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za ljudska prava

Slavica Milojević

PRAVO MIGRANATA NA SOCIJALNU ZAŠTITU U REPUBLICI SRBIJI

RIGHT OF MIGRANTS
TO SOCIAL PROTECTION
IN THE REPUBLIC OF SERBIA

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SADRŽAJ

I.	PREDGOVOR	9
II.	Pravo na socijalnu sigurnost.....	12
III.	Socijalna sigurnost u Srbiji	16
IV.	Socijalna zaštita migranata u Srbiji	19
V.	Socijalna integracija migranata	24
VI.	Socijalna uključenost migranata	29
VII.	Stavovi stručnjaka i izazovi s kojima su suočeni	32
VIII.	Preporuke za unapređenje prakse	35

TABLE OF CONTENTS

I.	FOREWORD	37
II.	Right to Social Security	40
III.	Social Security in Serbia	44
IV.	Social Protection of Migrants in Serbia	48
V.	Social Integration of Migrants	53
VI.	Social Inclusion of Migrants	59
VII.	Views of Social Service Caregivers and the Challenges They Face	62
VIII.	Recommendations on Improving the Practice	65



PREDGOVOR

Svake godine stotine hiljada migranata dolazi u Evropu, od kojih mnogi prođu kroz Republiku Srbiju. Na teritoriji Srbije najčešće se zadržavaju kraće od godinu dana, a manji broj odlučuje da tu i ostane. Dobro organizovane i koordinisane usluge i mere socijalne zaštite koje se pružaju u lokalnoj zajednici u kojoj se nalaze migranti jesu preduslov za unapređenje socijalne zaštite migranata i za njihovu socijalnu uključenost.

Države sveta, uključujući Srbiju, potvrdile su svoju privrženost jednakoj socijalnoj zaštiti usvajanjem Globalnog kompakta o sigurnim, uređenim i regularnim migracijama. Tim dokumentom, usvojenim 2018. godine, države su istakle opredeljenje da uspostave i održe nacionalne sisteme na bazi nediskriminacije, uključujući osnovnu socijalnu zaštitu za državljane i migrante, u skladu s Preporukom 202 Međunarodne organizacije rada.

Ova publikacija je nastala u okviru projekta Beogradskog centra za ljudska prava – „Ka održivom modelu zaštite ranjivih kategorija migranata u Srbiji”, koji su podržale Međunarodna organizacija za migracije (IOM) i Vlada Švajcarske. Projekat predstavlja deo šireg programa švajcarsko-srpskog migracionog partnerstva, nastalog na osnovu izraženih potreba nadležnih institucija Republike Srbije. Cilj programa je da doprinese jačanju i unapređenju socijalne zaštite migranata u Srbiji kroz povećanje dostupnosti i kvaliteta socijalnih usluga i programa podrške u lokalnim zajednicama.

Cilj projekta Beogradskog centra za ljudska prava je širenje usluga zaštite u zajednici, koje se pružaju ugroženim migrantima.

ma kroz izgradnju kapaciteta centara za socijalni rad, opštinskih kancelarija za mlade i drugih aktera. Poboljšanjem pristupa i dostupnosti usluga socijalne zaštite i programa zaštite u zajednici, migrantska populacija će biti manje ugrožena i verovatnije će se integrisati u srpsko društvo.

Postojeći modeli socijalne zaštite su procenjivani kroz participativno istraživanje, čiji su rezultati predstavljeni u ovoj publikaciji. Istraživanje je usmereno kako na migrante tako i na pružače usluga, s fokusom na ugrožene grupe i s pažnjom na rodno osjetljiva pitanja. Krajni cilj je kreiranje modela održive strategije za bolju koordinaciju usmerenu na lokalnu zaštitu i pružaoce psihosocijalnih usluga, uključujući centre za socijalni rad, kancelarije za mlade, nevladine organizacije i institucije. Strategija će ponuditi predloge za mehanizme saradnje među različitim državnim institucijama koje su uključene u sistem zaštite migranata.

Autorka publikacije je Slavica Milojević, socijalna radnica i psihoterapeutkinja, rukovoditeljka Odeljenja za informisanje, promociju i podršku u Republičkom zavodu za socijalnu zaštitu. Autorka je brojnih istraživanja i analiza iz oblasti demografskih trendova i socioekonomskog razvoja, socijalne inkluzije, zaštite dece migranata i građanske participacije ranjivih kategorija. Pre Republičkog zavoda za socijalnu zaštitu radila je u Komesarijatu za izbeglice (1992–1995), Crvenom krstu i republičkom Ministarstvu za porodičnu zaštitu. Radila je kao ekspertkinja na projektima organizacija i tela Ujedinjenih nacija. Predsednica je opštinskog odbora Crvenog krsta Savski venac, osnivačica mreže istraživača socijalnog razvoja, članica Udruženja stručnih radnika socijalne zaštite Srbije i Društva socijalnih radnika Srbije. Angažovana je i kao gostujuća predavačica na Univerzitetu u Nišu.

„Sva ljudska bića rađaju se slobodna i jednaka u dostojanstvu i pravima. Ona su obdarena razumom i svešću i treba jedni prema drugima da postupaju u duhu bratstva.“

„Svakom pripadaju sva prava i slobode proglašene u ovoj Deklaraciji bez ikakvih razlika u pogledu rase, boje, pola, jezika, veroispovesti, političkog ili drugog mišljenja, nacionalnog ili društvenog porekla, imovine, rođenja ili drugih okolnosti. Neće se praviti nikakva razlika na osnovu političkog, pravnog ili međunarodnog statusa zemlje ili teritorije kojoj neko lice pripada.“

*Univerzalna deklaracija o ljudskim pravima,
članovi 1 i 2*



PRAVO NA SOCIJALNU SIGURNOST

Pravo na socijalnu sigurnost je jedno od temeljnih ljudskih prava. Podrazumeva preuzimanje različitih mera radi garantovanja osnovnih životnih potreba osoba iz najugroženijih delova jednog društva. Socijalna sigurnost je sadržana kao ljudsko pravo u Univerzalnoj deklaraciji o ljudskim pravima (1948) i Međunarodnom paktu o ekonomskim, socijalnim i kulturnim pravima (1966), kao i u konvencijama usvojenim pod pokroviteljstvom UN koje artikulišu prava određenih grupa. Ratifikacijom Međunarodnog pakta o ekonomskim, socijalnim i kulturnim pravima, Republika Srbija je preuzela obavezu da obezbedi socijalnu sigurnost kroz mere socijalne zaštite.¹ To mogu da budu novčane ili druge mere koje omogućavaju osobama i porodicama da dobiju bar osnovnu zdravstvenu zaštitu, elementarne uslove života i smeštaja, vodu i kanalizaciju, hranu, kao i osnovno obrazovanje.²

Prema stavu Komiteta za ekonomska, socijalna i kulturna prava, sistem za garantovanje socijalne sigurnosti mora da bude dostupan i održiv.³ Zatim, mora da obezbedi pokrivanje devet osnovnih oblasti, a to su: zdravstvena zaštita, bolest, starost, nezaposlenost, povrede na radu, porodica i izdržavanje dece, ma-

-
- 1 Član 9 Međunarodnog pakta o ekonomskim, socijalnim i kulturnim pravima.
 - 2 Komitet za ekonomska, socijalna i kulturna prava, *Opšti komentar br. 19: Pravo na socijalnu sigurnost (član 9)*, E/C.12/GC/19, 4. februar 2008. godine, paragraf 59(a). Dostupno na: <https://bit.ly/2KOhkXz>.
 - 3 *Ibid.*, paragraf 11.

terinstvo, invaliditet, žrtve nasilja i deca bez roditeljskog staranja.⁴ Nadalje, socijalna davanja moraju biti adekvatna u iznosu i trajanju, da bi svako mogao da ostvari pravo na zaštitu i pomoć porodici, adekvatan standard življenja i adekvatan pristup zdravstvenoj zaštiti, u skladu s članovima 10, 11 i 12 Međunarodnog pakta o ekonomskim, socijalnim i kulturnim pravima.⁵ Konačno, svako mora da bude pokriven sistemom socijalne sigurnosti, naročito najugroženije i najmarginalizovane grupe, i to bez ikakve diskriminacije, a uslovi za ostvarenje prava moraju biti razumni, proporcionalni i transparentni.⁶

Budući da je usmerena na obezbeđivanje adekvatnih uslova za život pojedinaca, porodica i društvenih grupa, socijalna sigurnost je višestruko uslovljena prirodnim i društvenim, makro i mikro uslovima koji se međusobno prožimaju i obezbeđuju ili destabilizuju socijalnu sigurnost. Pravo na socijalnu sigurnost je zato osnovni preduslov za ostvarivanje ostalih ljudskih, građanskih i političkih prava. Iako je država obavezana međunarodnim i unutrašnjim pravom da garantuje pravo na socijalnu sigurnost, ta pozitivna obaveza države se u javnosti često prepoznaje kao svojevrsni teret, kao obaveza koju je teško realizovati, kao „gutač nacionalnog budžeta“ ili „najveći društveni rasipnik“. Taj negativni odnos prema socijalnoj sigurnosti nastao je kao posledica niškog ili negativnog ekonomskog rasta, porasta nezaposlenosti, uz istovremeno produžavanje životnog veka stanovništva i time sve izraženijih potreba za dugotrajnom zdravstvenom zaštitom značajnog dela stanovništva. Problem je prisutan i u razvijenim zemljama, a posebno dobija na težini u zemljama u razvoju, koje su s jedne strane suočene s porastom socijalnih i finansijskih problema, a s druge s nedovoljnim nacionalnim dohotkom i smanjenim mogućnostima da reše te probleme.

Takva situacija u velikoj meri objašnjava prisutnu „krizu socijalne sigurnosti“, odnosno krizu osnovne paradigme na kojoj počiva socijalna sigurnost, a to je načelo solidarnosti i uzaja.....

4 *Ibid.*, paragrafi 12–21.

5 *Ibid.*, paragraf 22.

6 *Ibid.*, paragrafi 23–24.

mnosti. Otuda, ako se socijalna sigurnost vidi negativno, odnosno ako se posmatra samo s aspekta izdataka koje je potrebno izdvojiti za nju, onda će socijalna sigurnost građana biti shvaćena kao opštedoruštveni teret. Zato je od posebnog značaja osigurati široko razumevanje prednosti koje donosi socijalna sigurnost, i to ne samo onima koji su njeni direktni korisnici, nego društvu u celini. Primera radi, adekvatna, blagovremena i široko dostupna zdravstvena zaštita doprinosi sprečavanju širenja zaraznih bolesti i poboljšava zdravstveni status cele zajednice; naknade za nezaposlenost i davanja namenjena najugroženijim osobama doprinose sprovođenju međunarodnopravnih obaveza, kao i održavanju ravnoteže između proizvodnje i potrošnje; penzije za starije građane predstavljaju izvor materijalne sigurnosti, ali i izvor dostojanstva u starosti i dr.

Prema tome, neophodno je osigurati široko razumevanje činjenice da socijalna sigurnost nije dobra volja države već pozitivna obaveza koju je država preuzeila ratifikacijom Međunarodnog pakta o ekonomskim, socijalnim i kulturnim pravima, Revidirane evropske socijalne povelje, ali i usvajanjem niza zakona Republike Srbije kojima se garantuju različiti aspekti socijalne sigurnosti. Istinski indikator uspešnosti društva je njegova sposobnost da ne isključuje svoje članove i da čuva ljudsko dostojanstvo, a upravo sistem socijalne sigurnosti predstavlja osnov za punu socijalnu uključenost svih građana.

Socijalna sigurnost se obezbeđuje kroz programe i mere socijalnog osiguranja i sistem socijalne zaštite. Socijalno osiguranje se uspostavlja kao obavezno ili dobrovoljno, zasniva se na doprinosima i omogućava osiguranicima i članovima njihovih porodica da, u slučaju nastupanja definisanog socijalnog rizika, obezbeđuju naknade koje su izvor njihove socijalne sigurnosti. Najčešći rizici koje pokriva socijalno osiguranje uključuju privremeno ili trajno smanjenje ili gubitak radne sposobnosti ili dohotka, starost, bolest, gubitak hranioca, nesreće na poslu i nezaposlenost. Kroz sistem socijalne zaštite, država novčanim davanjima ili pružanjem usluga socijalne zaštite pomaže građanima suočenim s ekonomskim teškoćama ukoliko, po osnovu rada i socijalnog osiguranja ili drugih izvora, nemaju prihode ili imaju nedovoljna

sredstva za podmirivanje osnovnih životnih potreba. Novčana davanja ili usluge socijalne zaštite dodeljuju se na osnovu procene ukupnog imovinskog stanja pojedinca ili porodice. Prema tome, funkcija socijalne zaštite je prevencija, odnosno prevaziлаženje socijalne isključenosti i unapređenje poštovanja ljudskih prava marginalizovanih društvenih grupa i pojedinaca.

Socijalna zaštita ima pet komponenti:

- a) politike tržišta rada i programi koji podstiču zapošljavanje i promovišu efikasnost tržišta rada;
- b) programi socijalnog osiguranja radi ublažavanja rizika vezanih za nezaposlenost, zdravlje, invalidnost, nesreću na poslu i starost;
- c) socijalna pomoć i programi socijalnih usluga za najranjivije društvene grupe i pojedince koje nemaju drugih izvora podrške;
- d) mikro i lokalni programi radi rešavanja problema ranjivih pojedinaca i grupa na nivou lokalne zajednice i
- e) zaštita dece radi osiguranja njihovog budućeg zdravog i produktivnog razvoja.



SOCIJALNA SIGURNOST U SRBIJI

Ustavom Republike Srbije se jemči pravo na socijalnu zaštitu.⁷ Građani i porodice kojima je neophodna društvena pomoć radi savladavanja socijalnih i životnih teškoća i stvaranja uslova za zadovoljavanje osnovnih životnih potreba, imaju pravo na socijalnu zaštitu, čije se pružanje zasniva na načelima socijalne pravde, humanizma i poštovanja ljudskog dostojanstva.⁸ To pravo, kao i ostala prava proglašena ustavom, garantuje se bez diskriminacije svim osobama koje borave na teritoriji Republike Srbije.⁹

Socijalna sigurnost se obezbeđuje u Srbiji kroz sistem socijalne zaštite, sistem zaštite deteta i porodice i kroz penzijsko i invalidsko osiguranje. Ciljevi socijalne zaštite – kako su definisani Zakonom o socijalnoj zaštiti¹⁰ – uključuju dostizanje ili održavanje minimalne materijalne sigurnosti i nezavisnosti u zadovoljenju životnih potreba građana, obezbeđivanje dostupnosti usluga i ostvarivanje prava u socijalnoj zaštiti, stvaranje jednakih mogućnosti, podsticanje socijalne uključenosti, očuvanje i unapređenje porodičnih odnosa, kao i prevenciju zlostavljanja, zanemarivanja i eksploracije, odnosno otklanjanje njihovih posledica.¹¹ Ti ciljevi se ostvaruju pružanjem usluga socijalne zaštite i drugim aktivnostima koje predupređuju, umanjuju ili otklanjaju zavisnost pojedinaca i porodica od socijalnih službi.¹²

.....
7 *Sl. glasnik RS*, br. 98/06.

8 Član 69 Ustava.

9 Član 17 Ustava.

10 *Sl. glasnik RS*, br. 24/11.

11 Zakon o socijalnoj zaštiti, član 3, stav 1.

12 *Ibid.*, član 3, stav 2.

Socijalna zaštita u Srbiji se ostvaruje kroz materijalna davanja ili kroz pružanje usluga socijalne zaštite. Materijalna davanja namenjena su pojedincima i porodicama koji trajno ili trenutno nemaju sredstava da podmire osnovne životne potrebe. Davanja se obezbeđuju iz budžeta i razlikuju se prema ciljevima (smanjenje siromaštva, usklađivanje rada i roditeljstva, podsticanje rađanja, dugotrajna nega), prema ciljnim grupama (deca i mлади, materijalno neobezbeđeni, osobe s invaliditetom, porodice s novorođenom decom, stariji) i prema mehanizmima obuhvata ciljnih grupa (uz proveru materijalnog stanja i univerzalni programi). Osnovni oblik materijalne pomoći socijalno ugroženim pojedincima i porodicama je pravo na novčanu socijalnu pomoć, koja se isplaćuje mesečno. Pored tog prava, materijalna davanja obuhvataju pravo na dodatak za tuđu negu i pomoć, uvećani dodatak za tuđu negu i pomoć (oba dodatka su namenjena zaštiti osoba s invaliditetom), pomoć za osposobljavanje za rad i jednokratnu materijalnu pomoć.

Usluge socijalne zaštite obuhvataju usluge procene i planiranja, kao i usluge direktnog socijalnog rada koje proizlaze iz procene potreba korisnika. Prema članu 40 Zakona o socijalnoj zaštiti, usluge socijalne zaštite su razvrstane u pet grupa usluga: 1) usluge procene i planiranja, 2) dnevne usluge u zajednici, 3) usluge podrške za samostalan život, 4) savetodavno-terapijske i socijalno-edukativne usluge i 5) usluge smeštaja. Prema nadležnosti za njihovo uspostavljanje i finansiranje, usluge se dele na one koje se obezbeđuju iz budžeta Republike Srbije, odnosno Autonomne pokrajine (usluge procene i planiranja, rezidencijalni i porodični smeštaj, skloništa za žrtve trgovine ljudima i zaštićeno stanovanje za osobe s invaliditetom, osim u najrazvijenijim gradovima i opštinama) i na one za čije je uspostavljanje i finansiranje nadležna lokalna samouprava (dnevne usluge u zajednici, usluge podrške za samostalan život, socio-edukativne i savetodavno-terapijske usluge).

Za zadovoljavanje potreba jedne ciljne grupe, kao i jednog korisnika, postoji mogućnost pružanja više usluga, koje se međusobno dopunjavaju u efektima koje ostvaruju. Sve usluge socijalne zaštite mogu da se pružaju kao povremene, privremene i kontinuirane, u skladu s potrebama i najboljim interesima korisnika.

„Svako, kao član društva, ima pravo na socijalno osiguranje i pravo da ostvaruje prijedra, društvena i kulturna prava neophodna za svoje dostojanstvo i za slobodan razvoj svoje ličnosti.“

*Univerzalne deklaracije o ljudskim pravima,
član 22*

IV.

SOCIJALNA ZAŠTITA MIGRANATA U SRBIJI

U Republici Srbiji, kako je definisano Zakonom o socijalnoj zaštiti, korisnici socijalne zaštite su državljeni Republike Srbije i strani državljeni – uključujući tražioce azila i strance koji nezakonito borave na teritoriji Srbije, kao i lica bez državljanstva. Republika Srbija je definisala poseban normativni okvir kojim se dodatno uređuju posebna prava iz oblasti socijalne zaštite za izbeglice, tražioce azila, migrante, povratnike po Sporazumu o readmisiji s Evropskom unijom,¹³ internu raseljene osobe, osobe koje su preživele trgovinu ljudima i slično.

Zakon o upravljanju migracijama¹⁴ i Uredba o merilima za utvrđivanje prioriteta za smeštaj lica kojima je priznato pravo na utočište ili dodeljena supsidijarna zaštita i uslovima korišćenja stambenog prostora za privremeni smeštaj¹⁵ predviđaju, pored ostalog, da se licima kojima je priznato pravo na utočište ili dodeljena supsidijarna zaštita u Republici Srbiji obezbeđuje stambeni prostor za privremeni smeštaj, na osnovu rešenja Komesarjata. Smeštaj se obezbeđuje najduže za period od jedne godine od dana konačnosti rešenja o priznanju prava na utočište ili dodeli supsidijarne zaštite.¹⁶

13 Zakon o potvrđivanju Sporazuma između Republike Srbije i Evropske zajednice o readmisiji lica koja nezakonito borave, *Sl. glasnik RS – Međunarodni ugovori*, br. 103/07.

14 Član 14 Zakona o upravljanju migracijama, *Sl. glasnik RS*, br. 107/12.

15 *Sl. glasnik RS*, br. 63/15 i 56/18.

16 Uredba o merilima za utvrđivanje prioriteta za smeštaj lica kojima je priznato pravo na utočište ili dodeljena supsidijarna zaštita i uslovima korišćenja stambenog prostora za privremeni smeštaj, član 11, stav 1.

Zakon o azilu i privremenoj zaštiti¹⁷ predviđa da tražioci azila i lica kojima je odobren azil u Srbiji imaju pravo na novčanu socijalnu pomoć, a Pravilnik o socijalnoj pomoći za lica koja traže, odnosno kojima je odobren azil,¹⁸ precizira da mogu da ostvaruju to pravo ukoliko su smešteni van centra za azil, odnosno na privatnom smeštaju koji sami obezbeđuju sopstvenim sredstvima. Te osobe ostvaruju pravo na socijalnu pomoć na isti način i pod istim uslovima kao i državljeni Republike Srbije – u vidu mesečne novčane pomoći posredstvom centra za socijalni rad na teritoriji opštine na kojoj borave. Uslovi za korišćenje prava na mesečnu novčanu pomoć se preispituju svake godine.

Još jedan aspekt socijalne zaštite koji je obuhvaćen Zakonom o azilu i privremenoj zaštiti odnosi se na smeštaj u ustanove socijalne zaštite za posebno ranjive grupe izbeglica i tražilaca azila. Naime, za osobe koje zbog svog psihofizičkog stanja ne mogu da budu smeštene u centre za azil i za decu bez roditeljskog staranja na osnovu rešenja organa starateljstva može se, izuzetno, obezbediti smeštaj u ustanovi socijalne zaštite, kod drugog pružaoca usluga socijalne zaštite ili u hraniteljskoj porodici.¹⁹ Troškove tog smeštaja snosi Komesarijat za izbeglice i migracije. U mere socijalne zaštite spada i obezbeđivanje privremenog staratelja neprácenoj i razdvojenoj deci izbeglicama, migrantima i tražiocima azila, u skladu s odredbama Porodičnog zakona.²⁰

Kada je reč o dostupnosti socijalnih usluga u lokalnim zajednicama u kojima postoje centri za azil, situacija se razlikuje od jednog do drugog mesta. **Spektar usluga socijalne zaštite** koje postoje u većini lokalnih zajednica je veoma ograničen, a podaci Republičkog zavoda za socijalnu zaštitu za 2018. godinu pokazuju da u 5 od 9 opština u kojima postoje centri za azil i prihvatni centri ne postoji nijedna licencirana usluga socijalne zaštite.²¹ Uz to, među postojećim uslugama dominiraju dnevne usluge u zajednici – dnevni boravak za decu i mlade i pomoć

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17 *Sl. glasnik RS*, br. 24/18.

18 Pravilnik o socijalnoj pomoći za lica koja traže, odnosno kojima je odobren azil – *Sl. glasnik RS*, br. 44/08 i 78/11.

19 Zakon o azilu i privremenoj zaštiti, član 52.

20 *Sl. glasnik RS*, br. 18/05, 72/11 – dr. zakon i 6/15.

21 To su Bosilegrad, Bujanovac, Vranje, Tutin i Bogovađa.

u kući, odnosno usluge namenjene osobama s invaliditetom i starijim osobama. Već po samom sadržaju i svrsi, te usluge ne odgovaraju specifičnim potrebama migranata

Uprkos relativno dobro uređenom pravnom sistemu socijalne zaštite migranata, podaci dobijeni istraživanjem Beogradskog centra za ljudska prava, obavljenom u periodu od maja do avgusta 2019. godine, pokazuju da migranti ne ostvaruju dovoljno svoja prava iz oblasti socijalne zaštite, da o svojim pravima nisu dovoljno informisani i da često imaju neutemeljena uvjerenja koja ih sputavaju da koriste prava iz domena socijalne zaštite. Ohrabruje saznanje da je, u retkim slučajevima kada koriste prava i usluge iz domena socijalne zaštite, stepen zadovoljstva dobijenim uslugama zadovoljavajući. Tako je više od 57% ispitanika odgovorilo da ne zna da postoje ustanove i usluge socijalne zaštite, a 33% je reklo da su informisani o postojanju usluga i da ih koriste, odnosno da bi rado koristili usluge socijalne zaštite.

Grafikon 1. INFORMISANOST O POSTOJANJU SOCIJALNO-ZAŠTITNIH USLUGA I USLUGA U MESTU BORAVKA



Kada je reč o učestalosti korišćenja usluga socijalne zaštite, 95% ispitanika je reklo da ih koriste svakodnevno, a 5% je izjavilo da ih koristi jednom nedeljno. Očekivano, značajnu ulogu u korišćenju malog broja raspoloživih usluga socijalne zaštite imaju uverenja migranata o ovim uslugama i njihovoj dostupnosti, odnosno uslovima za njihovo korišćenje. Svakako je za posebno razmatranje podatak da više od 40% migranata ne zna da ima pravo na ove usluge, odnosno da mogu da ih koriste pod istim uslovima kao i ostali stanovnici njihove opštine, a verujemo da i među 38% migranata koji nisu želeli da odgovore na ovo pitanje ima i onih koji, u stvari, nisu znali da ove usluge postoje.

Grafikon 2. UVERENJA O SOCIJALNO-ZAŠTITNIM USLUGAMA I USTANOVAMA



Ne znam srpski jezik



Nemam potrebu za ovom uslugom



Mislim da nemam pravo
na tu uslugu



Čuo sam da usluge nisu dobre

Verujem da postoji
naknada za korišćenje

„Ja sam iz Teherana i voleo bih da živim u Beogradu ili Novom Sadu, nisam navikao na život na selu i teško mi je ovde. Ljudi su dobri. Nisam imao kontakt sa centrom za socijalni rad, ali nas jeste posećivao PIN koji pruža psihosocijalnu podršku, kao i lokalne dobrotvorne organizacije. Veoma sam zadovoljan nevladinim organizacijama i posebno kursom jezika...“

mladić, 23 godine, smešten sâm u Tutinu

V

SOCIJALNA INTEGRACIJA MIGRANATA

Naročito značajna funkcija socijalne zaštite je smanjenje socijalne isključenosti posebno osetljivih društvenih grupa, uključujući migrante, izbeglice i tražioce azila. Pravni akt kojim je Republika Srbija pokazala svoju opredeljenost ka socijalnom uključivanju ove grupe jeste Uredba o načinu uključivanja u društveni, kulturni i privredni život lica kojima je odobreno pravo na azil,²² koja je od izuzetnog značaja. Uredbom su utvrđene mere i aktivnosti kojima se doprinosi integraciji lica kojima je priznato pravo na azil. Te mere i aktivnosti uključuju:

- 1) potpuno i pravovremeno informisanje o pravima, mogućnostima i obavezama;
- 2) učenje srpskog jezika;
- 3) upoznavanje sa srpskom istorijom, kulturom i ustavnim poretkom;
- 4) pomoći pri uključivanju u obrazovni sistem;
- 5) pomoći u ostvarivanju prava na zdravstvenu i socijalnu zaštitu;
- 6) pomoći pri uključivanju na tržište rada kao i mogućnost obezbeđivanja jednokratne novčane pomoći u slučajevima posebne socijalne ili zdravstvene potrebe u skladu sa zakonom.

Uredbom o načinu uključivanja u društveni, kulturni i privredni život lica kojima je odobreno pravo na azil utvrđeno je da poslove na integrisanju migranata, pored Komesarijata za izbeglice

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22 Sl. glasnik RS, br. 101/16 i 58/18.

i migracije, treba da obavljaju i drugi socijalni akteri, a pre svega centri za socijalni rad, obrazovne ustanove, zdravstvene ustanove, Nacionalna služba za zapošljavanje, a po potrebi i drugi organi i organi jedinice lokalne samouprave na kojoj se nalazi osoba za koju se izrađuje plan integracije. Takođe, Uredbom je predviđeno da se u poslove integracije uključuju i nevladine organizacije i udruženja, posebno one koje pružaju pravnu i psihosocijalnu pomoć migrantima, na osnovu javnog poziva koji raspisuje Komesarijat.

Istraživanje koje je istraživački tim Beogradskog centra za ljudska prava sproveo u periodu od maja do avgusta 2019. godine bilo je orijentisano na sagledavanje nekoliko aspekata socijalne uključenosti, kroz prizmu ostvarivanja socijalnih kontakata s nevladnim organizacijama u mestima u kojima borave, kroz razvijanje socijalnih mreža i kroz doživljaj pripadnosti zajednici, odnosno lični doživljaj povezanosti s lokalnim stanovništvom. Podaci dobijeni kroz istraživanje pokazuju da je informisanost migranata i tražilaca azila o delovanju nevladinih organizacija i o uslugama koje pružaju značajno viša nego informisanost o drugim uslugama. Čak 81% migranata je obavešteno o delovanju nevladinih organizacija i koristi njihove usluge.

Grafikon 3. INFORMISANOST O POSTOJANJU NEVLADINIH ORGANIZACIJA U MESTU BORAVKA

Želim, ali prema mojim saznanjima
ova usluga ne postoji

Bez odgovora

14%

Poznato mi je i koristio bih

Poznato mi je, ali ne želim da koristim
ili nemam potrebu

Poznato mi je, nisam koristio

5%

Poznato mi je, koristio sam

81%

Migrantska populacija u svim centrima za azil u kojima je sprovedeno istraživanje izražava poseban odnos privrženosti prema nevladnim organizacijama i uslugama koje dobijaju od njih. Najčešće se koriste usluge nevladinih organizacija u pogledu besplatne pravne pomoći i psihosocijalne zaštite. Više od 85% migranata koristi ove usluge od svakodnevno do jednom mesечно. Najbrojnija je grupa migranata koji koriste usluge nevladinih organizacija dva do tri puta nedeljno – oko 52%.

Grafikon 4. UČESTALOST KORIŠĆENJA USLUGA NEVLADINIH ORGANIZACIJA

Bez odgovora

Nikad nisam koristio/la **14%**

Jednom u 3 meseca ili ređe

Jednom mesečno **5%**

Jednom nedeljno **19%**

2–3 puta nedeljno **52%**

Gotovo svakog dana **9%**

Kada je reč o uverenjima vezanim za nevladine organizacije, samo manji broj migranata nije adekvatno informisan o njihovom delovanju i ima uverenja koja ih sprečavaju da koriste raspoložive usluge. Oko 10% migranata veruje da nema pravo na usluge nevladinih organizacija. Toj grupi se pridružuje i oko 5% migranata koji navode nepoznavanje srpskog jezika kao razlog za nekorишćenje usluga nevladinih organizacija.

Očekivano, i stepen zadovoljstva dobijenim uslugama od nevladinih organizacija je značajno visok. Istraživanje je pokazalo da je više od 72% migranata veoma zadovoljno uslugama dobijenim od strane nevladinih organizacija.

*„Koristili smo kurs IOM za majstora (*handyman*) i dobili smo diplome koje kasnije možemo koristiti kod zaposlenja, dobili smo informacije o postupku azila od Beogradskog centra za ljudska prava, dete je išlo na radionicu Sigma Plus, IAN pruža psihosocijalnu podršku, a druge organizacije dolaze ponekad, obično oko praznika kada dele poklone. Posebno pohvalujem rad Sigme Plus, odnosno njene predstavnice koja se veoma trudi u radu sa decom, da ponekad koristi i svoj novac za organizaciju njihovih rođendana.“*

muškarac, 34 godine, smešten
s porodicom u Bosilegradu

Podaci o aktivnostima nevladinih organizacija u zaštiti migranata pokazuju da se najveći broj nevladinih organizacija bavi pravnom zaštitom i pravnom pomoći, zatim zaštitom dece, psihosocijalnom podrškom, zaštitom žrtava trgovine ljudima i zaštitom žrtava rodno zasnovanog nasilja. Naravno, ovom listom se ne iscrpljuju sve aktivnosti koje nevladine organizacije sprovode na planu socijalne zaštite migranata, ali je većinu moguće svrstati u neku od ovih grupa. Značajan aspekt rada organizacija civilnog društva jesu i obuke za zaposlene u javnom sektoru, preciznije – u sistemima koji pružaju podršku migrantima (policija, sistem socijalne zaštite, zdravstveni i obrazovni sistem, pravosuđe), kao i za predstavnike drugih nevladinih organizacija koje rade s migrantima.²³

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23 „Vodič za upućivanje i pružanje socijalnih usluga migrantima u Republici Srbiji“, Ž. Šunderić, Arbeiter-Samariter-Bund Deutschland e.V. Beograd, 2018. Dostupno na:
<http://idcserbia.org/wp-content/uploads/2019/04/VODIC-SRB-WEB.pdf>.

Rad nevladinih organizacija je, naravno, praćen i ograničenjima i teškoćama, koje, srećom, sâmi migranti ne osećaju i ne trpe zbog toga. Problemi s kojima se ove organizacije susreću prilikom pružanja usluga socijalne zaštite tiču se slučajeva koji zahtevaju multisektorsku saradnju ili uslugu koja predstavlja kombinaciju usluga iz različitih sistema – nevladinog i javnog. Centri za socijalni rad i ustanove socijalne zaštite ili organizacije civilnog društva ne mogu samostalno da unaprede položaj migranata već taj proces zahteva povezivanje i multisektorskog saradnju, što se u praksi pokazalo kao jedan od najvećih problema u polju zaštite migranata, izbeglica i tražilaca azila.

VI.

SOCIJALNA UKLJUČENOST MIGRANATA

Snažan oslonac u postepenom socijalnom uključivanju u zajednicu predstavljaju socijalne mreže i mogućnost uspostavljanja prijateljskih i saradničkih relacija s ljudima u zajednici. U skladu s tim saznanjem, pitali smo migrante s kim se najviše druže i koliko se osećaju povezani sa zajednicom u kojoj se nalazi centar u kom su smešteni.

Grafikon 5.
SA KIM SE NAJVIŠE DRUŽITE DOK STE U SRBIJI



Posebno je ohrabrujući pokazatelj da oko 24% migranata razvija prijateljske odnose s ljudima iz Srbije, ali istovremeno ne treba da bude zanemarljiv podatak da oko 5% migranata navodi da nema prijatelje. Za stručne radnike u sistemu socijalne zaštite koji rade s migrantima, taj podatak treba da bude poseban

signal za delovanje u pravcu podsticanja socijalnih mreža i komunikacije s ovom grupom migranata.

„Lokalno stanovništvo je veoma ljubazno i predusretljivo, ali ne idem u lokalnu džamiju jer se plašim kako bi me gledali.“

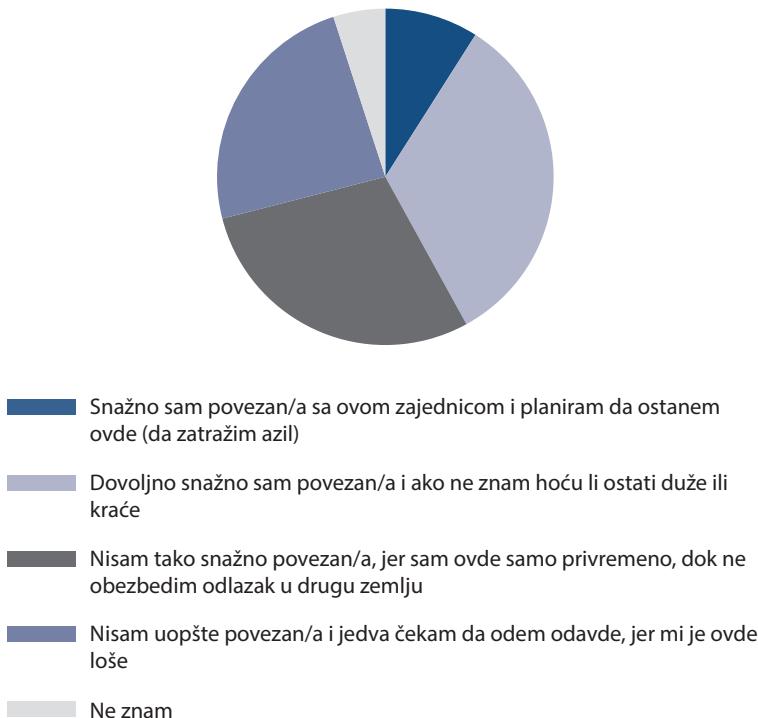
muškarac, 37 godina, samac,
bez kontakata s porodicom, smešten u Tutinu

Najzad, kada je reč o doživljaju pripadanja zajednici u kojoj se nalaze, odnosno o planovima za budućnost, istraživanje pokazuje da su ukupne aktivnosti koje se realizuju s migrantima dale rezultate, bar kada je reč o dobrodošlici koju pokazuju svi socijalni akteri – više od 42% migranata ukazuje na svoje dobre veze s ljudima iz Srbije, bez obzira na planove da zatraže azil u Republici Srbiji i tu se nastane ili da je napuste s ciljem odlaska u neku drugu državu Evrope.

Ovde je značajno imati na umu da bi broj onih koji bi se u našoj zemlji osećali dobrodošlo bio veći kada bi se onima koji su se izjasnili pozitivno dodali i oni koji nisu ni pokušavali da uspostave relacije, budući da planiraju odlazak u drugu zemlju – oko 29% migranata. Takođe, jezička barijera je upravo na ovom planu osnovna teškoća za uspostavljanje čvršće povezanosti.

Podržavajuće, stabilno okruženje u kome migranti borave predstavlja osnov za njihovu socijalnu integraciju, s jedne strane, kao i za očuvanje mentalnog zdravlja koje u najvećoj meri ima uticaja na sve sfere njihovog života, s druge. Podrška svih socijalnih aktera koji rade s migrantima, uključujući i zaposlene u centrima za azil i javnim ustanovama kao i nevladinim organizacijama, predstavlja najvažniju kariku u socijalnoj zaštiti i socijalnom uključivanju migranata u lokalnim zajednicama u kojima borave.

Grafikon 6. POVEZANOST I PLANOVI ZA BUDUĆNOST



VII.

STAVOVI STRUČNJAKA I IZAZOVI S KOJIMA SU SUOČENI

Stručni radnici angažovani na poslovima socijalne zaštite migranata suočeni su s brojnim izazovima u obezbeđivanju prava i usluga, bez obzira da li je reč o zaposlenima u javnom sektoru ili u nevladinim organizacijama i udruženjima. Izazove je moguće grupisati na one koji su sistemske prirode, one koji su vezani za uslove rada i one koji su vezani za sprovođenje stručnih postupaka u ostvarivanju socijalne zaštite.

Sistemske promene koje uključuju promene strateškog i normativnog okvira i promene osnovnih paradigmi na kojima se socijalna zaštita odvija kao profesija neizostavno imaju uticaja i na rad s migrantima. U situaciji donošenja novog strateškog okvira kojim se reguliše sistem socijalne zaštite i usvajanja izmena i dopuna Zakona o socijalnoj zaštiti, briga o jednoj posebnoj korisničkoj grupi za zaposlene u javnom sektoru predstavlja značajan izazov i dodatno opterećenje. Naime, zakonski okvir i iz njega nastala podzakonska akta su u procesu stalnih promena, praćeni rastućom potrebom za međusektorskom saradnjom, koja po pravilu izostaje. Istovremeno, stalne promene normativnog okvira dešavaju se i u drugim sistemima, a u ovom slučaju i u sistemu zaštite migranata, pa je pred stručnim radnicima poseban zahtev da ostanu pravovremeno i potpuno informisani, kako bi na najbolji način osigurali migrantima ostvarivanje prava i usluga.

„Da li vi stvarno mislite da ijedan drugi sektor poznaje ovoliko pravnih akata koliko mi u siste-

mu socijalne zaštite moramo da poznajemo da bismo obavljali redovne poslove? Ovo postaje strašno! Češće sam pravnik nego pedagog, jer moram na desetine akata da konsultujem za bilo koji postupak koji hoću da uradim. Mislim, tako je i za našu decu, a zamislite koliko još moramo da iščitamo za decu migrante. Kažem vam, mnogo vremena nam treba samo za čitanje tih propisa, pa mi gotovo lakne kad dođem do nivoa da umem da ih primenim."

pedagoškinja, zaposlena u javnom sektoru, 52 godine, Beograd

Kada je reč o promenama vezanim za uslove rada, najdominantniji problemi koje stručni radnici prepoznaju su nedovoljan broj stručnih radnika i složena organizacija rada koja se odražava na mobilnost. Uz to, problem bezbednosti stručnih radnika rezultirao je značajnim inhibicijama i smanjenjem motivacije za dodatnim angažovanjem, koje je, u zaštiti migranata, gotovo obavezno.

„Ne može se od nas očekivati da s jednakom pažnjom brinemo o našem stanovništvu i o migrantima. Mislim, razumemo se, humani smo i više nego spremni da pružimo pomoći i podršku ovim ljudima koji su kod nas došli s ko zna kog dela sveta. Ali ako nas ima malo i ne uspevamo da pokrijemo teren i obidiemo ni naše lokalno stanovništvo, onda vam je jasno kako se lista prioriteta definije. Bogu hvala da ima ovih nevladinih organizacija, inače ne smem ni da mislim šta bi bilo.“

socijalna radnica, zaposlena u centru za socijalni rad, 31 godina, Beograd

Problemi vezani za sprovođenje stručnih postupaka se ređe javljaju kao dominantni, odnosno po učestalosti (ili bar po

izveštavanju stručnih radnika), predstavljaju manji ali ne i zanemarljiv problem. Naime, u ovom segmentu su najdominantniji problemi vezani za administriranje postupaka (pre svega kod zaposlenih u javnom sektoru), a zajedničke profesionalne teškoće se odnose na stalnu izloženost stresu i profesionalnu nemoć da pruže adekvatnu pomoć ljudima koji su u nevolji, primerenu njihovim potrebama i očekivanjima.

„Najteže mi pada što se svakog dana vraćam kući kao teški gubitnik. Ne znam. Stvarno se trudim da uradim što mogu više, ali gledajući te ljudе... Ništa mi ne uspemo da uradimo. Malo. I još kad me moji s vrata dočekaju s pitanjem kad ћu da nađem normalan posao i da prestanem da se zanosim spašavanjem sveta, e onda... Mada, neki dan sam jednom momku pomogao da se prijavi za neku stipendiju u Švedskoj... Ma, ima, nije da nema rezultata, ali opet...“

pedagog, zaposlen u nevladinoj organizaciji, 36 godina, Beograd

VIII.

PREPORUKE ZA UNAPREĐENJE PRAKSE

- Obezbediti adekvatno, razumljivo i pravovremeno informisanje o svim uslugama i merama socijalne zaštite koje se pružaju u centru za azil ili u lokalnoj zajednici u kojoj se nalaze migranti, jer je to preduslov za unapređenje socijalne zaštite migranata i za njihovu socijalnu uključenost.
- Za profesionalce i volontere koji rade s migrantima s namerom da im pruže pomoć i podršku, od primarnog je značaja da zapamte da nema generalizacije i da svakoj osobi treba da pristupe s posebnim, jedinstvenim odnosom koji će uvažiti njihove životne uslove i potrebe.
- Razvijanje mogućnosti za susrete i međusobnu komunikaciju i upoznavanje migranata i lokalnog stanovništva je neophodan preduslov za uspostavljanje razumevanja i prihvatanja, kao i za postepeno povećanje socijalne uključenosti migranata u zajednicu. Podržavajuće, stabilno okruženje u kome migranti borave predstavlja osnov za njihovu socijalnu integraciju, s jedne strane, kao i za očuvanje mentalnog zdravlja koje u najvećoj meri ima uticaja na sve sfere života migranata, uključujući traženje stabilnih izvora prihoda i pravljenje planova za budućnost, s druge. Iz tih razloga, podrška svih socijalnih aktera koji rade s migrantima – i zaposlenih u centrima za azil i javnih ustanova i nevladinih organizacija i udruženja građana – jeste najvažnija karika u socijalnoj zaštiti i socijalnom uključivanju migranata u lokalnim zajednicama u kojima borave.

- Organizovanje redovnog usavršavanja stručnih radnika koji su angažovani u zbrinjavanju migranata, kao i podrška u prevladavanju profesionalnih rizika i smanjenju stresa značajno bi doprineli kvalitetu usluga koje se pružaju migrantima. Pri tome, bilo bi posebno korisno organizovati mešovite grupe, sastavljene od predstavnika javnog i nevladinog sektora, iz različitih sistema, kako bi se međusobno upoznali i olakšali koordinirano delovanje.
- Neophodno je olakšavati i osigurati koordinirano delovanje svih socijalnih aktera, kako bi se njihove performanse odvijale na najvišem stepenu, na dobrobit migranata.

FOREWORD

Many of the hundreds of thousands of migrants coming to Europe every year pass through the Republic of Serbia. Most stay in Serbia less than a year; some decide to settle down in it. Well-organised and coordinated social protection services and measures extended and implemented in the local communities in which the migrants are living are prerequisite for ensuring the social protection of migrants and their social inclusion.

Countries across the world, including Serbia, reaffirmed their commitment to this principle by adopting the Global Compact for Safe, Orderly and Regular Migration. In this document, adopted in 2018, the States committed to establishing or maintaining non-discriminatory national social protection systems, including social protection floors for nationals and migrants, in line with Recommendation 202 of the International Labour Organization.

This publication was developed within the Belgrade Centre for Human Rights (BCHR) project "Towards sustainable community-based protection for vulnerable migrants in Serbia," supported by the International Organization for Migration (IOM) and the Swiss Government within a broader Swiss-Serbian Migration Partnership, which was developed to respond to the expressed needs of the competent institutions of the Republic of Serbia. The goal of the programme is to contribute to strengthening and improving the social protection of migrants in Serbia through increasing the availability and quality of social services and support programmes in local communities.

This BCHR project seeks to expand the community-based protection services extended to vulnerable migrants through capacity building of social work centres, municipal youth offices and other stakeholders. The improvement of access to and availability of social care services and community-based protection programmes will reduce the vulnerabilities of the migrant population and facilitate their integration in Serbia's society.

The existing social protection models were assessed in a participatory research, the results of which are presented in this publication. The research focused on both the migrants and service providers, notably on vulnerable groups, whilst devoting attention to gender-sensitive issues. The ultimate goal has been to create a sustainable strategy model to improve coordination focusing on community-based protection and psychosocial service providers, including social work centres, youth offices, non-government organisations and institutions. The strategy will offer clear rules of conduct and mechanisms of coordination among various state institutions involved in the migrant protection system.

The publication was authored by Slavica Milojević, a social worker and psycho-therapist, who heads the Outreach, Promotion and Support Department of the Republic Social Protection Institute. Ms. Milojević has conducted numerous researches and analyses of demographic trends and socio-economic development, social inclusion, protection of migrant children and civic participation of vulnerable categories. Before joining the Republic Social Protection Institute, Ms. Milojević worked in the Commissariat for Refugees (1992–1995), the Red Cross and the Family Protection Ministry. She has been engaged as an expert on projects implemented by UN bodies and organisations. Ms. Milojević chairs the Savski venac Municipal Red Cross Committee. She founded the network of social development researchers and is a member of the Association of Social Protection Professionals of Serbia and the Society of Social Workers of Serbia. She is a visiting lecturer at the University of Niš.

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty."

*Universal Declaration of Human Rights,
Articles 1 and 2*



RIGHT TO SOCIAL SECURITY

The right to social security is a fundamental human right. It entails undertaking various measures to guarantee the fulfilment of the subsistence needs of the most vulnerable members of society. The right to social security is enshrined in the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as conventions guaranteeing the rights of specific groups and adopted under UN auspices. By ratifying the ICESCR, the Republic of Serbia assumed the obligation to ensure social security through social protection measures.¹ This may entail financial or other measures providing a minimum essential level of benefits to all individuals and families that will enable them to acquire at least essential health care, basic shelter and housing, water and sanitation, foodstuffs, and the most basic forms of education.²

In the view of the Committee on Economic, Social and Cultural Rights, a social security system must be available and sustainable.³ It should provide for the coverage of the following nine principal branches of social security: health care, sickness, old age, unemployment, employment injury, family and child

.....
1 Article 9, ICESCR.

2 Committee on Economic, Social and Cultural Rights, *General Comment No. 19: Right to social security (Article 9 of the Covenant)*, E/C.12/GC/19, 4 February 2008, paragraph 59(a). Available at: <https://www.refworld.org/docid/47b17b5b39c.html>.

3 *Ibid.*, paragraph 11.

support, maternity, disability, and survivors and orphans.⁴ Furthermore, the benefits must be adequate in amount and duration in order that everyone may realise his or her rights to family protection and assistance, an adequate standard of living and adequate access to health care, as contained in articles 10, 11 and 12 of the ICESCR.⁵ Finally, everyone should be covered by the social security system, especially individuals belonging to the most disadvantaged and marginalised groups, without discrimination on any grounds, and the qualifying conditions for benefits must be reasonable, proportionate and transparent.⁶

Social security, which aims to secure adequate living conditions for individuals, families and social groups, depends on interpermeable natural and societal, as well as micro and macro circumstances bolstering or destabilising social security. The right to social security is thus the main prerequisite for the exercise of other human, civil and political rights. Although the state is obligated by international and domestic law to guarantee the right to social security, this positive obligation is frequently perceived by the public as a burden, an obligation that is difficult to fulfil, a "drain on the budget" or the "biggest social wastrel". Such negative views of social security are the consequence of low or negative economic growth, rising unemployment, coupled with greater longevity and thus the need to ensure long-term health care for a substantial share of the population. Although present in developed countries as well, this problem is particularly stark in developing countries, which are, on the one hand, facing growing social and financial problems and, on the other, insufficient national income and limited possibilities of addressing those problems.

Such a situation largely explains the ongoing "social security crisis", i.e. the crisis of the main paradigm social security rests on – the principle of solidarity and reciprocity. Thus, if social security is perceived negatively, only from the aspect of the money

.....
4 *Ibid.*, paragraphs 12–21.

5 *Ibid.*, paragraph 22.

6 *Ibid.*, paragraphs 23–24.

to be allocated for it, social security of the citizens is understood as a general societal burden. It is thus extremely important to ensure a widespread understanding of the benefits social security brings, not only to its direct beneficiaries, but to society on the whole as well. For example, adequate, prompt and broadly accessible health care contributes to preventing the spread of infectious diseases and improves the health status of the entire community; unemployment allowances and benefits designated for the most vulnerable individuals contribute to the fulfilment of the state's obligations under international law and to the preservation of the production-consumption balance; pensions for the elderly are a source of material security, as well as of dignity in old age, et al.

Therefore, the public needs to understand that social security is not an issue of Serbia's good will, but a positive obligation it assumed when it ratified the ICESCR and the revised European Social Charter and when it adopted a number laws guaranteeing various aspects of social security. A society's ability not to exclude its members and to safeguard human dignity is a genuine indicator of its success. The social security system is, indeed, the basis for ensuring the full social inclusion of all people living in the country.

Social security is provided through social insurance measures and programmes and the social protection system. Social security can be established as mandatory or voluntary; it is based on contributions and enables the insured and their family members to secure benefits that will be the source of their social security in case the defined social risks materialise. Social insurance usually covers the following risks: temporary or permanent reduction or loss of working capacity or income, old age, sickness, loss of a breadwinner, employment injury and unemployment. Through the social protection system, the state assists citizens facing economic difficulties by providing them benefits or extending them social protection services in the event they lack income on the basis of employment or social insurance or other sources or funds to satisfy their subsistence needs. Welfare and social protection services are granted based on the assessments

of the individuals' or families' overall financial situation. Therefore, the main function of social protection is to prevent and overcome social exclusion and improve the respect for human rights of marginalised social groups and individuals.

Social protection comprises five components:

- a) Labour market policies and programmes encouraging employment and promoting labour market efficiency;
- b) Social insurance programmes aiming to alleviate risks related to unemployment, health, disability, employment injury and old age;
- c) Social assistance and social service programmes for the most vulnerable social groups and individuals without other sources of support;
- d) Micro and local programmes addressing the problems of vulnerable individuals and groups at the local community level; and
- e) Protection of children to ensure their future healthy and productive development.



SOCIAL SECURITY IN SERBIA

The Constitution of the Republic of Serbia⁷ guarantees the right to social protection. Citizens and families in need of social assistance to overcome social and existential difficulties and create conditions to satisfy their subsistence needs shall be entitled to social protection, the provision of which shall be based on social justice, humanity and respect of human dignity.⁸ Like other rights enshrined in the Constitution, this right is guaranteed without any discrimination to all individuals present in the territory of the Republic of Serbia.⁹

Social security is secured in Serbia through the social protection system, the child and family protection system and pension and disability insurance. The goals of social protection – as defined in the Social Protection Law¹⁰ – include the achievement or preservation of the citizens' minimal material security and independence in satisfying their subsistence needs, ensuring the availability of services and exercise of social protection rights, creation of equal opportunities, fostering of social inclusion, preservation and improvement of family relations, as well as the prevention of abuse, neglect and exploitation and elimination of their consequences.¹¹ These goals shall be achieved by extending social protection services and implementing other

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7 *Sl. glasnik RS*, 98/2006.

8 Article 69, Constitution.

9 Article 17, Constitution.

10 *Sl. glasnik RS*, 24/11.

11 Social Protection Law, Article 3(1).

activities precluding, reducing or eliminating the dependence of individuals and families on social services.¹²

In Serbia, social protection involves the provision of benefits or extension of social protection services. Benefits are designated for individuals and families momentarily or permanently lacking funds to satisfy their subsistence needs. The benefits, which are provided from the state budget, differ by purpose (to reduce poverty, balance work and parenthood, encourage the birth-rate, provide long-term care), by target group (children and youths, the indigent, persons with disabilities, families with new-borns, the elderly) and target group coverage mechanisms (universal programmes and benefits granted after checking the beneficiaries' financial status). Financial assistance, which is provided on a monthly basis, is the main form of material assistance extended to socially vulnerable individuals and families. Financial benefits also include domiciliary care allowances and increased domiciliary care allowances (both designated for the protection of persons with disabilities), training for work assistance and one-off financial assistance.

Social protection services include assessment and planning services and direct social services identified after the assessment of the beneficiaries' needs. Article 40 of the Social Protection Law divides social protection services into the following five groups: 1) assessment and planning services, 2) daily community-based services, 3) independent living support services, 4) counselling-therapeutic and socio-educational services, and 5) accommodation services. They can also be divided into services established and funded from the national or provincial budgets (assessment and planning services, protection and family accommodation, shelters for human trafficking victims and supported housing for persons with disabilities, except in the most developed cities and municipalities) and services established and funded by the local self-governments (daily community-based services, independent living support services and counselling-therapeutic and socio-educational services).

.....
12 *Ibid.*, Article 3(2).

The law provides for the provision of multiple mutually complementary services to specific target groups or beneficiaries with a view to satisfying their needs and maximising the services' effectiveness. All social protection services may be provided occasionally, temporarily or continuously, depending on the beneficiaries' needs and best interests.

"Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality."

*Universal Declaration of Human Rights,
Article 22*

IV.

SOCIAL PROTECTION OF MIGRANTS IN SERBIA

Pursuant to the Social Protection Law, social protection shall be provided to nationals of the Republic of Serbia and foreign nationals, including asylum seekers and foreigners illegally in Serbia, as well as stateless persons. The Republic of Serbia has defined a separate normative framework governing the special social protection rights accorded to refugees, asylum seekers, migrants, readmission returnees,¹³ internally displaced persons, human trafficking survivors, et al.

Under the Migration Management Law¹⁴ and the Decree on Criteria for Establishing Priority Accommodation of Persons Recognised the Right to Refuge or Granted Subsidiary Protection and the Conditions for the Use of Temporary Housing,¹⁵ persons granted asylum or subsidiary protection in the Republic of Serbia shall be provided with temporary housing pursuant to rulings of the Commissariat for Refugees and Migration (CRM). They shall be provided with such housing for a maximum of one year from the day the rulings granting them asylum or subsidiary protection become final.¹⁶

13 Law Ratifying the Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation, *Sl. glasnik RS – International Treaties*, 103/07.

14 Article 14, Migration Management Law, *Sl. glasnik RS*, 107/12.

15 *Sl. glasnik RS*, 63/15 and 56/18.

16 Article 11(1), *Sl. glasnik RS*, 63/2015.

Under the Law on Asylum and Temporary Protection,¹⁷ asylum seekers and persons granted asylum in Serbia are entitled to financial assistance. The Rulebook on Social Assistance for Asylum Seekers and Persons Granted Asylum¹⁸ specifies that they are entitled to exercise that right if they are not living in asylum centres, i.e. if they are renting private accommodation. They shall exercise the right to social assistance in the same manner and under the same terms as Serbian nationals – in the form of monthly financial assistance via the Social Work Centres in the municipalities they are living in. Their eligibility for such aid is reviewed every year.

Accommodation of particularly vulnerable refugees and asylum seekers in social protection institutions is another aspect of social protection covered by the Law on Asylum and Temporary Protection. Namely, unaccompanied asylum-seeking children and adult asylum seekers, who cannot be accommodated in asylum centres because of their physical or mental health, can exceptionally be accommodated in a social protection institutions or with other accommodation providers or with other families.¹⁹ Decisions thereto are made by the Social Work Centres and the costs of such accommodation are covered by the CRM. Social protection measures include the appointment of temporary guardians for unaccompanied and separated migrant, refugee and asylum-seeking children, pursuant to the Family Law.²⁰

The availability of social services in the local communities in which the asylum and reception centres are located differs from one community to another. **The spectrum of social protection services provided in most local communities is extremely limited. The 2018 data of the Republican Social Protection Institute showed that no licenced social protection services were available in five²¹ out of nine municipalities where asylum and reception centres were located.** Furthermore, in the other four

17 *Sl. glasnik RS*, 24/18.

18 *Sl. glasnik RS*, 44/08 and 78/11.

19 Law on Asylum and Temporary Protection, Article 52.

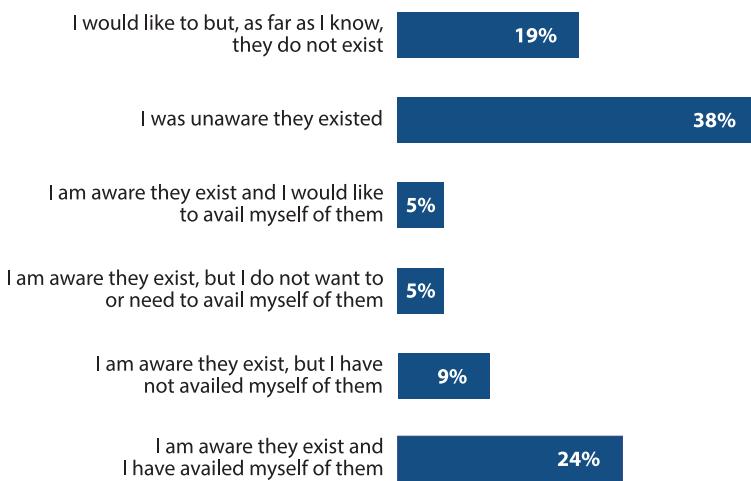
20 *Sl. glasnik RS*, 18/05, 72/11 – other law and 6/15.

21 Bosilegrad, Bujanovac, Vranje, Tutin and Bogovađa.

municipalities, daily community-based services – day care for children and youths, and domiciliary care of persons with disabilities and the elderly – dominated. Neither the purpose nor the content of these services respond to the migrants' specific needs.

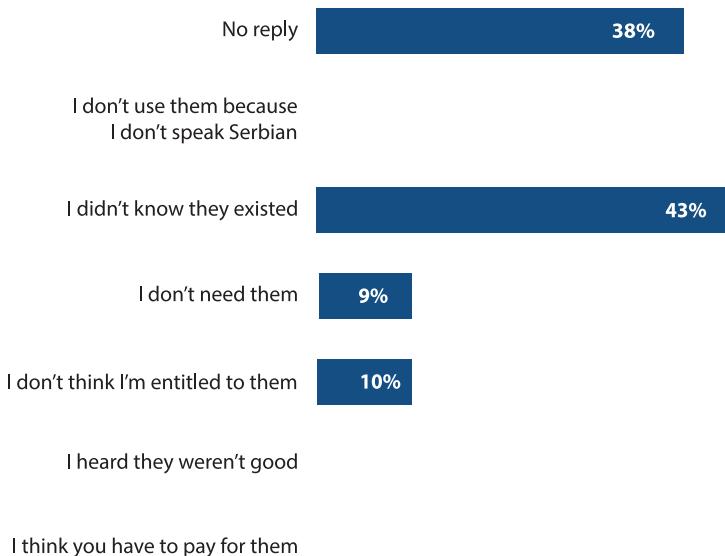
Despite the relatively good legal framework on the social protection of migrants, the data BCHR obtained in its May-August 2019 research show that migrants have been insufficiently exercising their social protection rights, that they are insufficiently informed of them and that many of them have misconceptions inhibiting them from exercising these rights. The finding that the rare migrants that have availed themselves of their social protection rights and services are satisfied with them is encouraging. Over 57% of the respondents said they were unaware of the existence of social protection services and institutions, while 33% said they knew such services existed and have or would gladly avail themselves of them.

Graph 1 MIGRANTS' AWARENESS OF THE EXISTENCE OF SOCIAL SERVICES IN THEIR PLACES OF RESIDENCE



As far as the frequency at which they availed themselves of social protection services is concerned, 95% of the respondents who have been using social services, said they availed themselves of them on a daily basis, while 5% said they used them on a weekly basis. As expected, the insufficient use of the available social protection services can largely be attributed to the migrants' views on and misconceptions about these services and their availability, i.e. the eligibility requirements. Furthermore, over 40% of the migrants were unaware that they were entitled to these services or to avail themselves of them under the same conditions as the other residents of the municipality they were living in. In our view, some of the 38% of the migrants who did not want to respond to this question had been unaware that these services even existed.

Graph 2 MIGRANTS' VIEWS ON SOCIAL SERVICES



"I'm from Tehran and I'd like to live in Belgrade or Novi Sad, I'm not used to life in the country and I'm having a hard time here. The people are nice. I haven't had contact with the Social Work Centre, but we were visited by PIN, which extends psycho-social support, as well as by the local charities. I'm extremely satisfied with the non-government organisations and especially the language course..."

23-year-old single man,
living in the Tutin Centre

V.

SOCIAL INTEGRATION OF MIGRANTS

Reduction of the social exclusion of particularly vulnerable social groups, including migrants, refugees and asylum seekers, is an especially important function of social protection. The Decree on the Integration of Foreigners Granted Asylum in the Social, Cultural and Economic Life of the Republic of Serbia²² is an exceptionally important legal enactment in which the Republic of Serbia proclaimed its commitment to the social inclusion of this group. The Decree defines the measures and activities that are to facilitate the integration of successful asylum seekers. These measures and activities include:

- a. Full and prompt provision of information on their rights, opportunities and obligations;
- b. Serbian language learning;
- c. Familiarisation with Serbian history, culture and constitutional order;
- d. Assistance in integration in the education system;
- e. Assistance in exercising the rights to health care and social protection; and,
- f. Assistance in integration in the labour market and the provision of one-off financial aid in exceptionally difficult health and financial circumstances in accordance with the law.

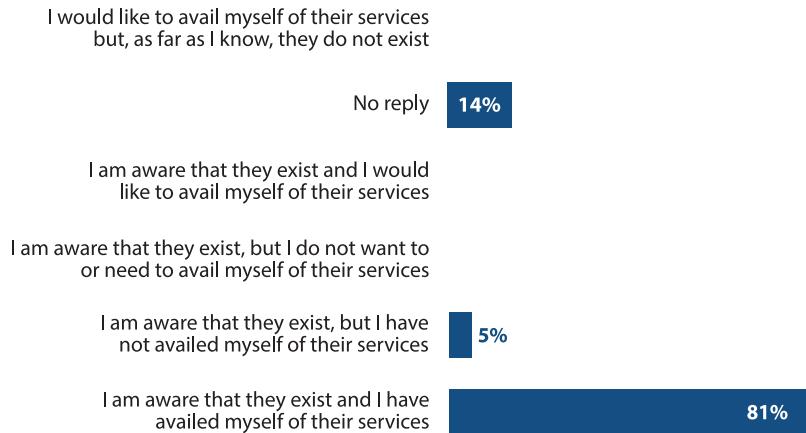
.....
22 *Sl. glasnik RS*, 101/16 and 56/18.

Pursuant to this Decree, integration-related activities shall be performed both by the CRM and other stakeholders, above all the Social Work Centres, educational and health institutions, the National Employment Service, and, where necessary, other state authorities and authorities of the local self-government unit in which the successful asylum seeker is living. The Decree envisages the development of integration plans for the successful asylum seekers and the involvement of non-government organisations and associations, especially those extending legal aid and psycho-social support to migrants, in integration-related activities. Under the Decree, the CRM shall publish calls for proposals inviting NGOs and associations to apply for involvement in the development of integration plans.

The research BCHR conducted in the May-August 2019 period focused on several aspects of social inclusion, through the prism of the migrants' contacts with NGOs in the places they were living in, development of social networks and their sense of belonging to the community, i.e. their views on their bonds with the local population. The research findings show that migrants and asylum seekers are much better informed of the activities of NGOs and the services they extend than of other services. As many as 81% of the migrants said they were aware of what NGOs were doing and availed themselves of their services.

Graph 3

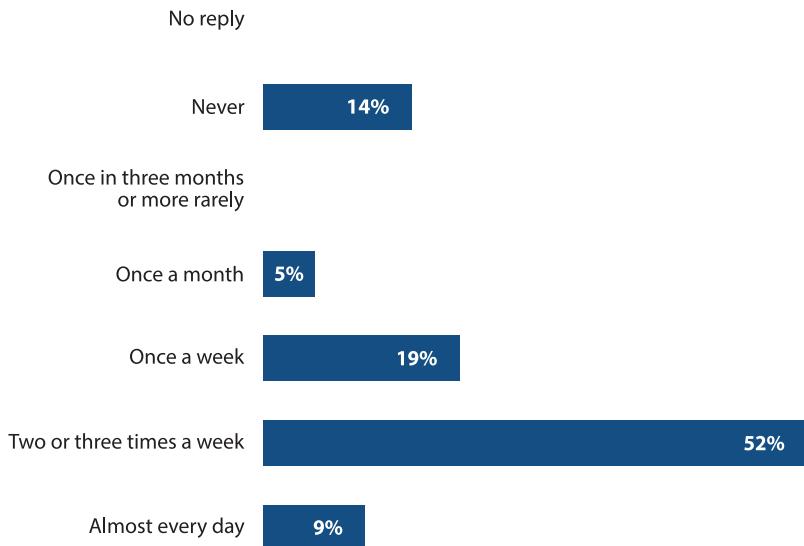
MIGRANTS' AWARENESS OF THE EXISTENCE OF NON-GOVERNMENT ORGANISATIONS IN THEIR PLACES OF RESIDENCE



In all the asylum centres covered by the research, the migrant population demonstrated particular appreciation of the NGOs and their services. Most of them had availed themselves of legal aid and psycho-social assistance. Over 85% of the migrants availed themselves of such services, anywhere from every day to once a month; around 52% of the migrants availed themselves of NGOs' services two or three times a week.

Graph 4

HOW FREQUENTLY DO YOU AVAIL YOURSELF OF NGO SERVICES?



As far as perceptions of NGOs are concerned, the research showed that only a small number of migrants were inadequately informed of their activities and harboured misconceptions preventing them from availing themselves of their services. Around 10% of the migrants believed that they were not entitled to avail themselves of NGO services. Another 5% said that they did not avail themselves of NGO services because they did not speak Serbian.

As expected, the degree of satisfaction with the services rendered by NGOs is quite high. The research showed that over 72% of the migrants were extremely satisfied by the services delivered by NGOs.

“We attended the IOM handyman course and we got out diplomas, which we can use later

when we apply for jobs, we got information about the asylum procedure from the Belgrade Centre for Human Rights, our child attended the Sigma Plus workshop, IAN extends psycho-social support. Other organisations visit us sometimes, usually during the holidays, when they hand out gifts. I would especially like to praise the work of Sigma Plus, that is, its representative working with the children, who is trying very hard and sometimes spends her own money to throw them a birthday party."

34-year-old man,
living with his family
in the Bosilegrad Centre

Data on NGO activities aimed at protecting migrants show that most of them are engaged in providing them with legal protection and legal aid, child protection, psycho-social support, and in the protection of human trafficking and gender-based violence victims. It goes without saying that this list of NGO social protection activities is not exhaustive but most of their activities can be categorised as falling in one of those groups. An important aspect of work of civil society organisations is the training they provide public sector staff, notably those extending support to migrants (police, welfare, health, education and judicial professionals) and representatives of other NGOs working with migrants.²³

Fortunately, the migrants are unaware and unaffected by the limitations and difficulties accompanying the work of NGOs. The problems these organisations face in extending social pro-

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23 See: "Vodič za upućivanje i pružanje socijalnih usluga migrantima u Republici Srbiji," Ž. Šunderić, Arbeiter-Samariter-Bund Deutschland e.V. Belgrade, 2018. Available in Serbian at: <http://idcserbia.org/wp-content/uploads/2019/04/VODIC-SRB-WEB.pdf>.

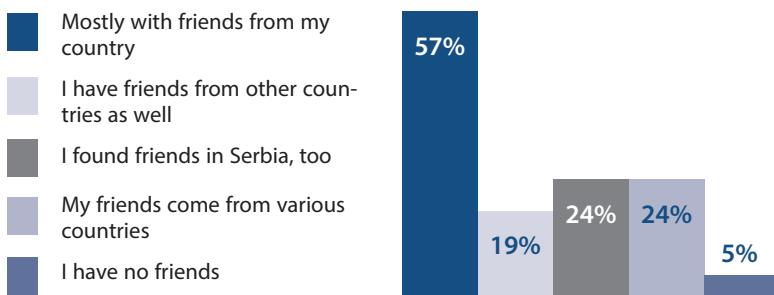
tention services mostly arise in cases requiring multi-sectorial cooperation or combinations of non-government and public services. Social Work Centres, social protection institutions organisations and civil society organisations cannot improve the status of migrants by themselves. The process calls for concerted action and multi-sectorial cooperation – lack of them has proven to be one of the greatest problems in the protection of migrants, refugees and asylum seekers in practice.

VI.

SOCIAL INCLUSION OF MIGRANTS

Social networks and opportunities to establish friendly and cooperative relations with other people in the community are pivotal for gradual social inclusion in the community. This is why we asked the migrants who they socialised with and whether they felt any bonds with the communities in which the centres they were living in were located.

Graph 5
WHO DO YOU SOCIALISE
WITH THE MOST IN SERBIA?



The finding that around 24% of the migrants have been developing relations with people from Serbia is particularly encouraging. However, the finding that around 5% migrants said they had no friends should not be neglected and should alert

social protection professionals to take steps to encourage social networks and communication with this group of migrants.

"The local population is very kind and helpful, but I don't go to the local mosque, because I'm afraid of the looks I might get."

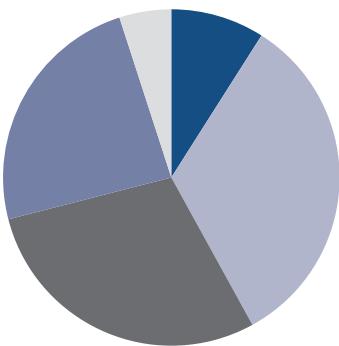
37-year-old single man, with no contacts with his family, living in the Tutin Centre

Finally, when it comes to their sense of belonging to the community they are living in and their plans for the future, the research shows that all the activities implemented with migrants have been yielding results, at least when it comes to the welcome they have been extended by all stakeholders – over 42% of the migrants, whether or not they planned to seek asylum in the Republic of Serbia and settle in it or move on to another European country, spoke about their good relations with people from Serbia.

The number of migrants feeling welcome in Serbia would probably be higher if one were also to take into account migrants – around 29% of them – planning on moving to another country, who have not even tried to establish relations with the local population. Furthermore, the language barrier is the main obstacle to forging stronger bonds with the local community.

A supportive and stable environment in which the migrants are living is the basis for their integration, on the one hand, and for the preservation of their mental health which affects all spheres of their life the most, on the other. Support of all stakeholders working with migrants, including the staff of the asylum centres and public institutions, as well as non-government organisations, is crucial for the social protection and social inclusion of migrants in the local communities they are living in.

Graph 6
BONDS WITH THE LOCAL COMMUNITY
AND FUTURE PLANS



- I've forged strong bonds with the community and plan on staying here (seeking asylum)
- I've forged strong bonds with the community, although I don't know how long I'll be staying here
- I haven't forged strong bonds with the community because I'm here only temporarily, until I arrange my departure to another country
- I haven't forged any bonds with the community here and I can't wait to leave, because I feel bad here
- I don't know

VII.

IEWS OF SOCIAL SERVICE CAREGIVERS AND THE CHALLENGES THEY FACE

Professionals engaged in extending social protection to migrants, both those in the public sector and NGOs, have been facing numerous challenges in securing the migrants their rights and services. These challenges may be categorised as systemic, those related to the professionals' working conditions and those related to the implementation of professional social protection procedures.

Systemic changes, including changes of the strategic and normative frameworks and of the main paradigms underlying social protection as a profession, have undoubtedly affected the professionals' work with the migrants. With the pending adoption of a new strategic framework regulating the social protection system and amendments to the Social Protection Law, care extended to a particular group of beneficiaries has posed a major challenge and an additional burden on public sector staff. Namely, the legal framework and by-laws are constantly undergoing change; such change is accompanied by a growing need for inter-sectorial cooperation, which is, as a rule, non-existent. At the same time, other systems, including the system for the protection of migrants, are also constantly undergoing change, wherefore social service professionals face the additional challenge of ensuring they are promptly and fully informed of them, in order to secure the migrants the social services and realisation of their rights.

"Do you really think any other sector knows so many laws that we in the social protection system have to know in order to perform our regular activities? It's horrible! I act as a lawyer more often than as a pedagogue, because I have to consult dozens of enactments for any procedure I want to conduct. That is the case for Serbian children, so you can just imagine how many more enactments we have to read for migrant children. I'm telling you, we need a lot of time just to read those regulations, I literally breathe a sigh of relief when I get to the point at which I am able to apply them."

52-year-old pedagogue,
working in the public sector, Belgrade

As far as changes related to working conditions are concerned, social workers identify the insufficient number of professionals and complex work organisation impinging on mobility as the chief problems. Furthermore, the problem of the professionals' safety has resulted in major inhibitions and dampened their motivation for additional engagement, which is virtually a must when it comes to extending social protection to migrants.

"We can't be expected to devote equal attention to caring for our own population and for the migrants. Don't get me wrong, we are humane and keen on extending assistance and support to these people who came here from God knows where. But we're badly understaffed and we're not managing to cover the field and visit even our local population, which gives you a clear idea how the priority list is drawn up. Thank God for the non-government organisations, otherwise I don't even dare imagine what would happen."

31-year-old Social Work Centre
professional, Belgrade

Problems related to the implementation of professional procedures are not as frequent or as huge (at least judging by the professionals' statements), albeit they are not negligible. The prevalent problems in this area regard the administration of procedures (above all among the public sector staff). All professionals are, however, constantly exposed to stress and feelings of powerlessness to extend adequate assistance responding to the needs and expectations of people in plight.

"The hardest thing is that I go back home every day feeling like a total loser. I don't know. I'm really trying to do my best, but watching those people... We're not managing to do anything. Or just a little. And when my family asks me, as soon as I walk through the door, when I'm going to find a normal job and stop deluding myself that I'll save the world, well... Although, several days ago, I helped a young man apply for a scholarship in Sweden... Not that there aren't any results, but still...."

36-year-old pedagogue,
working in an NGO in Belgrade

VIII.

RECOMMENDATIONS ON IMPROVING THE PRACTICE

- Promptly provide migrants with adequate and comprehensible information about all social protection services and measures implemented in the asylum centres or local communities in which they are living, because that is prerequisite for improving their social protection and social inclusion.
- Professionals and volunteers extending assistance and support to migrants need to remember that there is no generalisation and that they have to approach every person individually and take into consideration their living conditions and needs.
- Development of opportunities for migrants and the local population to meet, communicate and socialise is prerequisite for the development of their mutual understanding and acceptance, as well as for the migrants' gradual social inclusion in the local communities. A supportive and stable environment in which the migrants are living is the basis for their integration, on the one hand, and the preservation of their mental health which affects all spheres of their life the most, on the other. Support of all stakeholders working with migrants, including the staff of the asylum centres and public institutions, as well as non-government organisations, is crucial for the social protection and social inclusion of migrants in the local communities they are living in.

- Organisation of regular advanced training for professionals charged with protecting and assisting migrants and providing them with support to overcome professional risks and reduce stress would significantly contribute to the quality of services extended to migrants. Thought should be given to organising mixed groups of professionals, comprising representatives of the public and non-government sectors and various systems, to provide them with the opportunity to get to know each other and facilitate concerted action.
- Facilitate and ensure coordinated action of all stakeholders, to maximise their performance to the migrants' benefit.



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