



Letter of concern regarding the National Housing Strategy for the period from 2020 to 2030 in the Republic of Serbia

Dear Mr. Balakrishnan,

We are addressing you in front of the Housing Equality Movement¹, an informal coalition of organizations that are fighting for the right to adequate, safe, and affordable housing in Serbia. The reason for our letter is the adoption of the National Housing Strategy in the Republic of Serbia for the period from 2020 to 2030. On this occasion, we would like to point out the significant procedural shortcomings that accompanied the process of adopting the Strategy, as well as significant substantive shortcomings of the document.

Procedural shortcomings are mostly related to the adoption of the National Housing Strategy and the participation of citizens in the public debate on this important strategic document, especially having in mind its impact on the wide circle of citizens of the Republic of Serbia. The text of the Strategy was published only on the website of the Ministry of Construction, Transport, and Infrastructure, and as public meetings were not planned, citizens, professionals, associations, and other actors the opportunity for the explanation of the Strategy was denied, as well as the discussion on its proposed goals, measures and activities. The Strategy was put up for public discussion during the Christmas and New Year holidays when, as a rule, a small number of actors can participate in the consultations appropriately. Despite that, a minimum of prescribed 20 days were left for the public debate. Since the public does not know the composition of the working group for drafting the Strategy, one gets the impression that the whole process takes place within a closed circle of participants made up exclusively of representatives of the public authorities.

It is important to point out that the National Strategy was prepared in the procedure that is contrary to the regulation governing the procedure of public policy adoption – the Law on

¹ [Housing Equality Movement](#) consists of the [Ministry of Space](#), [A 11 – Initiative for Economic and Social Rights](#), Housing Center, [Who Builds the City](#), [Joint action Roof Over Head](#).

Planning System², which is why the proposed strategic document considers only the current situation, but not the changes that should be achieved with its realization. Finally, the adoption of the Strategy had to be harmonized with the provisions of the Law on Prohibition of Discrimination³, which prescribe the application of special measures in case of adoption of a public policy document that could affect the position of socio-economically vulnerable individuals or groups of persons from the aspect of respect the principles of equality and rights of these persons.

When it comes to the **substantive shortcoming** of the Proposal of the National Housing Strategy, they primarily concern the lack of solutions to some of the key housing problems in the Republic of Serbia.

- The Strategy does not focus thoroughly and comprehensively on the most vulnerable population living in the worst housing conditions without access to adequate housing. It does not address the issue of evictions and resettlements of informal (substandard)⁴ settlements that cannot be retained at the current location, completely ignores homelessness and the issue of forced evictions as one of the key factors increasing homelessness, nor does it deal with the position of refugees and displaced persons, as one of the most vulnerable categories of citizens.
- The Strategy also inconsistently deals with the issue of housing affordability. Instead of developing methods for increasing the insufficient housing stock in public ownership (out of the whole housing stock, only 0.8% of housing units are publicly owned in Serbia), the Strategy envisages the sale of these apartments. In addition, it does not comprehensively deal with the long-term development of new, more modern, more efficient, and sustainable housing models, specifically non-profit housing cooperatives.
- The Strategy does not in any way deal with completely unregulated rental sector, key source of insecure and unaffordable housing for tenants.
- The strategic document does not establish criteria for attracting international donor assistance in the field of housing, but adjusts the Strategy to existing and future project activities of intergovernmental organizations and other donors. In this way, the practice of leaving the housing support program to project interests of international donor

² Article 31 of this Law prescribes that public policy documents, such as the National Housing Strategy, are prepared in accordance with the results of ex-ante analysis of effects and ex-post analysis of valid public documents in the subject area.

³ In accordance with art. 14, par. 4 the Law on Prohibition of Discrimination, when adopting the Draft of the Strategy, the proposer had to make an impact assessment containing a comprehensive description of the situation in the area covered by the strategic document, with special reference to the situation of the socio-economically disadvantaged persons, necessity and proportionality assessment for the proposed goals and measures in terms of respect of the principles of equality and rights of socio-economically vulnerable persons, and risk assessment for the rights, obligations and law-based interests of persons considered to be socio-economically endangered, to which this Strategy refers to.

⁴ The results of the survey conducted by OHCHR in 2020 show that there are a total of 702 informal settlements in Serbia, in which over 167,000 people, almost exclusively members of the Roma national minority, live. More information can be found [here](#).

organizations, which do not have to necessarily be harmonized with the needs of citizens, continues. For example, current international donor support for housing programs has been mainly aimed at improving the living conditions of Roma, refugees, and internally displaced persons, and recently programs for young people leaving social care institutions and women victims of domestic violence have been launched. Housing support programs that would accompany only these projects are insufficient to meet the needs of a huge number of citizens who need the support to provide adequate housing, especially those who are most vulnerable, such as people at risk of homelessness, for whom, as a rule, there is no interest of the international donor community in funding their housing programs.

- The Strategy fails to establish the basis for harmonization of criteria and models for solving the accumulated problems of fragmented social housing and housing support programs for different categories of housing and socially vulnerable citizens. Due to such omission, on the territory of the Republic of Serbia, in different local self-governments, the same category of housing endangered citizens can solve their housing needs in different ways and under significantly different criteria, by renting publicly owned apartments. This solution is conditioned by a large number of different donor support programs for addressing the housing needs of the most vulnerable citizens, which are not mutually harmonized, so the costs of rent and housing differ significantly depending on the donor who financed the construction of housing objects.

- The Strategy fails to address the problem of growing residential segregation through long-term measures, which is a consequence of the dominance of market logic in land distribution, both for exclusive housing and for housing construction under social housing and housing support programs, but also in creating homogeneous housing estates in terms of socio-economic and ethnic structure of the population. This is a problem that is already visible, and it is possible to predict with great certainty its intensification in the period to which the Strategy refers.

- The Strategy fails to establish a strategic framework in the field of housing on principles developed by the UN Special Rapporteur on the right to adequate housing in 2018.⁵ Thus, beyond general note about the principles of the Strategy, it is not visible that the needs of the most vulnerable ones are addressed as a matter of priority (*Principle 2*). Also, apart from listing the problems that local governments have in the implementation of their obligations under the Law on Housing and Building Maintenance, the Strategy does not comprehensively address issues of different levels and sectors of government and their competencies in resolving accumulated housing problems (*Principle 3*). The Strategy in no way establishes mechanisms for responsible budgeting and responsible tax policies that would improve the exercise of the right to adequate housing in the Republic of Serbia (*Principle 5*). Also, this strategic document fails to establish a

⁵ Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context A/HRC/37/53

mechanism for maximum use of available resources to progressively exercise the right to adequate housing, but unambitiously accepts the fact that budget allocations for the housing sector are small and that insufficient resources are available for social housing and housing support programs. Finally, the Strategy does not establish the system of accountability and monitoring over the implementation of measures and activities envisaged (*Principle 7*), so its poor implementation, lack of coordination in different sectors, and ultimately – weak effects, can be expected. This conclusion is based on previous experiences in the adoption and implementation of numerous other strategic documents in the Republic of Serbia. The non-existence of a clear mechanism for managing, reporting, and supervising the implementation of the Strategy indicates the modest expectations that only the Ministry of Construction, Transport, and Infrastructure has from this strategic document. In addition, due to the accumulated problems in the field of housing, it is necessary to specify the obligations of private actors and establish the basis for regulating the financial and real estate markets (*Principle 9*), which was also missed, while the application of international assistance and cooperation in the strategic document extremely modest (*Principle 10*).

Taking into account all the previously mentioned shortcomings of the National Housing Strategy Proposal, as well as the fact that to date no recommendation from the Report⁶ made by the UN Special Rapporteur on the right to adequate housing during the visit to the Republic of Serbia in 2015 has been met, we express deep concern that the framework would contribute to further delaying of the implementation of the Special Rapporteur's recommendations, and also deepening the existing problems and the long-standing housing crisis in the coming period.

Therefore, we would like to kindly ask you to start a constructive dialogue with the Government of the Republic of Serbia on this issue, with an aim of the establishment of institutional and other mechanisms for exercising the right to adequate housing, as guaranteed in international human rights law.

We are at your disposal for any additional information.

With respect,

Danilo Curcic, *A11 - Initiative for Economic and Social Rights*

Jovana Timotijevic, *Ministry of Space Collective*

Ana Dzokic, *Who Builds the City*

Branislava Zarkovic, *Housing Center*

Ivana Andjelkovic, *Joint Action Roof Over Head*

⁶ Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context on visits to Serbia and Kosovo A/HRC/31/54