Market in Serbia and Switzerland” was commissioned by the State Secretariat for Economic Affairs (SECO) of Switzerland, and conducted by the Swiss Forum for Migration and Population Studies (SFM), the University of Neuchâtel, the European Bank for Reconstruction and Development (EBRD), and IOM,⁹¹ with support from the Serbian government’s MfD. Its findings are meant to influence policy making and programme planning for the Serbian diasporas in Switzerland (as one of the largest Serbian diaspora groups) towards the development of their communities of origin. The recommendations of this research include improvement of formal remittance transfer services, improvement of financial services available to migrants and migrant families, increase of philanthropic investment by the Serbian diaspora in physical infrastructure and social developments projects, increase of remittance flows to Serbia through links to migration policy, and improvement of remittance data collection.

⁹¹ Swiss Federal Department of Economic Affairs (FDEA), State Secretariat for Economic Affairs (SECO) (2007) *Development Financing and the Remittance Market in Serbia and Switzerland*.

Other research studies that inform migration and development policies and projects in Serbia particularly in the area of remittances include the following:

- *Egyptian, Afghan and Serbian Diasporas in Germany*.⁹² This paper is based on the project “Egyptian, Afghan, and Serbian Diaspora Communities in Germany: How do they Contribute to Their Country of Origin?” commissioned by the German Ministry of Economic Cooperation and Development and the German Technical Cooperation, and conducted by the joint team of the Institute for Migration Research and Intercultural Studies, Osnabrück, and Hamburg Institute of International Economics (HWWA/HWWI). Relying on about 80 guided interviews carried out in Germany, the research aims to provide context about the remittance behaviour of immigrants in Germany, the intended purpose of the remittances made, and their use in the home country.
- *Macroeconomic Analysis of Causes and Effects of Remittances: A Panel Model of the SEE Countries and a Case Study of Serbia*.⁹³ Commissioned by the Global Development Network, World Bank, and the Vienna Institute for International Economic Studies, the main purpose of this paper is to use econometric modelling in explaining the determinants and main effects of remittances on development and poverty alleviation in South East Europe, and especially to test the impact of the EU enlargement policy in migration and remittances.

In addition, the MfD is cooperating with IOM and the Netherlands authorities in the implementation of a programme facilitating the temporary return to Serbia of qualified first- or second-generation migrants of Serbian origin for their reintegration into selected target sectors such as health, education, infrastructure, rehabilitation, etc.

The MfD is also devoting increasing attention to the preservation of contacts between the young people from the diaspora and their homeland. Besides the traditional “MOBA” initiated by the Serbian Orthodox Church and mostly financed by the government, the Ministry is planning to promote and work on the following projects intended to solicit funds:⁹⁴

- Possibilities of investment in municipalities of Serbia: informing the diaspora about investment opportunities in Serbia, through a multimedia presentation showing almost 100 Serbian municipalities with around 270 investment

⁹² Florin Petru Vadean (July 2007) *Skills and Remittances : the Case of Afghan, Egyptian, and Serbian Immigrants in Germany*.

⁹³ Mitrovic, Radmila Dragutinovic, and Milena Jovicic (2006) *Macroeconomic Analysis of Causes and Effects of Remittances: A panel model of the SEE countries and a case study of Serbia*. See <http://www.gdnet.org> and <http://www.wiiv.ac.at> for more information.)

⁹⁴ MARRI (2006) *Questionnaire on Serbian Diasporas*.

projects. In cooperation with Customs, the Ministry intends to publish information on customs benefits, and conditions for import related to Serbian diasporas.

- Each year, the Ministry is organizing “Diaspora Days” or traditional meetings of Serbian diasporas and their communities of origin. Apart from a yearly gathering, the Ministry is organizing thematic expert meetings of Serbian diasporas. Participants are the representatives of diasporas according to their expertise or regional geographic location, e.g., representatives of minorities from neighbouring countries.
- Having in mind that universities are providing the possibility for higher education to foreign students and young people of Serbian origin, the promotion “Study in Serbia” aims to attract young people from the diasporas to study in Serbian universities, both public and private. The main implementing partner for the project is the MfD in cooperation with the Ministry of Education, Science and Technology.
- Establishing connections with Serbian scientists, professors, and doctors in the world, their mutual connections on geographical or professional grounds, and the creation of a network of highly educated Serbs across the world.
- Creation of a database with details of the highly qualified Serbs abroad, connected with relevant institutions in the country and the economy. The implementing partners of the project are the MfD, the Ministry for Science, the Serbian Academy of Arts and Sciences, and relevant universities.
- Programme for student exchange of children from the diaspora during school holidays. The MfD would organize every year a programme for student exchange with one school and one Serbian diaspora organization. The children would, through a planned programme (familiarization with history, tradition and cultural heritage), spend time in Serbia as guests to their peers from the homeland, while children from Serbia would visit their friends abroad (peer groups).

6.9. Other important migration actors within the country

6.9.1. External donors

The main external donors on migration issues in the past years include Switzerland, Austria, United Kingdom, Netherlands, Sweden, United States, and the EU (through its Community Assistance for Reconstruction, Development and Stabilisation (CARDS) and the EAR, and in the near future, the Instrument for Pre-Accession Assistance).

6.9.2. International organizations

With field offices in Belgrade and Pristina, the **Council of Europe**⁹⁵ through its activities assist the country in fulfilling its membership commitments and obligations, influence legislative and other reforms, provide expertise in its fields of competence, develop effective training programmes (inter alia on the European Convention on Human Rights), and implement pan-European activities such as thematic campaigns. The Council also releases reports on some migration-related issues such as on IDPs and refugees.

The **European Agency for Reconstruction (EAR)**⁹⁶ manages, on behalf of the European Commission, EU's main assistance programmes in Serbia (including Kosovo), Montenegro, and the former Yugoslav Republic of Macedonia. Established in February 2000 to assist in the reconstruction of Kosovo/UNSC 1244, EAR was later expanded to Serbia and Montenegro, and the former Yugoslav Republic of Macedonia. Its headquarters are located in Thessaloniki, Greece, and it has operational centres in Pristina, Belgrade, Podgorica, and Skopje. It is an independent EU agency, accountable to the Council of Europe and the European Parliament, and overseen by a Governing Board of representatives of the 27 EU member states and the European Commission. EAR initially had a five-year mandate (from 2000 to end of 2004), which has been extended twice by Council Decisions, with the current mandate running up until the end of 2008.

The following are examples of EAR's recent support to migration-related projects (January to March 2007):

- In January, it launched a new assistance programme for IDPs. The programme, with a budget of EUR 1.5 million, aims to provide IDPs with alternative housing solutions and support for income generation (IOM as implementing partner).
- The formulation of a programme to support minorities, anti-discrimination legislation, and mediation was completed in March. The programme is expected to be launched in early summer.
- A contract was awarded for the second phase of institutional building support to the CRS and IDPs (IOM as implementing partner).
- Within the previously running IBM programme, a contract for upgrading the secondary border crossings has been awarded, while a contract to upgrade the Presevo border crossing with the former Yugoslav Republic of Macedonia is under preparation.

⁹⁵ <http://www.coe.org.yu/eng/>

⁹⁶ EAR (2007) *Activity Report Jan-March 2007*,

http://www.ear.europa.eu/publications/main/pub-reports_quarterly_2007_january-march.htm

The **International Organization for Migration (IOM)** has a strong presence in Serbia, with one office in Belgrade, another one in Pristina, and five sub-offices in Kosovo/UNSC 1244. The IOM Mission in Serbia was established in 1992, as part of the UN interagency framework of assistance to those displaced by the conflicts in the former Socialist Federal Republic of Yugoslavia. Serbia became an IOM member state on 27 November 2001. In its over 15 years of activities in the country, IOM has been working closely with Serbian authorities and UNMIK, the Provisional Institutions of Self-Government (PISG), and international partners to achieve tangible results on migration management in Serbia from various angles. IOM is a key partner in the following areas: voluntary return both to Serbia and Kosovo/UNSC 1244, and from Serbia to third countries; counter-trafficking in human beings (capacity building and training of local actors, health issues—mental and physical—of victims of trafficking, awareness raising, introduction of residence permits for victims, integration of counter-trafficking curricula in schools, among others); border management (assessment, equipment and training); and refugee/IDP assistance (through housing and income-generating support as well as capacity building of local actors); community stabilization measures as a means to prevent irregular movements; and overall capacity building of officials on migration management.

One of the main priority areas of the Organization for Security and Co-operation in Europe (OSCE) Mission in Serbia⁹⁷ is counter-trafficking in human beings, at both policy and implementation levels.

The **United Nations High Commissioner for Refugees (UNHCR)⁹⁸** first opened its office in Belgrade in 1976 to deal with the increasing number of asylum seekers from Eastern Europe, Asia, and Africa in the absence of a national asylum system. With the dissolution of the former Socialist Federal Republic of Yugoslavia and the influx of refugees into Serbia, the UNHCR office in Belgrade increasingly took over in 1992 the care and accommodation of refugees from Bosnia and Herzegovina and Croatia, assisting the Serbian government in providing emergency assistance.

While scaling down its humanitarian component, the UNHCR continues with its core mandate activities. It assisted the authorities in drafting asylum legislation and establishing asylum institutions in Serbia and in Montenegro. Major activities in the field of asylum include lobbying, advocacy, provision of legal expertise in the development of national legislation and provision of technical assistance. The UNHCR continues, on an interim basis, the provision of interna-

⁹⁷ <http://www.osce.org/serbia>

⁹⁸ <http://www.unhcr.org.yu/index.aspx?cid=165>

tional protection through the refugee status determination procedure and resettlement.

6.9.3. Non-government and non-profit organizations

The strategic objectives and areas of activity of **Grupa 484**⁹⁹ are creating conditions for young migrants and their peers to develop their human potential; encouraging the creation of an open society and the reduction of poverty in Serbia by influencing public policy and advocating for the fulfilment of the needs of migrants and vulnerable groups; developing activities for resource mobilization in local communities to support migrants and vulnerable groups; and creating synergy among relevant actors in the region of Southeast Europe in the field of migration in order to develop a systematic approach to migration issues and find durable solutions for forced migrants

The **Housing Center** (<http://www.housingcenter.org.yu/>) cooperates in social housing support for IDPs and refugees. The main focus of this NGO is improvement of housing conditions for socially vulnerable groups and advocacy in this field, providing adequate space for their life and work, and facilitating their social integration and economic self-reliance.

The **Development and Education Centre EUROPEAN PERSPECTIVE (D.E.C.E.P)** (<http://www.hhdn.org>) is a Greek non-profit, non-governmental autonomous organization, which is active in the field of international development cooperation. With headquarters in Athens, the D.E.C.E.P promotes its activities through its regional support offices in Serbia, the former Yugoslav Republic of Macedonia, Ecuador, Zimbabwe, Moldova, and Tunisia. Its office in Serbia is currently implementing a project targeting the readmission of returnees, along with the Grupa 484 and the Serbian Democratic Forum (SDF).

The **Serbian Democratic Forum (SDF)** (<http://www.sdf.org.yu>) is a non-governmental, non-party, non-political, and non-profit organization established on 14 April 1998 in the territory of Serbia and Montenegro with the goal of working for the protection of human rights of refugees from the Republic of Croatia in cooperation with local and international organizations. Currently, SDF has offices in Belgrade and Stara Pazova. Its goals are the sustainable return of refugees and displaced persons, empowerment and vulnerable groups' integration in the local community, creation of a legal framework for the protection of migrants' and asylum seekers' rights, and establishment of more active cooperation with national minorities. SDF is one of the leading organizations in the process of advocacy for

⁹⁹ <http://www.grupa484.org.yu/english>

the protection of migrants and asylum seekers in the legal, social, and humanitarian areas.

The NGO ATINA (<http://www.atina.org.yu/>) focuses on counter-trafficking programmes and addressing forced migration issues. It manages different projects in the field of protection of victims of trafficking, including provision of direct assistance. It also conducts a project on the monitoring of the national referral mechanism with special focus on the implementation of policies to address trafficking in human beings and on the issuance of temporary residence permit to victims of trafficking. The project is funded by the IOM and the King Baudouin Foundation.

The **Institute of International Politics and Economics** (<http://www.diplomacy.bg.ac.yu>) is involved in migration analysis and research. It is implementing a project on “The Western Balkans: Regional Responses to Visa Liberalisation Issue” (2006) in cooperation with the European Movement in Serbia and Grupa 484. The project aims to support the process of reforming the Western Balkan countries’ systems to be at par with the EU standards, and their efforts to join the EU “white visa list”.

ANNEX 1: SPECIFIC INFORMATION ON UNSC RESOLUTION 1244 - ADMINISTRATED KOSOVO¹⁰⁰

Executive Summary: General Assessment of Migration Issues

Migration remains a large-scale phenomenon in Kosovo/UNSC 1244 (hereinafter referred to as “Kosovo”), and many asylum seekers in EU countries claim it as their place of origin. Nevertheless, there are very few reports and studies conducted and published on this issue, making reliable figures exceptionally hard to obtain. The lack of exact numbers of persons from Kosovo/UNSC 1244 living abroad is partly due to the fact that they are registered as citizens of Serbia (Serbia and Montenegro; the former Yugoslavia).

The trends and causes of migration in Kosovo/UNSC 1244 have undergone several changes. In the 1960s and early 1970s, the first migration wave occurred, with the flows mainly directed towards Western countries, which required cheaper labour force. This first wave of migration involved predominantly low-skilled and uneducated people from rural areas.

The second wave took place in the decades prior to the outbreak of the conflict in 1998-1999. Here, Kosovars, primarily Kosovo/UNSC 1244 Albanians, and also a considerable number of other ethnic communities, left Kosovo/UNSC 1244 for either economic or political reasons, in particular in the 1990s. This latter group of migrants appeared to be better educated and skilled and came from urban areas.¹⁰¹

The third flow developed with the outbreak of the conflict in 1998. Until its end in June 1999, hundreds of thousands of people were forced to leave Kosovo/UNSC 1244 and found refuge primarily in the neighbouring countries of Albania and the former Yugoslav Republic of Macedonia. Most of these people have returned to Kosovo/UNSC 1244 in the subsequent years. In addition, a very large number of people found asylum in Western European countries. These people include members of the Roma, Ashkali, Egyptian (RAE), Bosniak, and Gorani communities. In the aftermath of the conflict, starting from July 1999, there was a

¹⁰⁰ Hereinafter referred to as Kosovo/UNSC 1244

¹⁰¹ Forum 2015 ((2007) *Diaspora and Migration Policies*).

continued exodus of people,¹⁰² on a smaller scale and composed largely of ethnic minority community members, particularly Kosovo/UNSC 1244 Serbs, as well as RAE, Bosniaks and Goranis. Another outflow of Kosovo/UNSC 1244 residents occurred in the wake of the riots in March 2004.

Throughout all these emigration waves, the main destination countries included Germany, Switzerland, United Kingdom, Scandinavia, United States, Canada, Serbia, and other former Yugoslav republics.¹⁰³ Among labour migrants from Kosovo, men have a tendency to outnumber women. The most prevalent age group of migrants has been 20-40 years.¹⁰⁴

Currently, it is estimated that approximately 30,000 persons each year reach the age of 18, complete secondary school, and enter the labour market with limited opportunities.¹⁰⁵ In the last years, youth migration and migration of heads of families from Kosovo/UNSC 1244 increased. These kinds of migration are usually illegal and expose the persons involved to the risks of smuggling and trafficking. Migratory decisions are primarily connected to the increasing need to seek material improvements for the individual and/or family's livelihood, as migration from Kosovo, working abroad, and sending remittances home are regrettably viewed by many as the only means of ensuring the well-being of the family.¹⁰⁶ Remittances are usually used to cover basic living expenses but they often fail to contribute to the development of the home community. This continuing phenomenon also contributes to another negative impact of migration—the so-called “brain drain”.

Many of those who have left Kosovo/UNSC 1244 since the beginning of the 1990s either received refugee status or received protection under the non-refoulement clause and were granted the right to remain in their host countries. Those who did not receive refugee status or whose legal status (temporary protection) has expired/been cancelled have to leave their host countries. They either return voluntarily (with special return assistance packages provided by some European countries) or are forcibly returned. In recent years, irregular migrants apprehended in Europe have also been forcibly returned.

¹⁰² Provisional Institutions of Self Government (PISG) (2007) *Reintegration Strategy for Repatriated Persons*.

¹⁰³ Bush, N. (2005) *The World Bank Europe and Central Asia Region: Review of Workers' Remittances to Kosovo*.

¹⁰⁴ Forum 2015 (2007) *Diaspora and Migration Policies*

¹⁰⁵ Provisional Institutions of Self Government (PISG) (2007) *Reintegration Strategy for Repatriated Persons*.

¹⁰⁶ According to World Bank Report *Kosovo Economic Memorandum*, Washington, 17 May 2004, Report No: 28023-KOS, average annual remittances between 1999 and 2003 had been EUR 550 million.

Immigrants

Table 12. Number of applicants for temporary residence permits
in Kosovo/UNSC 1244¹⁰⁷

Year	No.
2005	2,679
2006	3,560
2007 (July)	2,203

Source: UNMIK Directorate for Registration of Foreigners

Table 13. Refugees/asylum seekers in Kosovo/UNSC 1244¹⁰⁸

	2003	2004	2005	2006	2007 (July)	Total
Asylum seekers	2	6	30	3	6	47
Granted refugee status	2	6	0	2	--	10

Source: UNCHR Kosovo, as of February 2006 and UNMIK Directorate for Registration of Foreigners

Main countries of origin of immigrants to Kosovo

Applicants for temporary residence permits:

2005: Turkey (24%), China (12%), Bulgaria (9%), United States (7%), Albania (4%), the former Yugoslav Republic of Macedonia (4%), Moldova (6%), and other countries (34%).

2006: *citizenship data are not available*

2007, until July: Turkey (17%), China (13%), Bulgaria (6%), United States (5%), Albania (10%), the former Yugoslav Republic of Macedonia (7%), Moldova (8%), and other countries (34%).

¹⁰⁷ UNMIK, Directorate for Registration of Foreigners.

¹⁰⁸ UNCHR Kosovo, as of February 2006 and UNMIK Directorate for Registration of Foreigners

Remittances

Quantitative aspects of remittances

Table 14. Main macroeconomic indicators in Kosovo/UNSC 1244, 2005-2007¹⁰⁹

Indicators	2005	2006	2007
Population (in thousands)	1,999	2,033	2,067
GDP (in million EUR)	2,238	2,270	2,303
GDP Growth (in %)	0.30	0.30	0.70
GDP per capita	1,120	1,117	1,114
CPI (in %)	-1.40	0.70	0.40
Trade Balance (in million Euro)	-1,022	-1,159	-1,126
Current account / GDP (in %)	-15.00	-19.00	-20.00
Remittances / GDP (in %)	12.31	14.21	18.06
Foreign Assistance / GDP (in %)	22.00	20.00	16.00
FDI / GDP (in %)	2.59	9.92	6.87

Source: IMF (2007) *Aide mémoire of the IMF Staff Mission to Kosovo, 19-27February*.

According to the International Monetary Fund (IMF) data, remittances currently are and are expected to remain as one of the major components of Kosovo's GDP. Kosovo/UNSC 1244 was the seventh largest recipient of remittances (as a per cent of GDP) in 2004 in Europe and Central Asia and the twentieth largest recipient worldwide. However, if one takes into account the amount of remittances in recent years (2005-2007), Kosovo/UNSC 1244 would then climb significantly in the list of the largest recipients (in 2007, remittances as a share of GDP are estimated at slightly over 18%).¹¹⁰

¹⁰⁹ IMF (2007), note that data for 2007 are projections 2007, IMF.

¹¹⁰ It is important to note that a key local research institution, the Riinvest Institute, has findings that do not fully correspond to the IMF's figures for the level of remittances in 2007. Rather than seeing a rising level of remittances as a share of GDP, the Riinvest Institute estimates a level of remittances of 317 million EUR in 2007, which is equal to 14 per cent of GDP. Moreover, in Riinvest's research with diaspora groups, there are no significant changes in the level of remittances between the years of 2005 and 2007.

Table 15. Estimates of remittances per annum in Kosovo/UNSC 1244 (in million EUR)

Source	2000	2001	2002	2003	2004	2005	2006
IMF ¹	n/a	317	314	341	339	375	347
Estimates of the Household Budget Survey, Serbia and Montenegro official data, IMF estimates ²	170	160	174	174	174	n/a	n/a

¹ European Stability Initiative (ESI) report, IMF estimates of remittances, *ibid.*

² Bush, N. (2005) *The World Bank Europe and Central Asia Region: Review of Workers' Remittances to Kosovo.*

The World Bank assessed that the average annual remittances between 1999 and 2003 amounted to EUR 550 million.¹¹¹

The World Bank also noted that Kosovo/UNSC 1244 was the sixth largest global recipient of remittances in relation to its GDP.¹¹²

Qualitative aspects of remittances

There are few precise figures on the diaspora's recent and/or current contributions to Kosovo's economy. However, available information indicates that the diaspora's involvement to Kosovo's post-conflict economic recovery has been substantial. Housing, construction, the revitalization of agriculture, as well as the establishment of private enterprises have been closely linked to the remittances inflow.

Based on a research conducted by Forum 2015, a research project of Kosovo's SOROS Foundation,¹¹³ about 70 per cent of emigrants from Kosovo/UNSC 1244 send remittances to their families. The study also sheds light on the different forms of diaspora contributions to the local economy. Estimates for 2007 indicate that cash remittances amounted to EUR 170 million, whereas "in-kind contributions" totalled EUR 22 million, and about EUR 125 million were spent during visits by the diaspora to Kosovo, a kind of "diaspora tourism". Less than a fifth of all Kosovar households receive remittances. Of these households, about 13 per cent have received cars, 48 per cent clothes and textiles, and 13 per cent electronics and other appliances. During short-term trips back to Kosovo, 70 per cent of emigrants contributed to increases in aggregate consumption with their spending during their stay.

¹¹¹ World Bank (June 2005) *Kosovo Poverty Assessment*

¹¹² World Bank (February 2005) *Kosovo Monthly Economic Briefing*

¹¹³ Supported by the Kosovo Foundation for Open Society, Balkan Trust for Democracy of the German Marshall Fund, and the Friedrich Ebert Stiftung, Forum 2015 conducted a research project on diaspora, remittances, and their potential effects on Kosovo's economy in 2006 and 2007; the report of its findings was published in December 2007.

In addition, according to Forum 2015's findings, remittances to Kosovo/UNSC 1244 decreased by about 30 per cent from 1999 to 2004, whereas only slight decreases were recorded during the last three years (2004-2007). Based on information gathered in the focus group discussions, the diaspora community members anticipate that remittances will remain at roughly the same level in the coming years. "The main determinant of the frequency and size of remittances is (the) emigrants' perceptions about the economic situation and needs of their families in Kosovo". In terms of the amount of remittances, however, Forum 2015's Visitor Survey¹¹⁴ found that 71.6 per cent of survey respondents send from EUR 100 to EUR 1,000 annually, while 18 per cent send EUR 1,001 to EUR 3,000 per year to Kosovo. Roughly similar results were derived by Riinvest's Household Survey,¹¹⁵ which found that among households receiving remittances, 66 per cent stated they obtained between EUR 100 and EUR 1,000 per year and 22 per cent reported receiving between EUR 1,001 and EUR 3,000 annually.

The Forum 2015 study also sheds light on the ways remittances are most commonly used by the recipient Kosovars. According to the survey, almost half of the cash remittances received are used for consumption, around 18 per cent are used for housing construction or renovation, 17 per cent are used for health care or other medical purposes, 15 per cent for education, and a modest 3 per cent for investment in business. The impact of remittances on Kosovo's economy and the creation of new employment is reduced mainly because of the huge foreign trade imbalances. Hence, "diaspora inflows are mainly spent on imported consumption goods."

According to the World Bank's *Kosovo Poverty Assessment* of June 2005, remittances from abroad constitute 15.2 per cent of household income in Kosovo, making them the second largest source of revenue for families, preceded only by income from cash wages and salaries, which equals to 59.9 per cent of household income.¹¹⁶ The report also indicates that rural households rely on remittances to a greater extent than urban households. A total of 18.2 per cent of rural households indicated remittances as the second source of income (following salaries) as compared with 11.4 per cent of urban households.

Additionally, according to the World Bank's *Kosovo Monthly Economic Briefing* of February 2005, the importance of remittances stems from the fact that they compensate for the declining international donor assistance as well as

¹¹⁴ Conducted by Forum 2015 in December 2006 with 1,091 visitors to Kosovo, who were randomly selected at border points.

¹¹⁵ Conducted in 2007 by Riinvest with 1,537 households throughout Kosovo (including 200 ethnic Serbian households)

¹¹⁶ Ibid, p.23

the low levels of foreign direct investments and exports.¹¹⁷ The briefing points out to the decline of remittances over time. According to the European Stability Initiative (ESI), the flow of remittances has been decreasing from its 1999 level since the return of large numbers of Kosovars from their host countries and the continuing very limited possibilities of legal emigration.¹¹⁸ The World Bank's Kosovo Economic Memorandum 2004 also states that remittances, including income from seasonal workers, have decreased since the immediate post-conflict period. Thus, as foreign assistance and remittances decline, there is a clear need to replace remittance income with revenues derived from production, exports, and foreign investment.¹¹⁹

Migrant Communities/Diasporas

Numbers/Estimates

It is hard to estimate the size of the Kosovo/UNSC 1244 Albanian diaspora because the statistical records of many countries do not distinguish the Kosovo/UNSC 1244 Albanians from the Serbs and Montenegrins, or the (former) Yugoslavs. Differentiating between Kosovar Albanians, Albanians from Albania, and ethnic Albanians from the former Yugoslav Republic of Macedonia can also be problematic and thus underscores the necessity for precise information-gathering techniques using standardized definitions and terminology.

Figures vary from source to source. For example, according to the United Kingdom Parliament's Foreign Affairs Committee report on Kosovo¹²⁰ in 2000, the Kosovar Albanian diaspora is concentrated in the United States (approximately 350,000), Germany (approximately 300,000-350,000), and Switzerland (approximately 280,000). Between 80,000 and 100,000 Kosovo/UNSC 1244 Albanians reside in other western European countries, with around 17,000 persons in the United Kingdom including an estimated 5,000 who are irregular immigrants.

Other sources, such as the previously mentioned European Stability Initiative 2006¹²¹ report, suggest that Germany currently hosts 82,348 Kosovo/

¹¹⁷ World Bank (February 2005) *Kosovo Monthly Economic Briefing*

¹¹⁸ European Stability Initiative (2006) *Cutting the Lifeline – Migration, Families and the Future of Kosovo* http://esiweb.org/pdf/esi_document_id_80.pdf

¹¹⁹ World Bank Economic Memorandum, 17 September 2004, p. 8, see: http://siteresources.worldbank.org/INTKOSOVO/Country%20Home/20662049/Kosovo_PA_report_final-16June2005.pdf

¹²⁰ See: <http://www.publications.parliament.uk/pa/cm199900/cmselect/cmcaff/28/2817.htm>

¹²¹ European Stability Initiative (2006) *Cutting the Lifeline – Migration, Families and the Future of Kosovo* http://esiweb.org/pdf/esi_document_id_80.pdf

UNSC 1244 Albanians while 72,448 are in Switzerland and 12,300 in Austria. Kosovo/UNSC 1244 Albanians also reside in the former Yugoslav Republic of Macedonia, Albania, and Montenegro.

The 2005 World Bank's Review of Workers' Remittances to Kosovo¹²² indicates a diaspora figure of between 250,000 and 500,000.

According to the previously mentioned Forum 2015's Visitor's Survey and the Riinvest's Household Survey, the current size of the diaspora is about 315,000 Kosovar Albanians, plus 100,000 Kosovars of Serbian and other ethnicities. About "30 per cent of Kosovar households have one or more members living abroad. Most of the emigrants live in Germany (39%), Switzerland (23%, Italy and Austria (each with 6-7%), United States (3.5%), United Kingdom and Sweden (each with 4-5%), and France, Canada, and Croatia (each with around 2%)." ¹²³

Furthermore, it is important to note that the diaspora community can be divided according to the timeframe of its emigration: "Old Emigration" during the 1960s through the 1980s accounts for 14 per cent of the total diaspora population, whereas those emigrating during the oppressions of the Milosevic era in the 1990s account for 59 per cent, and finally, the remaining 27 per cent of the diaspora have left Kosovo/UNSC 1244 since the 1999 conflict. About 5 per cent of the diaspora was born outside of Kosovo.

Similar to the Kosovo/UNSC 1244 population, the diaspora is a very young population, with an average age of 28 years. However, the gender composition is quite different from the overall population in Kosovo, as nearly two-thirds of the diaspora are male.¹²⁴ Most of the diaspora have a secondary school education and about 10 per cent have obtained some level of higher education. The majority (60%) reported having citizenship in the resident country, another 34 per cent have temporary residence permits, out of which those with work visas compose a relatively small proportion, 11 per cent, and just 1.3 per cent have student visas

The majority of the diaspora (58%) are employed in the resident country. From this group, 38.6 per cent are employed in the construction industry, 13 per cent in the service industry (restaurants and hotels), and 12.7 per cent in manu-

¹²² Bush, N. (2005). *The World Bank Europe and Central Asia Region: Review of Workers' Remittances to Kosovo*.

¹²³ Forum 2015 (2007) *Diaspora and Migration Policies*.

¹²⁴ This information and the following paragraphs are taken from the previously described Forum 2015's Visitor's Survey (December 2006), the Riinvest Household Study (2007), as well as from the findings of 12 focus group discussions (composed of 91 participants) with diaspora groups in Germany, Switzerland, Belgium, United Kingdom, Sweden, Austria, and United States.

facturing. The remainder are mainly employed in agriculture (5.3%), transport and communications (5.1%), and health and education sectors (4.7%). The vast majority (more than 82%) of emigrant workers from Kosovo/UNSC 1244 are employed as low-skilled labourers and only about 7 per cent of the employed diaspora population are working in managerial/supervisory positions. The average monthly salary is EUR 1,700. Some 27 per cent earn between EUR 500 and EUR 1,499 per month.

Nearly half of Kosovo's male diaspora population (47.4%) are employed in construction. In contrast, the female diaspora population is far less concentrated, with the dominant sectors being the service industry (hotels and restaurants) with 23 per cent and the health and education sectors with 18 per cent.

According to the findings of the Forum 2015 study, members of the diaspora community have expressed "deep concern and discontent about the lack of attention and care given by the Kosovar government (the PISG, Provisional Institutions of Self-Government) regarding the problems they face in the countries where they reside and the protection for their rights."¹²⁵

Migrant communities' organizations

Note: Please note the list below does not purport to be exhaustive or representative. IOM does not take responsibility for the accuracy of the contact details.

The **National Albanian American Council** (<http://www.naac.org>) bands Albanians together, including the Kosovo/UNSC 1244 Albanians, and advocates for the welfare of Albanian-Americans in the United States, as well as promotes democracy, peace, and economic development in the Balkans.

Meanwhile, the **Albanian American Civic League** (<http://blog.aacl.com>) is a foundation and a lobby and political action committee founded in 1989 by Joseph DioGuardi, a US congressman with Albanian roots.

Irregular Migration

Return Migration Flows

According to the UNMIK Fact Sheet on Kosovo/UNSC 1244 dated April 2007, the total number of voluntary minority returns since 1999 is 16,458 (as of 31 March 2007)¹²⁶ and the total number of involuntary returns (as of 31 March 2007) is 47,738, including 3,598 persons repatriated in 2006.

¹²⁵ Ibid.

¹²⁶ http://www.unmikonline.org/docs/2007/Fact_Sheet_apr_2007.pdf

Table 16. IOM-assisted voluntary returns to Kosovo/UNSC 1244

Comparative statistics of IOM-assisted voluntary returns, 1999-2007

1999	2000	2001	2002	2003	2004	2005	2006	2007	Total
87,156	87,416	6,989	2,621	2,530	1,694	1,485	988	1,018	191,902

Breakdown by host country

Germany	Switzerland	Norway	Austria	Belgium	United Kingdom	Netherlands	Other ¹
43.8 %	17.8%	3.6%	2.7%	2.5%	2.2%	2.1%	25.3%
84,067	34,112	6,898	5,223	4,812	4,322	4,107	48,361

¹ Including: Albania, Croatia, Czech Republic, Romania, Iceland, France, the former Yugoslav Republic of Macedonia, Denmark, Portugal, Sweden, Israel, Malta, New Zealand, Turkey, Japan, Australia, Uruguay, and the United States. Austria has witnessed a notable increase in 2007 and is therefore listed specifically

Breakdown by gender

Male	Female
56%	44%
106,981	84,921

Figures and information on trafficking in human beings

Table 17. Number of assisted victims trafficked to or originating from Kosovo/UNSC 1244
2001-2004¹²⁷

	2000	2001	2002	2003	2004
Foreign	113	135	86	60	60
Kosovar	54	67	165	192	90

Source: *Second Annual Report on Victims of Trafficking in South-Eastern Europe, Regional Clearing Point*

¹²⁷ Surtees, Rebecca (2005) *Second Annual Report on Victims of Trafficking in South-Eastern Europe*, Regional Clearing Point, IOM. Note: The figures presented in the table above comprise the number of trafficked foreign victims identified within Serbia and voluntarily returned to their countries of origin. Victims who were identified as trafficked but refused return were not included.

Table 18. Data on victims of trafficking

Foreign victims of trafficking assisted by IOM, per year

Country of origin	1999	2000	2001	2002	2003	2004	2005	2006	June 2007	Total	%
Moldova		72	71	31	21	16	5	15	2	233	51.32
Romania	1	20	36	19	8	4	1			89	19.7
Ukraine	1	8	20	20	8			3		60	13.21
Bulgaria		10	4	6	4	2	2	1		29	6.39
Albania		2	1	9	2	8	6	3	2	33	7.27
Serbia					2	1				3	0.66
Russia		1	2					2		5	1.1
Slovakia						1				1	0.22
Nigeria							1			1	0.22
Total	2	113	134	85	45	32	15	24	4	454	100%

Local victims of trafficking assisted by IOM, per year

Year	2001	2002	2003	2004	2005	2006	2007	Total
Total	6	12	17	11	12	30	4	92

Extent of trafficking as reported by various agencies by year (2001-2007)¹²⁸

Agency	2001	2002	2003	2004	2005	2006	2007	Total
UNMIK/KPS TPIU	172	89	70	58	71	65	0	525
IOM-assisted FOREIGN VoT	134	85	45	32	15	24	8 (Dec)	458
IOM-assisted LOCAL VoT	6	12	17	11	12	30	23 (Dec)	111
VAAD	--	--	20	24	35	35	23 (Oct)	137
DSW-assisted LOCAL VoT	--	7	6	27	45	47	8 (Sept)	140
DSW-assisted FOREIGN VoT	--	10	14	4	7	10	1 (Sept)	46
CPWC	60	157	151	--	--	--	--	422

¹²⁸ UNMIK/KPS TPIU = United Nations Mission in Kosovo (UNMIK)/Kosovo Police Service (KPS) Trafficking in Persons Unit (TPIU), Victim's Advocacy and Assistance Division (VAAD) Department of Social Work (DSW), Centre for the Protection of Women and Children (CPWC)

Several factors have contributed to the development and continuation of trafficking to, through, and from Kosovo. These include Kosovo's long status as a smuggling corridor, the deployment of peacekeeping troops and aid workers who are potential consumers of forced prostitution, the rise of a domestic prostitution trade for both foreign and domestic consumption, the lack of entry visa requirements and strict border surveillance, and the overall poor living conditions of many Kosovars.

As Kosovo/UNSC 1244 does not have a centralized database for recording trafficking cases, monitoring figures and incidence rates is difficult, although co-ordination between agencies is increasing, given the common objective of obtaining accurate data. Foreign victims originate primarily from Moldova, Romania, Ukraine, Bulgaria, Albania, the Russian Federation, Montenegro, and Slovakia. Some victims transit Kosovo/UNSC 1244 en route to the former Yugoslav Republic of Macedonia, Italy, and Albania. According to IOM, the Kosovo's Department of Social Work (DSW) in the Ministry of Labour and Social Welfare (MLSW), and the United Nations Mission in Kosovo/UNSC 1244 police's special Trafficking in Persons Unit (TIPU), the number of foreign victims being trafficked has been declining in recent years, while there has been a simultaneous increase in the number of internally trafficked Kosovars.¹²⁹ While most internationally trafficked persons have been adults, most internally trafficked Kosovars have been minors.¹³⁰ More than half (54.6%) of IOM's assisted domestic/local cases (who were internally trafficked) were minors.

On the one hand, this increase could be accounted for by the implementation from 2004 of the Standard Operating Procedures for Victims of Trafficking (VoT) identification, referral and assistance for foreign VoTs and from February 2006, for Kosovar VoTs, and the corresponding better cooperation and coordination among different actors. However, an analysis of the available data indicates that unemployment and difficult economic conditions or worsening poverty levels are the main factors resulting in the increase of trafficking among local women and girls. Analysis of IOM's assisted caseload suggests that insufficient educational levels among local victims plays a key role as well, as 90 per cent of IOM's assisted local VoT had eight years or less years of formal education, including 10

¹²⁹ Kosovo's Women's Network and UNFPA (2008) *Exploratory Research on the Extent of Gender-Based Violence in Kosovo and its Impact on Women's Reproductive Health*. The Centre for the Protection of Women and Children (CPWC) consistently reports assisting significantly larger numbers of local VoT, who have been internally trafficking.

¹³⁰ *Ibid.* Of the cases assisted by the Centre for the Protection of Women and Children (CPWC), 32% were ages 11-14 years old and 49% ages 15-18.

per cent with no formal education whatsoever.¹³¹ In comparison, among IOM's foreign victims, 20 per cent had eight years or less of schooling. These findings are mirrored by the demographics of the Centre for Protection of Women and Children's (CPCW) caseload, which reported that 94 per cent of the trafficked persons it had assisted (who were primarily from Kosovo) had completed eight years or less of schooling. Most past awareness raising campaigns have targeted high school students. "Since few trafficked persons reach high school, NGOs should develop new methods to educate high-risk groups, including children and minors in poor rural communities."¹³²

The main routes of trafficking identified are the former Yugoslav Republics, entering the EU through Hungary or Slovenia. Other victims that had the former Yugoslav Republic of Macedonia or Albania as a destination cross the border irregularly. The proximity to countries of origin, such as Moldova, Romania, Ukraine, the Russian Federation, Bulgaria, and Lithuania on one hand, and EU entry countries such as Greece and Italy, on the other, allows criminal trafficking networks from Albania, Kosovo, Bosnia, Serbia and the former Yugoslav Republic of Macedonia to cooperate closely.

Assessment and analysis of migration issues

Government bodies responsible for migration policy

The **United Nations Mission in Kosovo (UNMIK)** is progressively transferring responsibilities to the **Provisional Institutions of Self-Government (PISG)**. Numerous institutions within the PISG are involved, to varying degrees, in implementing the voluntary return policy, with the UNMIK maintaining a supervisory and/or monitoring role over their actions. Some of the PISG Ministries were recently established and are still in the process of developing their internal structures, which must be conducted further before they can address the scope of duties that will fall within their ultimate competency. Due to budgetary constraints, not all issues relevant to migration can be adequately addressed at this time. There are insufficient funds to establish new departments, employ staff, and obtain the necessary technology and other resources that are needed within the Ministries to make them fully functional. The PISG cannot negotiate or enter into agreements with countries or international institutions on its own authority, as the UNMIK maintains this competence.

¹³¹ Of the aforementioned 90% of IOM's assisted local caseload with less than eight years of education, 10% had no formal schooling whatsoever, 35% had completed just the first five years of school, and 45% had stopped attending school after the eighth class/grade.

¹³² Kosova's Women's Network and UNFPA (2008) *Exploratory Research on the Extent of Gender-Based Violence in Kosova and its Impact on Women's Reproductive Health*

On the basis of information collected by IOM, it appears most likely that, as in many countries, it will be the **Ministry of Internal Affairs (MoIA)** that will progressively take the lead in addressing migration management, particularly for the issues of asylum and refugees (with the UN structures still maintaining key responsibilities related to return migration). Supervision over the Kosovo/UNSC 1244 Police Service (KPS), which is one of the law enforcement authorities regulating border traffic in Kosovo, has been already transferred to the MoIA. The MoIA's Department for Border Management, Asylum and Migration (DBAM) is becoming a focal point for migration-related issues. The work of the **Department of Repatriation**, which currently falls under the UNMIK Office of Communities, Returns and Minority Affairs (OCRM), will also be transferred to MoIA's DBAM. The MoIA will be involved in processing the forced return of Kosovars who were illegally residing in other countries. However, the Ministry was established only in mid-2006 and the organizational processes to structure the institution is not yet complete.

Up to now, the main focus of the area of migration in Kosovo/UNSC 1244 is the return process.

The PISG institutions that play the most active role include the **Office of the Prime Minister (OPM)**, which is responsible for coordinating and facilitating the work of the PISG, including monitoring the implementation of the Serbian government's decisions regarding a variety of issues including those related to migration. Other key institutions, significantly involved in migration-related issues are the **Ministry of Communities and Returns (MCR)** and the **Ministry of Local Government Administration (MLGA)**. Ministries that are partially or indirectly involved in the returns process are **Ministry of Labour and Social Welfare (MLSW)** and the **Ministry of Finance and Economy (MFE)**. Within the MLSW, the Department of Social Welfare is responsible for providing temporary housing and social welfare¹³³ assistance to social cases, which includes vulnerable returnees. Furthermore, the Department of Social Welfare was recently engaged in an IOM capacity building project. By the end of the project, the Department assumed the responsibilities, previously handled by IOM, for the provision of reception assistance at the airport to all returnees, with additional services for the most vulnerable among them.¹³⁴

The **Ministry of Communities and Returns (MCR)**, which is currently in the process of taking over the responsibilities from the UNMIK Office for Com-

¹³³ The basic social welfare payment in Kosovo amounts to approximately EUR 40 per month.

¹³⁴ IOM will retain responsibilities for receiving and assisting people who return within the framework of an IOM Assisted Voluntary Programme.

munities, Returns and Minority Affairs, plays a vital role in implementing and coordinating return policies. However, its attention is focused mainly on IDPs. It coordinates the implementation of return policies with the municipalities, other ministries, and local and international institutions, and strives to develop and influence policies so that they are well suited to the needs of IDPs, refugees, and women and children and other groups with specific needs.

The MCR chairs the **Central Review Mechanism (CRM)**, a body that reviews all voluntary return projects and other initiatives endorsed by individual Municipal Working Groups to ensure they are consistent with the existing return policies. Thus, the CRM oversees/reviews all of the Municipal Returns Strategies and other concept papers on return submitted and endorsed by individual municipalities (after they are developed by the respective Municipal Working Group). In addition, it often functions as a liaison to the donor community on return and reintegration projects. It consists of members nominated by the MCR, OPM, MLGA, UNMIK, UNHCR, and UNDP; other members have an observer status.

MCR also serves as the secretariat of the **Steering Group**. The CRM reports to the Steering Group, which is a policy guidance body that reviews the return process and related policies, from a macro and multi-sectoral perspective, supports the work of the CRM, and ensures consistency with the applicable policies and overall return framework. The UN Special Representative of Secretary-General (SRSG) and the Prime Minister chair the Steering Group and its membership is comprised of representatives from the MCR, MLGA, Ministry of Public Services (MPS), MLSW, MFE, KPS, and Kosovo Property Agency (KPA). When necessary, other agencies such as UNDP, UNMIK, OSCE, or Kosovo Force (KFOR) are included as well.

A **Steering Board on the Development of a Strategy for the Reintegration of Repatriated Persons** was established on 25 October 2006 by a decision of the PISG. Its task is to reach consensus on the roles and responsibilities of Ministries in the field of reintegration of repatriated persons through a consultative and inclusive process. The Steering Board is composed of representatives of MLSW, Ministry of Environment and Spatial Planning (MESP), MLGA, MIA, Ministry of Health (MoH), Ministry of Education, Science and Technology (MEST), Municipal Community Officers, and international organizations (UNMIK, UNHCR, IOM, and OSCE). Within the Steering Board, an **Expert Group** was established in order to draft a strategy for the reintegration of repatriated persons (see Section 6.1 for information about this strategy).

The **Advisory Office for Good Governance (AOGG) at the OPM** is in charge of coordinating the counter-trafficking work in the whole of Kosovo. The director of the AOGG is also the Kosovo Coordinator for Counter-Trafficking. There is an Inter-Institutional Working Group, consisting of Ministries, the police, international organizations, and NGOs, which is responsible for the implementation of the Kosovo Plan of Action to Combat Trafficking (the first one was drafted with the support of international organizations and NGOs and approved by the Serbian government in May 2005, to cover a two-year period). Sub-working groups are being established to focus on prevention, protection, prosecution, and child trafficking. The key ministries participating in these groups are the MLSW, which is responsible for the reintegration of VoT, especially minors, the Ministry of Justice, which runs the closed type Interim Secure Facility (ISF) and assigns Victim Advocates, the Ministry of Culture, Youth and Sports, MEST, MoH, MoIA, and MLGA. There is also a specialized counter-trafficking unit within the police.

When it comes to relations with the diaspora communities, the **Ministry of Culture, Youth and Sports** and its Department of Non-residential Affairs are the main focal points.

Migration policies in place

The issue within migration management that is drawing the most consistent attention in Kosovo/UNSC 1244 is the return process. Pursuant to the UN Security Council Resolution 1244, the return policy is guided by the premise that all refugees and IDPs have the right to return to their home country, and to recover their property. The framework for addressing other issues in the field of migration management, such as asylum, is still being developed. The PISG cannot negotiate or enter into agreements with countries or international institutions on its own authority, as the UNMIK maintains this reserve power.

Key return-related policies

In 2006, The PISG updated its returns policies,¹³⁵ based on the UNMIK's "Right to Sustainable Returns" paper with a view to simplify and streamline the steps for return and delivery of social services to returnees, increase IDPs/refugees' access to assistance, improve protection mechanisms for minority returnees to ensure non-discrimination, and incorporate return needs and concerns in municipal and central development and budget planning.

¹³⁵ UNMIK Revised Manual for Sustainable Return, pp. 7, 47.

Standards for Kosovo/UNSC 1244 (10 December 2003)

These are the benchmarks established for the further development of Kosovo's political, judicial, and civil/administrative institutions, which were used in the process of negotiating for Kosovo's future status. With respect to migration policy, the following standards are relevant: Standard III: Freedom of Movement; Standard IV: Sustainable Returns and the Rights of Communities and their Members; Standard VI: Property Rights; and Standard VII: Constructive and Continuing Dialogue between the PISG and Belgrade Over Practical Issues.

The Protocol of Cooperation on Voluntary and Sustainable Return (2006)

The Protocol, signed by Kosovo's PISG, the Government of Serbia, and the UNMIK on 6 June 2006, is an example of a tri-partite agreement, which is structured in this way given the aforementioned limitations of the PISG's authority. The Protocol is a powerful statement of the commitment by the Kosovar and Serbian authorities to continue the return process.

Revised Manual for Sustainable Returns (2006)

The Manual, drafted for the first time in 2003, stipulates the UNMIK's policy and operational guidelines for returns. It reaffirms international standards and best practices and incorporates the main objectives of the *Protocol of Cooperation on Voluntary and Sustainable Return*. The Manual specifies the guiding principles of the return process and standardizes, as well as clarifies, terminologies/definitions, institutional roles, and responsibilities and components of the return process.

UN Regulation No. 2006/10 – On the Resolution of Claims Relating to Private Immovable Property, including Agricultural and Commercial Property (March 2006)

It establishes the Kosovo/UNSC 1244 Property Agency as the administrative authority functioning as an independent body, with the competence to receive, register, and assist the courts in resolving the following categories of conflict-related claims resulting from the armed conflict that occurred between 27 February 1998 and 20 June 1999:

- a) Ownership claims with respect to private immovable property, including agricultural and commercial property, and
- b) Claims involving property use rights with respect to private immovable property, including agricultural and commercial property.

Strategy on Reintegration of Repatriated Persons

The OPM of the PISG, in coordination with the UNMIK, organized a Steering Board composed of international and local experts. The function of the Steering Board is to develop a strategy for addressing the needs of persons who originated from the various communities living in Kosovo/UNSC 1244 but did not meet the criteria of respective countries for obtaining asylum status or citizenship, and as a result, will be returned forcibly to their place of origin. Central and local governmental institutions/agencies are required to focus their efforts on the priorities specified in the Strategy, allocate funds in order to meet obligations, and implement activities through an operational plan designed to fulfill the obligations foreseen in the Reintegration Strategy of Repatriated Persons.

A Repatriation Working Group was also established in order to advise the PISG on future migration policies and ensure that these are in line with those of the EU and neighboring states.

According to the UNMIK April 2007 Fact Sheet published online,¹³⁶ owing to the progress of both the Steering Board and the Working Group, both co-chaired by UNMIK and PISG, the operational framework consisting of readmission and reintegration policies/procedures will soon be reviewed and discussed.

Readmission Policy

The policy introduces the strategy and procedures in Kosovo/UNSC 1244 for handling the readmission of persons originating from Kosovo¹³⁷ and residing without legal status in host countries.¹³⁸ On 12 December 2007, this policy became effective and applicable in Kosovo/UNSC 1244 soon after being approved by the SRSG, following the PISG's endorsement. As a result, the MoIA's DBAM became responsible for readmission procedures for all Kosovars being repatriated. These readmission procedures are expected to effectively and smoothly succeed the previous readmission policy implemented by the UNMIK's OCRM. The policy may be changed or improved, during or after the transition period, as needed, following the final determination of Kosovo's future status. However, such action shall be taken only after a thorough discussion on why such changes

¹³⁶ UNMIK (2007) *Kosovo Fact Sheet* http://www.unmikonline.org/docs/2007/Fact_Sheet_apr_2007.pdf

¹³⁷ This may include underage children and other dependent family members of persons originating from Kosovo, who have the right to reside in Kosovo. Their readmission will be accepted during the transition period depending on verification of their identity and their relationship to the person originating from Kosovo. In the future, these matters will further be regulated by the Law on Citizenship and the Law on Foreigners.

¹³⁸ The term "persons residing in host countries without legal status" includes those who no longer fall under the scope of temporary international protection in the host countries, as well as rejected asylum seekers and those who have entered the host countries illegally and/or overstayed their visa.

are necessary and how the policy should be amended. All stakeholders should ensure that any changes are in line with international standards and with laws and regulations in force in Kosovo/UNSC 1244 at the time of the changes.

Although the obligation of states to accept returning nationals is generally accepted to be a norm of international customary law, until now, due to the post-conflict situation and to the specific situation that Kosovo/UNSC 1244 is under the UN administration, the UNMIK allowed only a certain number of returns to Kosovo/UNSC 1244 from a humanitarian point of view.

According to the UN SC Resolution 1244, the UNHCR has the mandate to supervise the safe, dignified, and free return of all refugees and IDPs. It regularly assesses the situation of ethnic minorities and international protection needs of ethnic groups and other categories of persons in Kosovo, and has issued a number of position papers.¹³⁹ The PISG authorities take the UNHCR's views into account, are committed to improving the security situation in Kosovo, and are prepared to readmit persons originating from Kosovo/UNSC 1244 in accordance with international norms.

In principle, no person will be readmitted to Kosovo/UNSC 1244 unless the person has been confirmed to originate from Kosovo. To prepare and readmit its persons, The PISG/ Kosovo/UNSC 1244 authorities will cooperate with the host countries to realize the safe and dignified return of its citizens. Such co-operation will include signing of procedural agreements and eventually, formal readmission agreements with the host countries.

The PISG/Kosovo/UNSC 1244 authorities will seek to reach official agreements with host countries to attain durable return of all residents of Kosovo/UNSC 1244 by implementing readmission procedures and monitoring such to ensure compliance with relevant international human rights standards. At present, while Kosovo/UNSC 1244 has no formal agreements on readmission of Kos-

¹³⁹The most recent UNHCR Position Paper (July 2006) states that the inter-ethnic environment for members of both Ashkali and Egyptian communities has improved and as such, UNHCR considers that persons belonging to these ethnic minorities are no longer at risk. UNHCR does consider, however, the security situation of persons belonging to Kosovo Serbs, Roma, and Albanian in a minority situation as sensitive and therefore warrants continued protection for these categories of persons. In addition, it should be noted that individuals should not be returned to face the risk of torture or cruel, inhuman or degrading treatment or punishment or other violations of their human rights under international human rights law including Article 3 of the European Convention on Human Rights (ECHR), Article 7 of the ICCPR, and Article 3 of the Convention against Torture (CAT). Article 19 (2) of the Charter of Fundamental Rights of the European Union also states, "no one may be removed, expelled or extradited to a state where there is a serious risk that he or she would be subject to the death penalty, torture or other inhuman or degrading treatment or punishment".

ovars denied legal status abroad, it does have Memoranda of Understanding and letters of agreement with Sweden, Switzerland, Germany, and Denmark.

Until the final status of Kosovo/UNSC 1244 is known, no bilateral discussions can be initiated.

Domestic Legal Framework for Legal Reintegration of Repatriated People

- Law on Civil Status Registers adopted by the Assembly of Kosovo/UNSC 1244 (Promulgated by the SRSG through Regulation No. 2005/21 of 7 May 2005)
- Family Law adopted by the Assembly of Kosovo/UNSC 1244 (Promulgated by the SRSG through Regulation No. 2006/7 of 16 February 2006)
- Regulation No. 2000/13 on 17 March 2000 for Central Civil Registry
- Regulation No. 2000/18 on 29 March 2000 for Travel Document
- Administrative Direction No. 2000/5 on 6 April 2000 for the implementation of Regulation No. 2000/13
- Administrative Direction No. 2001/12 on 31 July 2001 for the implementation of Regulation No. 2000/13
- Administrative Direction No. 2001/18 on 31 July 2001 for the implementation of Regulation No. 2000/13
- Administrative Direction No. 2002/6 on 26 March 2002 for the implementation of Regulation No. 2000/18
- Administrative Direction No. 2003/20 on 7 August 2003 for the implementation of Regulation No. 2000/18

Non-return-related legislation

UN Regulation No. 2005/16 – On the movement of foreigners into and out of Kosovo

The regulation sets the legal framework for immigration, i.e., defines the categories of persons who may enter and stay in Kosovo, as well as the required documents for entry.

The following laws have been drafted and sent to the Kosovo/UNSC 1244 Parliament for debate:

- Border Law
- Law on Foreigners
- Asylum Law

For trafficking-related legislation, see Section 6.5.

Labour market and identified skill shortages by sector

Kosovo/UNSC 1244 has a very high rate of unemployment. According to UNDP, it is as high as 55 per cent¹⁴⁰, and according to USAID, it has reached 60-70 per cent¹⁴¹. Estimates by UNMIK range from 35 to 50 per cent, excluding variations due to seasonal work and grey economy. The World Bank gives figures of 23-33 per cent when seasonal and informal work (which is mostly concentrated in the agricultural sector) is taken into account.¹⁴² About 46 per cent of the registered unemployed are women; the number of new female registrations of unemployment increased by 7.4 per cent in 2005.¹⁴³ Among the working age population in 2005, the employment rate among women hovered at about 10-15 per cent, while the employment rate among men in the same age group was about 45-55 per cent. Viewing the situation with a different economic indicator, the labour force participation among men in the same year was around 70 per cent, while among women it was about 30 per cent.

Broken down by age, the largest group of unemployed in 2005 was the age group from 25 to 39 years. However, the highest pressure in terms of unemployment was on the youngest age group, 15-24 years, who experience the lowest monthly outflow rates (0.21%) and the highest average monthly inflow rate (1.02%).¹⁴⁴

From 87 to 91 per cent of the registered unemployed in 2005 were long-term unemployed. A total of 59 per cent of the registered unemployed were “unskilled”. In 2005, there was a reported increase of 7.8 per cent in the number of unemployed among the unskilled, whereas among persons with a university degree, there was a decrease in the level of employment (of -8.5%) in the same 12-month period.¹⁴⁵

Kosovo/UNSC 1244 suffers from under-investment. There are only few exports. Its foreign exchange balance is dominated by imports, despite the potential availability of local goods for export.¹⁴⁶ Common in many post-conflict en-

¹⁴⁰ UNDP Kosovo (2002) *Programming Strategy for the Transition, 2000-2003*, Pristina.

¹⁴¹ USAID (2004) *Kosovo Desk Assessment*.

¹⁴² UNMIK (2007) Kosovo Fact Sheet, see http://www.unmikonline.org/docs/2007/Fact_Sheet_apr_2007.pdf

¹⁴³ Department of Labour and Employment, Ministry of Labour and Social Welfare (2005) *Labour and Employment Performance Report*.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ Department of Private Sector Development Policy (2006) *Observatory of Kosova's SMEs: Survey of 600 SMEs*, p.47

vironments, Kosovo/UNSC 1244 experienced robust, double-digit growth rates in 2000 and 2001, which resulted in the average GDP per capita doubling from less than USD 400 in 2000 to about USD 640 in 2002 and almost USD 790 in 2003. Since then, however, growth has slowed down. The growth that has been recorded has been driven mainly by the large number of new small and medium enterprises concentrated in the construction, service, and retail sectors, especially catering to the international community in and around Prishtinë/Priština. Most firms are organized as sole proprietorships or partnerships, employing less than four people (half having only one employee) and typically engaged in wholesale or retail trade or service activities.¹⁴⁷

Small-scale agricultural production has also rebounded. While contributing approximately 20 per cent of GDP, agriculture provides employment to more than 60 per cent of the population who live in the rural areas.¹⁴⁸ From 1999 through 2005, foreign direct investment has been limited. However, significant investments can be found in the banking sector.

Kosovo's economy has traditionally been dominated by production of primary products, particularly in agriculture, extraction of lignite for power production, and other mineral processing. In contrast, to date, very few firms are involved in significant value-adding activities. Other major sectors of importance include manufacturing (10%), construction (5%), and transport, storage, and communication (14%).¹⁴⁹ Frequent power shortages remain a fundamental constraint to enterprises in all sectors.

While price stability has generally been achieved and inflation rates have dropped from double digits in 2000 to close to zero in 2004, average income has remained low, with the average monthly salary at about EUR 200.

Over half of the Kosovo/UNSC 1244 population is under 25. It is estimated that every year, approximately 30,000 persons reach the age of 18, complete secondary school, and enter the labour market with limited opportunities. According to the World Bank's Poverty Assessment (June 2005), evidence shows that "joblessness is disproportionately concentrated among the unskilled and first-time job seekers, and thus indicates the importance of designing preventive measures to reduce the risk of becoming unemployed among these groups. An aggressive programme needs to be implemented that will raise the skills and education of the population and establish mechanisms to facilitate the transition from school to work."

¹⁴⁷ Ministry of Labour and Social Welfare (2005) *Employment Strategy for Kosovo: 2005-2008*

¹⁴⁸ Ibid

¹⁴⁹ Ibid.

Thus, the changes needed in the labour market are closely related to the demographic structure of Kosovo's population. From 2005 to 2010, almost 200,000 youth will enter the active labour force (reaching the age of 16), while the number of people reaching retirement age (65 years) will be three times lower (about 60,000 people).¹⁵⁰ In an effort to promote empowerment as well as employment of youth, the PISG drafted the Kosovo/UNSC 1244 Youth Action Plan 2007-2010 and the Youth Employment Action Plan 2007-2010. The PISG has been striving to promote access to and better education of the youth (for instance, the 2007 budget for education is EUR 7 million).

Although illiteracy levels in Kosovo/UNSC 1244 have been falling and the overall rates are low (for example, just under 5% of people aged 45 or below are illiterate), the levels are higher among older people (46 and above). There are also significant gender discrepancies with women being three times more likely to be illiterate than men. Illiteracy among young people from ethnic minority groups other than Serbian is also much higher (15% of 18-25 year olds of ethnic minorities, except Serbs, and as much as 22% among 16-17 year olds). Consequently, efforts to improve basic skills in the workforce are a critical element needed in order to reduce overall unemployment and increase the competitiveness of Kosovo's enterprises.¹⁵¹

According to the PISG's MLSW¹⁵², the main deficits among the labour force include:

- Lack of skills (i.e., 59 per cent of unemployed persons are unskilled, with a low level of education attained)
- Small volume of labour market training
- Workforce skills not relevant to a market economy (poor basic skills);
- Low quality of teaching
- Lack of skilled human resources to address economic and social problems;
- Skill mismatches
- Employers see training as a cost rather than as an investment;
- Low demand for adult education
- Insufficient development of formal and non-formal learning opportunities.

Higher levels of traditional basic skills are needed in the current "global economy", together with a wide range of other generic or "new basic skills" (as referred to the EU lifelong learning documentation), including communications and information processing skills, information technology (IT) skills, networking skills, problem-solving abilities, entrepreneurship, and the ability to apply skills in the work place.

¹⁵⁰ Ibid

¹⁵¹ World Bank (2005) *Kosovo Poverty Assessment*

¹⁵² Ministry of Labour and Social Welfare (2005) *Employment Strategy for Kosovo: 2005-2008*

The importance of a well-educated, well-trained workforce cannot be underestimated in a competitive global economy. Although the educational system in Kosovo/UNSC 1244 is undergoing reforms at all levels, there is no close relationship between the demand side of the labour market and the educational reform process.

There are very little data available about the availability of on-the-job training in Kosovo. According to the MLSW, although 80 per cent of employees and managers reported that they need training, less than 25 per cent of them had undertaken any training in the last year. Management training seems to be particularly neglected, with over 70 per cent of owners and managers reporting that they had not participated in any training in the previous 12 months.¹⁵³ Respondents identified IT and financial management as key areas of interest.

Irregular migration routes and policies to address irregular migration

Kosovo/UNSC 1244 is considered to be one of the main gateways for entering Western Europe, especially for those coming from East Europe, Middle East, and Asia. The usual routes adopted are¹⁵⁴:

- For citizens of Turkey, Middle East, and Asian countries: entry into Kosovo/UNSC 1244 through Pristina airport (as no visa is required), then cross over to Serbia through the porous green border and then to Western Europe.
- Albanians enter Kosovo/UNSC 1244 via the border crossing points Vrbnica and Qafa Prushit and continue through the green border to Serbia and then to Western Europe.

Refusal of Entry¹⁵⁵

2005: A total of 287 were denied entry into Kosovo/UNSC 1244 and subsequently deported to Turkey, Albania, India, Pakistan, and Bangladesh.

2006: A total of 362 persons were denied entry into Kosovo/UNSC 1244 and subsequently deported, including 326 Albanians and 36 Turks.

Policies to address trafficking in human beings

Since June 1999, the UNMIK retains ultimate authority over anti-trafficking roles such as police and justice, but is slowly transferring capacity to local

¹⁵³ Ibid

¹⁵⁴ ICMPD (2005) *Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe*.

Note: The figure refers to "foreign citizens discovered at the territory of the Republic of Serbia".

¹⁵⁵ UNMIK Border Police and Kosovo Police Service (KPS) Border Police (February 2007)

institutions. International actors such as IOM and the OSCE conduct anti-trafficking efforts in cooperation with the UNMIK and the PISG, as well as local and international NGOs.

In 2006, the PISG took on greater responsibility for anti-trafficking, with the police anti-trafficking unit transitioning from the UNMIK Civilian Police to the KPS. Kosovo/UNSC 1244 criminally prohibits sex and labour trafficking in the Provisional Criminal Code of Kosovo, which came into effect in 2004.

All victims are provided shelter and access to legal, medical, and psychological services, and have the possibility to obtain residence permits, or to opt for return. The PISG provides 24-hour protection to victims and allows anonymous testimony in cases where the victim's safety is at risk. In 2006, the Victims' Advocacy and Assistance Unit moved from the UNMIK Department of Justice to the new Ministry of Justice. In 2006, the Ministry of Justice's Victims' Advocacy assisted 35 victims of trafficking whereas IOM assisted 30 with repatriation, of whom 51 per cent were Moldovans. Funding for shelters remained inadequate. "Shelters usually lack the human and financial resources to develop and effectively manage either long-term reintegration efforts for Kosovar victims or for programmes to reduce vulnerability, i.e., protection or prevention, in their communities. Of local victims referred to a shelter, about 90 per cent are simply returned home after only a few days. There is a pressing need for improving the services shelters can provide such as family mediation, dealing with domestic violence, social and financial aid, and awareness raising for those who do not understand trafficking. Shelters also lack the means for long-term sustainability, relying mostly on the biggest donors and NGOs, some of whom abruptly terminate assistance".¹⁵⁶

Most anti-trafficking campaigns are run by international organizations and NGOs with the PISG's support. IOM and the Ministry of Justice sponsor anti-trafficking hotlines. Supported by IOM, the MEST has circulated information brochures in primary and secondary schools and introduced counter-trafficking information in school curricula. Kosovo/UNSC 1244 has named a national anti-trafficking coordinator and adopted a Kosovo/UNSC 1244 Action Plan in 2005.

At the same time, when implementing counter-trafficking activities, IOM has been trying to address the following gaps and challenges, such as the insufficient empowerment initiatives for girls and women, other government priorities (Kosovo/UNSC 1244 status, economic development, minorities), and the absence

¹⁵⁶ USAID [2008]. Problem Statement, Request for Application Number: 167-08-006. Kosovo Anti-Trafficking Program (KAP) [February 2008]

of specialized shelters for domestic VoTs. Through its projects, such as Capacity Building and Prevention Activities in Kosovo/UNSC 1244 and the former Yugoslav Republic of Macedonia, IOM has been trying to address the following.

Prevention-related:

- Lack of government/public funds for awareness raising initiatives
- Insufficient community-based programmes
- Misperceptions of the trafficking phenomena

Protection/Victim assistance-related:

- Weak/centralized (and law enforcement-based) referral system
- Shelters unwilling to take in cases without prior police referral
- Shelters lacking the capacity to handle cases with severe security, mental/behavioural, or medical problems
- No long-term programmes for VoT assistance and empowerment
- Limited capacities of Centres for Social Welfare (CSW)
- Overlapping competencies, fragmentation of actions
- Confusion among SOP partners about each other's roles in the process of VoT assistance.

Policies to address trafficking

A Kosovo/UNSC 1244 Plan of Action to Combat Trafficking 2005-2007 is in place and the Advisory Office for Good Governance at the Prime Minister's Office is the leading agency for the coordination of the anti-trafficking response in Kosovo. An inter-instructional working group has been established to ensure the drafting of policies as well as the Plan's implementation and coordination of activities. The second Plan of Action, covering the period 2008-2010, is now being drafted by a working group composed of local and international stakeholders.

IOM and others have provided comprehensive trainings on prevention, protection, and prosecution for government and non-government bodies involved in counter-trafficking. Law enforcement officers have also been trained by IOM, and training manuals have been developed. Through various IOM initiatives, a pool of trainers has been created at the police, as well as in the Ministries of Education, Justice, Labour and Social Welfare, Health, and Institute of Public Health.

Kosovo-wide information campaigns targeting community, youth, vulnerable groups, traffickers/recruiters, and clients have also been implemented by IOM in cooperation with the PISG or NGOs, as well as by other international organizations or NGOs.

The cooperation between IOM and MEST has ensured that trafficking-related information has been included in over 100 schools throughout Serbia through cross-curricular interventions. Trafficking-related information was also added to the Life Skills Programme of United Nations Children's Fund (UNICEF), as provided by IOM.

Refugees, asylum seekers and internally displaced persons in the country, and policies in place

The UN Security Council Resolution No. 1244 of 10 June 1999 reaffirmed the right of all refugees and displaced persons to return to their homes in safety, and granted the UNMIK the mandate, *inter alia*, to assure the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo. In 2003, the UNMIK and the PISG placed sustainable return and the protection of the rights of minority communities among the critical standards to assess progress in Kosovo/UNSC 1244 (*Standard IV. Sustainable Returns and the Rights of Communities and their Members & Standard VII. Property Rights*). Yet, the number of returns continued to be “disappointingly low”¹⁵⁷ according to the UN SRSG. There is, therefore, a strong need for additional support for the sustainable return of refugees and displaced persons to Kosovo, as the return issue remains of significant regional importance. Such support can make a crucial contribution towards creating an environment in Kosovo/UNSC 1244 that is more conducive to the absorption and socio-economic reintegration of returnees, which supports the further stabilization and development of Kosovo/UNSC 1244 as a whole in the longer term.

According to the UNMIK Kosovo/UNSC 1244 Fact Sheet issued in April 2007, the total number of voluntary minority returns is estimated at 16,458 with 1,622 persons returned in 2006.¹⁵⁸ In addition, UNHCR statistics¹⁵⁹ indicate that 15,682 members of Kosovo's ethnic minority communities were returned between 2000 and September 2006. They represent slightly over six per cent of the total minority population estimated to live in Kosovo, which amounts to 250,000 people, according to currently used official figures. The majority remains displaced in Serbia and in Montenegro, with smaller numbers in the former Yugoslav Republic of Macedonia, and Bosnia and Herzegovina. In 2005, 2,126 ethnic minority members came back to Kosovo/UNSC 1244, representing a decrease compared to 2004, with 2,469 returns, and a significant reduction in contrast to

¹⁵⁷ UNSRSG address to the UNSC on 27 May 2005.

¹⁵⁸ http://www.unmikonline.org/docs/2007/Fact_Sheet_apr_2007.pdf

¹⁵⁹ UNHCR Kosovo (2006) *Statistics on Minority Voluntary Return to Kosovo, as of September 30, 2006*

2003, when 3,801 ethnic minorities came back to Kosovo.¹⁶⁰ The decrease in returns is strongly connected to the violent events of 17 March 2004, which regressed conditions for ethnic minorities to a state they had not been at in years and brought back inhibiting factors including unstable security conditions and a sharply decreased freedom of movement, combined with the persistent burdens of unemployment and lack of income-generating opportunities.

Limited employment and income-generating opportunities are considered to be among the main factors accounting for the relatively low figures of return. Despite the considerable achievements of the UNMIK, the PISG, and international and local NGOs in stabilizing and reconstructing post-conflict Kosovo, the challenges of economic development and poverty reduction remain enormous.¹⁶¹ The extremely high rate of unemployment, which according to UNHCR is “estimated at over 50%”¹⁶² (see also Section 6.1), remains one of the most debilitating and widespread problems facing both residents and returnees. However, vulnerable populations, such as returnees and especially returning members of ethnic minority communities, experience these precarious socio-economic conditions even more intensely, as they still are confronted with varying levels of prejudice and discrimination. Compounding the situation, the freedom of movement of some ethnic minority communities continues to be restricted as a result of the unstable security situation. In addition, ethnic minorities often return to isolated villages, which have a very limited absorption capacity due to their remote locations and disadvantaged socio-economic conditions, with limited possibilities for income generation.

Low return levels are also related to the hostile attitude (both real or perceived) of the receiving community, limited access to housing and agricultural land, limited availability of public services for minorities, and persistent lack of a functioning infrastructure. Moreover, the unresolved political status of Kosovo/UNSC 1244 continues to concern both potential returnees and communities in Kosovo/UNSC 1244.

In the short to medium term, the central challenge is to foster an environment that provides incentives to displaced persons to return and to motivate ethnic minorities already residing in Kosovo/UNSC 1244 to remain and invest in their future here. This objective must also be pursued with concrete responses for creating sustainable income-generating opportunities not only for returnees but also for members of the receiving communities they come back to. This neces-

¹⁶⁰ http://www.unmikonline.org/docs/2007/Fact_Sheet_apr_2007.pdf

¹⁶¹ World Bank (2005) *Kosovo Poverty Assessment. Promoting Opportunity, Security and Participation for All*.

¹⁶² UNHCR (2006) *Position Paper on the Continued International Protection Needs of Individuals from Kosovo*.

sarily implies balancing the intervention to include assistance measures for the population already residing in the area.

Projects and programmes on migration and development

The objective of the Temporary Return of Qualified Nationals (TRQN) project, one of IOM Kosovo's on-going initiatives¹⁶³ funded by the Government of the Netherlands, is to contribute to the Kosovar post-war reconstruction by supporting the development of the enhanced capacity in selected sectors, such as education, health, and infrastructure development, as well as within the government through the sharing of expertise of qualified Kosovars who temporarily return from the Netherlands.

In an effort to further enhance capacities and indirectly prevent brain drain, the EU through the EAR offers scholarships to Kosovars for Master's programmes in European issues at various European universities through the *Young Cell Scheme*. Frequently pursued studies include Political Sciences, Economics, and European Studies. Students receive their grants under the condition that upon their return, they will work with Kosovo's government for at least three years. More than 60 scholarships have been awarded since 2004 as part of the EU-funded programmes to enhance the ability of the Kosovo/UNSC 1244 institutions to adopt EU standards and policies. In the course of the next years, the EU has pledged to continue supporting young professionals under its new Instrument of Pre-Accession Assistance (IPA) programme for Kosovo.

Between 2000 and 2006, the EU provided nearly EUR 1.1 billion in assistance to Kosovo/UNSC 1244 under the CARDS programme, managed by the EAR on behalf of the European Commission. In 2007, IPA replaced the CARDS programme.

Other initiatives include the EAR-funded and UNDP-implemented Capacity Building for European Integration, whereby international as well as local experts are employed to work with various institutions, including ministries. Among international experts, there have been a few Kosovo/UNSC 1244 Albanians with citizenship of EU member states who have been seconded to various institutions.

¹⁶³ Funded by the Ministry of Interior of the Dutch Government, this project received a three-month no-cost extension on 31 March 2008, resulting in its continued implementation until 30 June 2008. The project was originally planned to last 24 months (two years) and commenced in April 2005.

The Capacity Building Facility for Kosovo/UNSC 1244 (CBF) (<http://www.cbf-ks.org>) is a joint initiative between the UNDP and Kosovo's Foundation for Open Society (KFOS), endorsed by the OPM and financed by the Norwegian MFA. It was initiated in 2004. In light of the need for expertise within the nascent Kosovo's institutions, CBF addresses gaps in ministries, government agencies, and municipalities by seconding experts to provide a combination of on-the-job coaching and advisory services. The CBF experts come from Kosovo/UNSC 1244, the Balkan region, and abroad. In fact, the support of the diaspora Kosovars has been sought in particular.

Other important migration actors in Kosovo/UNSC 1244

The following information comes from the "Revised Manual for Sustainable Return" (2006)¹⁶⁴ as well as corresponding websites of the organizations described.

International Organizations

The **European Agency for Reconstruction (EAR)** (<http://www.ear.europa.eu/kosovo/kosovo.htm>) manages a cumulative portfolio of some EUR 1.1 billion in different projects and programmes across Kosovo/UNSC 1244, 93 per cent of which has already been contracted. In June 2006, EAR was able to bring the amount of EU funding under contract in Kosovo/UNSC 1244 to over EUR 1 billion. In 2005, it was given responsibility for EUR 77 million of European Commission assistance funds for Kosovo/UNSC 1244. EAR continues to assist the PISG, the Assembly, and the municipalities in drafting and implementing coherent policies, strategies, and EU-compatible legislation. Assistance also focuses on advancing economic reform and reducing unemployment, for the benefit of all of Kosovo's communities. EAR continues to support the return and reintegration of minorities to help build the foundations of a multiethnic society in Kosovo/UNSC 1244.

The **Danish Refugee Council (DRC)** (<http://www.drc.dk/>) has been present in Kosovo/UNSC 1244 since the beginning of the armed conflict in 1998. Its main objective in Kosovo/UNSC 1244 is to contribute to the return and reintegration of IDPs and refugees and to the prevention of renewed conflict in Kosovo/UNSC 1244. This is done by ensuring that the IDPs are presented with a free and informed choice when deciding on a solution for their future, and by facilitating the return and reintegration in Kosovo/UNSC 1244 for those who wish to return. DRC is involved in the return process every step of the way, from the

¹⁶⁴ http://www.unmikonline.org/srsg/orc/documents/Manual_ENG.pdf

initial decision to return to the actual resettlement place of origin and reintegration into the community.

As a North Atlantic Treaty Organization (NATO)-led international force, the **Kosovo Force (KFOR)** (<http://www.nato.int/kfor/>) is responsible for establishing and maintaining a secure environment in which refugees and displaced persons can return home in safety, as stipulated in the UN Security Council Resolution 1244. It is therefore responsible for all security matters that arise in the return processes.

The **Organization for Security and Co-operation (OSCE)** Mission in Kosovo/UNSC 1244 (<http://www.osce.org/kosovo>), the largest OSCE field operation, forms a distinct component of the United Nations Interim Administration. It is mandated with institution and democracy building and promoting human rights and the rule of law. It plays a key role in creating an environment in which sustainable returns can occur. Its Department of Human Rights and Rule of Law as well as its Department of Democratization make efforts to ensure the compliance of Kosovar legislation with international human rights standards. In the context of return process, OSCE supports inter-ethnic dialogue; monitors and reports human rights violations; advises authorities on measures to address any concerns in the human rights' field; contributes to institution building; and conducts outreach and public awareness activities in the area of human rights and rule of law.

The **International Organization for Migration (IOM)** in Kosovo/UNSC 1244 (<http://www.iomkosovo.org>) has been among the three largest IOM missions worldwide since its inception in June 1999. It has joined the efforts of the international community in developing a durable peace process and assisting the population in rebuilding their lives and working for the future. IOM's strategy, consistent with that of the UNMIK, had to go beyond short-term reconstruction and rehabilitation efforts, whereby long-term development is supported bearing in mind that programmes on the return and reintegration process cannot be separated from decisive socio-economic factors such as social services, employment opportunities, civil society development, and the rule of law.

The mandate of the **United Nations High Commission for Refugees (UNHCR)** (<http://www.unhcr.org>) is to protect refugees and to find durable solutions to refugee situations. In Kosovo, the UNHCR works for the creation of conditions conducive to return. It oversees the return process and plays a central role in making and implementing return policies at all levels, central, local, and regional.

After the initial period of post-war reconstruction, the **United Nations Development Programme (UNDP)** (<http://www.kosovo.undp.org>) has helped establish and develop local institutions. It strives to improve the strength of Kosovo's institutions, enhance people's everyday security, and improve environmental sustainability. UNDP helps to develop and research policies. It provides statistics and advocates solutions for organizations that need them. Within its Returns Programme, UNDP's responsibilities include the Sustainable Partnership for Assistance to Minority Returns to Kosovo (SPARK) Individual Returns (IR) Facility. Since 2003, UNDP has been responsible for managing this only facility in Kosovo/UNSC 1244 that provides appropriate support to individual spontaneous minority returnees to their place of origin. This was initially done through the Rapid Response Returns Facility (RRRF), which developed into the SPARK IR Facility in October 2005. Support is rendered to beneficiaries through three service lines: housing assistance, socio-economic support, and community development.

The **United Nations Mission in Kosovo (UNMIK) EU Pillar/UNMIK IV Pillar** (<http://www.euinkosovo.org>) is engaged in modernizing the economic framework of Kosovo/UNSC 1244 by developing the structures and instruments on which the market economy is based. It is responsible for areas ranging from customs and fiscal affairs, to privatization and banking. It also provides capacity building through cooperation with ministries involved in economic development and promotes Kosovo's integration into various regional and European economic structures.

The **UNMIK Police** and the **Kosovo Police Service (KPS)** are the law enforcement authorities in Kosovo/UNSC 1244. Pursuant to Security Council Resolution 1244, UNMIK has provided temporary law enforcement by maintaining an international police presence and establishing a professional, independent, and multi-ethnic local police force, the KPS. The UNMIK Police and the KPS focus on maintaining public order, crime prevention, and border and immigration controls. The KPS plays a role in maintaining effective security for returnees and visiting IDPs/refugees, enforcing the restitution of residential property rights, and helping to ensure freedom of movement for minorities.

NGOs/Non-profit organizations

There are a limited number of local NGOs that are part of the slowly emerging civil society in Kosovo/UNSC 1244 and that are focused on the needs of returnees, IDPs, and/or refugees. The following NGOs are the most involved in migration issues:

The **NGO Returns Coordination Group (NRCG)** is a central body addressing the return process and is responsible for coordination and transparency of approaches of local and international NGOs. It functions as a forum that holds regular monthly meetings.

The **Centre for Research of Migration and Helping Refugees (CRM-HR)** provides aid for activities aimed at stopping further emigration from Kosovo and the region to other countries as well as providing professional reintegration assistance during the return and re-socialization of returnees, refused asylum seekers, and refugees. Its areas of focus and potential partnership include: organizing and conducting trainings, in cooperation with partner organizations, in different fields, as per returnees' needs; collecting and providing information for better and easier reintegration of returnees and assistance in social reintegration; disseminating information on migration, migrant's rights, and refugees' issues through manuals, books, periodical newspaper, and other written materials; and organizing round tables, tribunes, seminars, conferences, and TV campaigns in support of easier reintegration of returnees.

The **Civil Rights Programme – Kosovo (CRP/K)** (<http://www.crpkosovo.org>) is a network of offices within Kosovo/UNSC 1244—in Prishtinë/Priština, Pejë/Peć, Gjilan/Gnjilane, Mitrovicë/a (north and south), and Prizren (with satellite offices in Gračanica/Gračanicë, Strpce/Shtërcë, Gjakovë/Djakovica, Klinë/a and Istog/k)—providing free legal information and assistance to individuals on issues related to the situation of refugees, IDPs, returnees, and vulnerable local residents. It also provides support to UNHCR's activities in Kosovo/UNSC 1244.

The **Council for Defense of Human Rights and Freedoms (CDHRF)** works to defend and promote human rights and freedom by investigating and testifying on human rights violations and demanding from all actors who exercise power to reject abusive practices and respect international principles on human rights and freedom. Its areas of focus and potential partnership include: conducting training activities and different courses through partner organizations, such as vocational trainings, foreign languages courses and computer skills; providing educational seminars on the human rights of migrants and human rights in general; and providing legal assistance and support, counseling, and social support to migrants.

The **Kosovar Civil Society Foundation (KCSF)** promotes the strengthening of local civil initiatives by providing information, different services, training, as well as grants to NGOs, individuals, and other relevant civic institutions in all

sectors of civil society. Its areas of focus and potential partnership include: capacity building training for civil society organizations and individuals; strengthening civil society by providing appropriate training and support to NGOs, individuals, and other civil society institutions; and assistance in completing education (including facilitating enrollment in the respective schools as well as providing books and financial assistance in transport costs).

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