

Chapter 19

Diaspora Policies, Consular Services and Social Protection for Serbian Citizens Abroad



Tamara Popic

19.1 Introduction

This chapter provides an overview of Serbia's diaspora policies, mainly focusing on the main features and development of policies in the area of social protection. It shows that the country's diaspora policy programs have given priority to economic, but also cultural engagement of Serbian nationals residing abroad. The Serbian diaspora also enjoys voting rights, but its turnout is usually low, due to practical and political problems. At the same time, social protection for diaspora is limited to health and pension benefits, and this only under special conditions. Structurally, the character of Serbian diaspora policies can be explained by Serbia's social protection system based on social insurance contributions, i.e. employment as the basis of benefits entitlement. More substantially, however, the very limited social protection benefits granted to diaspora can be explained by the elites' perception of diaspora as mainly an economic resource, and as a supplement to the country's social-safety net.

T. Popic (✉)
European University Institute, Fiesole, Italy
e-mail: tamara.popic@eui.eu

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19.2 Diaspora Characteristics and Home Country Engagement

19.2.1 *The Serbian Diaspora and its Relations with the Homeland*

The evolution of Serbia's emigration trends and diaspora policies can be contextualized within the country's political development. From 1945 until 1992, Serbia was a communist state and one of the six republics of the Socialist Federal Republic of Yugoslavia. After Yugoslavia's breakup, from 1992 to 2006, the country went through several changes in its statehood status. In 1992, it formed the Federal Republic of Yugoslavia together with Montenegro, which in 2003 became the State Union of Serbia and Montenegro. In 2006, after Montenegro's referendum on independence, both Montenegro and Serbia became independent states. In 2008, Serbia's Autonomous Province Kosovo and Metohija declared its independence. These changes in the statehood status of Serbia were also accompanied by Yugoslavia's civil war (1991–2001) and the North Atlantic Treaty Organization (NATO) bombing (1999).

The turbulent state history of Serbia had strong impact on the political and socio-economic situation in the country, which in turn played a role in the development of the diaspora trends. Roughly, Serbia's emigration can be divided in two main emigration waves. The first one, motivated mainly by economic reasons, took place during communism and implied the emigration of Serbian nationals to Western European countries such as Germany and Austria (Fassmann and Munz 1994). The second wave took place in the post-communist period, which can also be divided between the Milošević (1992–2000) and post-Milošević eras (2000–today), during which emigration was motivated by economic, but also political and educational reasons, and implied also increased emigration to non-European countries, such as the United States, Canada and Australia (Pavlov 2009). Currently, the five countries with the largest number of Serbian nationals are in Europe: Germany, Austria, Switzerland, France and Croatia.

The unstable political developments led to some confusion in the emigration statistics. To this day, the Serbian Statistical Institute does not have its own statistical data on emigrants, and there are no other official sources that can reliably indicate the total number of Serbs in diaspora (Grečić 2016; Tomić 2016). According to the Ministry of Foreign Affairs,¹ even though there is no census of diaspora, it is estimated that Serbia's diaspora (including Serbian nationals abroad and 'Serbs in the region' - see the next section) includes around 4.5 million individuals. This is significant, given that Serbia's resident population is estimated at 7 million. The size of the diaspora could also explain why this segment of the population has been seen

¹Ministry of Foreign Affairs (2018). Diaspora [*Dijaspora*]. <http://www.mfa.gov.rs/sr/index.php/konzulami-poslovi/dijaspora/dijaspora-opste?lang=lat>. Accessed on 23 September 2018.

mainly as an economic resource, and not a part of the country's social protection system.

19.2.2 *Diaspora Infrastructure*

The main developments in diaspora politics and institutions took place in the post-Milošević era. During this period, two apparently contradictory tendencies emerged – post-territorial nationalism through the extension of citizenship rights for the diaspora and the creation of dedicated institutions for nationals abroad (Ragazzi and Balalovska 2011). The change in citizenship rights took place through the new Law on Citizenship introduced in 2004 (Law no. 135/2004) and amended in 2007 (Law no. 90/2007).² This legislation was based on ethnic preferential citizenship, as it allowed individuals of Serbian ethnicity who do not have residence in Serbia to acquire Serbian citizenship (see Radosavljević 2014).³

Institutional developments were initiated by the establishment of the Ministry of Diaspora in 2004, which was later transformed into the Ministry of Religion and Diaspora (Tomić 2016).⁴ In 2006, the government issued a “Declaration on the Proclamation on the Relations of the Homeland and Diaspora as Relations of Greatest State and National Interest”.⁵ In 2009, it introduced an important law, the Law on Diaspora and Serbs in the Region.⁶ According to this law, the term diaspora refers to “citizens of Serbia who live abroad” and “members of the Serbian nation living abroad, who emigrated from the territory of Serbia and the region, and their descendants” (Article 2). This distinction indicated that the Serbian diaspora is formed by Serbian nationals who now live abroad, as well as those ethnic Serbs (without Serbian citizenship) who emigrated from the region and now live abroad.⁷

² Law on Citizenship of the Republic of Serbia in 2004 (Law no. 135/2004). [*Zakon o Državljanstvu Republike Srbije*]. https://www.paragraf.rs/propisi/zakon_o_drzavljanstvu_republike_srbije.html. Accessed on 20 September 2018.

³ Individuals are allowed to acquire Serbian citizenship on the condition that they have reached the age of 18 and that they are not deprived of working capacity. Along with the request for acquiring citizenship, it is necessary to submit a written statement that they consider Serbia to be their own country (Law on Citizenship of the Republic of Serbia (Law no. 135/2004, 90/2007, Article 14).

⁴ Previously, there was Ministry of Diaspora, which was founded in 1991 and merged with the Ministry of Religion in 2003.

⁵ Government of Serbia (2006). Declaration on the Proclamation on the Relations of the Homeland and Diaspora as Relations of Greatest state and National Interest [*Deklaracija o proglašenju odnosa otadžbine i rasejanja odnosom od najvećeg državnog i nacionalnog interesa*]. <http://dijaspora.gov.rs/wp-content/uploads/2012/12/deklardijaspo1.pdf>. Accessed 21 September 2018.

⁶ Law on Diaspora and Serbs in the Region (2009). [*Zakon o Dijaspori i Srbima u Regionu*]. <http://demo.paragraf.rs/WebParagrafDemo/ZAKON-O-DIJASPORI-I-SRBIMA-U-REGIONU-SI-glasnik-RS,-br.-88-2009.htm>. Accessed on 20 September 2018.

⁷ Large number of ethnic Serbs from the countries of former Yugoslavia emigrated abroad in the Balkan region during the civil conflict in the 1990s.

This wide definition of the terms ‘Serb’ and ‘Serbian diaspora’ is confirmed by the definition of diaspora as not only Serbian citizens living abroad, but also “members of Serbian nation who live in Slovenia, Croatia, Bosnia and Herzegovina, Montenegro, Macedonia, Romania, Albania and Hungary” (ibid.). The law also envisioned the establishment of a Ministry for Diaspora and an Assembly of Diaspora and Serbs in the Region, which would be responsible for supporting projects aiming on promotion of Serbian language and culture. It also stated that relations between the homeland and diaspora have to be strengthened through the promotion of economic cooperation (see also Petronijević 2014).

In 2011, the government introduced a “Strategy of Preserving and Strengthening the Relations of the Home State and Diaspora and Serbs in the Region”⁸ (Ministry of Religion and Diaspora 2011).⁹ A new Ministry of Diaspora and an Assembly of Diaspora and Serbs in the Region were also established following the 2009 law. However, this Ministry was abolished in 2012 and replaced by the Office for Cooperation with the Diaspora and Serbs in the Region, within the Ministry of Foreign Affairs. The Ministry of Foreign Affairs, through diplomatic missions including embassies, consular services and honorary consulates, provides support for the development of the diaspora’s national and cultural identity. The Law on Foreign Affairs (2007)¹⁰ defines the obligations of these institutions towards Serbian nationals residing abroad. The Ministry also encourages the diaspora to intensify relations with the Serbian “motherland” (*matika*, in Serbian) and continually promotes ties in the area of business, science, culture and sports (see also Petronijević 2014). The Office for Cooperation with the Diaspora and Serbs in the Region, as sub-unit of the Ministry, is in charge of administrative and professional tasks related to the status of Serbian citizens living abroad, but it does not offer any specific assistance for Serbs abroad in situation of need (this is rather the responsibility of missions and consulates and the Department for Consular Services, see below). With an aim of promoting closer economic ties with diaspora, the Office has also established local Offices for Diaspora, which are supposed to provide information on potential for local diaspora investments. There is also the Centre for Diaspora within the Serbian Chamber of Commerce, established in 2011, which is in charge of making contacts with Serbian entrepreneurs living abroad.

The Assembly of Serbian Diaspora and Serbs in the Region is considered the highest diaspora body. Its main task is to identify problems faced by the diaspora

⁸ Ministry of Religion and Diaspora (2011). Strategy of Preserving and Strengthening the Relations of the Home State and Diaspora and Serbs in the Region [*Strategija Očuvanja i jačanja odnosa matičine države i dijaspore i matične države i Srba u regionu*]. http://dijaspora.gov.rs/wpcontent/uploads/2012/12/strategija_mvd2011.pdf. Accessed 23 September 2018.

⁹ The term “Serbs in the region” includes all ethnic Serbs who live in the Balkan region e.g. ethnic Serbs living in former Yugoslavia countries Slovenia and Croatia. This also includes a large number of ethnic Serbs who live in Republic of Srpska, which is one of the federal states of Bosnia and Herzegovina. Serbs living in Kosovo, Serbia’s autonomous region, which declared independence in 2008 that was not recognized by Serbian’s government, are considered residents of Serbia.

¹⁰ Law on Foreign Affairs (2007). [*Zakon o Spoljnim Poslovima*]. https://www.paragraf.rs/propisi/zakon_o_spoljnim_poslovima.html. Accessed 20 September 2018.

and develop solutions. The assembly has 45 delegates elected by Serbian nationals residing abroad according to quotas for each country/group of countries for a 4-year term. The delegates are all Serbian nationals residing abroad and their meetings take place through regular sessions on Diaspora Day, or through extraordinary sessions upon agreement. Meetings are supposed to take place in Belgrade, but there is also the possibility of organizing “electronic sessions” (i.e. video conferences). The assembly establishes and appoints representatives to different diaspora councils: the Economic Council, the Status Council, and the Council for Culture, Education, Science and Sports. Even though this assembly is the highest diaspora body, it does not have a consultative function, as it is not obligatory for home country authorities to consult the Assembly regarding diaspora issues. This implies that the Assembly meetings have mainly symbolic character (Tomić 2016). However, the consultative function is performed by the Committee for Diaspora and Serbs in the Region, the committees of the National Assembly of Serbia in charge of questions pertaining to the Serbian diaspora and Serbs in the region.¹¹ The mission of the Assembly is defined as follows: (1) it determines the problems of the diaspora and Serbs in the region and proposes solutions; (2) it provides guidelines for the development of the Strategy for Preserving and Strengthening the Relations of the Home State and diaspora, as well as home countries and Serbs in the region; (3) it elects Councils of Diaspora and Serbs in the region, supervises their work and decides on termination of the mandate of their members; (4) it performs other activities of importance for the interests of the diaspora and Serbs in the region. As the mission is rather general, the elected members of the Assembly do not have a specific mission to help Serbian citizens in the country in which they were elected, even though this help can take an informal form.

19.2.3 Key Engagement Policies

Serbian nationals living abroad can vote in legislative and presidential elections, following amendments to the Law on the Election of Representatives (2000)¹² and to the Law on Election of the President of the Republic of Serbia (2007).¹³ Non-resident nationals have to vote in-person in the diplomatic missions or in Serbia. In-person voting implies that citizens vote in polling stations located in the embassies. Polling stations open only in places where at least 100 voters are registered.

¹¹ Serbian Parliament (2018). Committee for Diaspora and Serbs in the Region [*Odbor za Dijaspору i Srbe u Regionu*]. <http://www.parlament.gov.rs/narodna-skupstina-/sastav/radna-tela/odbori.78.895.html>. Accessed 21 September 2018.

¹² Law on the Election of Representatives (2000). [*Zakon o Izboru Narodnih Poslanika*] https://www.paragraf.rs/propisi/zakon_o_izboru_narodnih_poslanika.html. Accessed 20 September 2018.

¹³ Law on the Election of the President of Serbia (2007) [*Zakon o Izboru Predsednika Republike*]. https://www.paragraf.rs/propisi/zakon_o_izboru_predsednika_republike.html. Accessed 23 September 2018.

Postal voting is not allowed, and voters have to cast their ballots in the same place in both rounds, in case there is a second election round.

The Serbian diaspora's participation in legislative and presidential elections is characterized by a low turnout, which could be explained by political and procedural reasons (Rigoni 2013; Prelec 2017). The policies of previous Serbian authorities have been perceived as hostile towards the diaspora. In the eyes of Serbian authorities, the diaspora represented political opposition and the authorities, accordingly, discouraged its involvement in Serbia's political life (see also Ragazzi and Balalovska 2011). With respect to procedural reasons, a recent online survey on diaspora's voting highlighted barriers such as the insufficient number of polling stations, the requirement to register 20 days before the elections and the obligation to vote in person (Prelec 2017). Other studies also point to the lack of administrative capacity and lack of information for potential voters (Ragazzi and Balalovska 2011).

With respect to political parties' policies toward diaspora, no party has a special department dealing with diaspora, but some parties are more vocal than others when it comes to diaspora and Serbs from the region. Among these, the extreme right-wing party Doors (*Dveri*), emphasises the importance of links with Serbian diaspora and stresses the importance of diaspora's (financial) support to the party. Party member, Ivan Kostić, was one of the president of the Committee for Diaspora and Serbs in the Region. Two other right-wing parties – the Serbian People's Party (*Srpska Narodna Partija*) and the Serbian Progressive Party (*Srpska Napredna Stranka*) – have more limited interest in the diaspora. They focus mostly on cultural ties and diaspora's financial support for the home country (see below on remittances). As a consequence, there has been no debate in Serbia on the question of social protection of Serbian nationals living abroad or on the specific issues regarding extension or restriction of their welfare benefits.

In order to understand the relationship between Serbia and its nationals residing abroad, it is worth noting the amount of diaspora's monetary remittances to the home country. In 2015, monetary remittances represented the equivalent of 9.2% of the Serbian gross national product (Grečić 2016). According to the National Bank of Serbia,¹⁴ the largest amount of remittances come from Germany (23.6%), Switzerland (15.1%), France (9.4%) and Austria (8.6%). In 2017, it was estimated that the Serbian diaspora sent over 3.6 million US dollars to Serbia.¹⁵

However, the total amount of remittances is difficult to estimate because a considerable share of remittances comes through informal or private channels. As banks in Serbia do not show great interest in remittances, money transfer can be done only through foreign banks or fast money transfer institutions, such as Western Union or MoneyGram, which makes the process expensive. Once received, remittances are

¹⁴National Bank of Serbia (2018). News on assignments [*Novosti - u vezi sa doznakama*]. <http://www.nbs.rs/internet/latinica/scripts/showContent.html?id=9627&konverzija=yes>. Accessed 21 September 2018.

¹⁵World Bank (2018) Migration and Remittance Data. <http://www.worldbank.org/en/topic/migrationremittancesdiasporaisues/brief/migration-remittances-data>. Accessed on 23 September 2018.

used mainly to cover basic daily expenses and raise the quality of living conditions. They are rarely kept as savings or used for the development of the home community.¹⁶

The Serbian diaspora also engages in solidarity activity by financially supporting populations in need and infrastructure building in Serbia. For example, during the major floods in 2014, the Serbian diaspora responded to the call for help of the Serbian government by providing aid for the reconstruction of affected regions. Diaspora representatives sent money, food, clothes, shoes and medicines to affected areas. According to the Ministry of Finance, almost 700,000 euro was collected through PayPal foreign currency accounts and more than 27 million euro has been donated by diaspora (Rigoni 2013).

All Serbian governments since 2000 have claimed that ‘more must be done’ to leverage a segment of remittance flows into investments and savings. As part of its strategy to develop business relations with diaspora, the Ministry of Foreign Affairs has two state secretaries who target Serbian entrepreneurs living abroad. On the local level, there are more than twenty-five local diaspora offices for economic development and cooperation with diaspora. These offices are part of the local municipal governments, often in connection with the Chamber of Commerce (Tomić 2016). Even though these local offices do exist, in practice, local government bodies randomly establish cooperation with the diaspora (Petronijević 2014). Also, there is no national strategic plan on the use of remittances, and remittances have never been invested in large development projects. There are also no specific policies, which incentivize investment of the diaspora into local developments projects or business. A recent study by the United Nation Development Programme¹⁷ stresses that there is a lack of specialized programme targeting diaspora investment and no differentiation between foreign investment and diaspora investment, which ignores a huge potential sector for inbound foreign investment.¹⁸

¹⁶International Organization for Migration (2008). Migration in Serbia: A Country Profile 2008. *International Organization for Migration*, Geneva, Switzerland. http://publications.iom.int/system/files/pdf/serbia_profile2008.pdf. Accessed 20 September 2018.

¹⁷United Nations Development Programme (2017). Assessment of the national investment framework for diasporas in the Republic of Serbia. United Nations Development Programme. http://www.rs.undp.org/content/serbia/en/home/library/crisis_prevention_and_recovery/assessment-of-the-national-investment-framework-for-diasporas-in.html. Accessed 20 September 2018.

¹⁸Also, there are no policies that encourage the return of citizens residing abroad, even though there are estimates that return of pensioners (permanent repatriation) could generate around 500 million euros with minimal investment (see Politika 2017). Return of pensioners from diaspora for the betterment of Serbia [*Povratak penzionera iz rasejanja boljitak za Srbiju*]. <http://www.politika.rs/sr/clanak/385517/Trece-doba/Povratak-penzionera-iz-rasejanja-boljitak-za-Srbiju>. Accessed 24 September 2018).

19.3 Diaspora Policies and Social Protection in Serbia

The national social security system in Serbia is based on the social insurance model and financed mainly by insurance contributions. The entitlement for most social protection benefits in cash or in kind is based on employment period and/or payment of compulsory social insurance contributions. This also explains why Serbian nationals residing abroad have limited access to these benefits. They are able to access only two types of benefits – healthcare, and pension and invalidity insurance – and this under a special condition. This condition implies that they can be compulsory insured in Serbia in case they are not insured in the country in which they live/work. They can also be insured in case when they are insured in the country abroad in which they live, but this insurance does not allow them to access these benefits outside that country. The Ministry of Foreign Affairs has a dedicated website called “Guide for the Diaspora”, which provides information on the conditions under which these two types of insurance can be acquired by Serbian nationals residing abroad. National institutions in charge of managing healthcare and pension and invalidity insurance- the National Health Insurance Fund and the National Institute for Pension and Invalidity Insurance- also provide this information on their websites.

Serbian missions and consulates abroad also provide help to the diaspora. The role of these institutions was broadly defined by the Law on Foreign Affairs (2007), but this law does not specifically define the obligations of the missions and consulates towards Serbian nationals abroad. There is a special department of the Ministry of Foreign Affairs – the Department for Consular Services-, which is defined as being in charge of “protecting the interests of Serbian nationals abroad”.¹⁹ The department is responsible mainly for administrative services, including services related to repatriation and deportation of Serbian citizens from abroad, notary and registry tasks (e.g. for marriage and birth), protection of property interests, protection in case of arrest and condemnation, etc. Similarly, according to the Ordinance on Honorary Consuls (2009),²⁰ the functions of honorary consuls include protection of Serbian nationals’ rights and interests in the country of residence and concrete measures in providing necessary help in situations of emergency, including reports on deaths, accidents, arrest, investigation, deportation, or judicial procedure. However, the mission and consular sections are not obliged to provide any type of in-cash or in-kind social security benefits for Serbian nationals living abroad.

¹⁹Ministry of Foreign Affairs (2018). Sector for Consular Services [*Sektor za Konzularne Poslove*]. <http://www.mfa.gov.rs/sr/index.php/o-ministarstvu/organizacione-jedinice/konzularni-poslovi?lang=lat>. Accessed 21 September 2018.

²⁰Ordinance on Honorary Consuls (2009). [*Uredba o Počasnim Konzulima*]. <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/reg/viewAct/3e9f4315-20ba-4774-bfb2-1c608bf5d825>. Accessed 23 September 2018.

Serbia is a member of a number of regional organizations and initiatives,²¹ but none of these organizations provides access to social protection of Serbian nationals who move to other states that are also members of the same regional organizations. However, there are 28 bilateral social security agreements between Serbia and other countries, which also include the countries that represent the five largest worldwide destinations for Serbian nationals: Germany, Austria, Switzerland, France and Croatia. These bilateral agreements imply that Serbian nationals living in these countries and nationals of these countries living in Serbia have equal access to the national social protection system of their country of residence. The condition is that Serbians residing in these specific countries are legally entitled to specific social protection benefits in Serbia, in order to be entitled to these benefits in the country of their residence abroad. The same applies for the nationals of these countries residing in Serbia – they have to be entitled to these benefits in their country of origin in order to access them as residents in Serbia. While the range of benefits covered depends on country specific social security agreements, all of them cover healthcare and pensions benefits.

On their websites, the Ministry of the Foreign Affairs, the Office for the Collaboration with Diaspora and Serbs in the Region, and consulates offer information on bilateral social security agreements. However, they do not offer further services or information related to welfare benefits in the host countries, not even in the five major destination countries for Serbian citizens, nor do they cooperate with non-governmental institutions active in the sphere of social protection.

19.3.1 Unemployment

In Serbia, unemployment benefits are financed through the social insurance scheme, which includes compulsory contributions, set at 1.5% of workers wages, and their reception is conditioned on the previous employment/insurance period. Serbian nationals residing abroad, as they are not employed/insured against unemployment in Serbia, do not have access to these unemployment benefits.

As for the employment services offered to Serbian citizens who plan on moving abroad, the Ministry of Foreign Affairs, Serbian embassies and consulates, do not provide any professional training, cash or in-kind benefits in situation of unemployment. They also do not repatriate unemployed nationals residing abroad. The National Employment Service does not offer any training programme before migration that aims specifically to prepare nationals for employment abroad. However, the Service provides some assistance in job search, as it occasionally lists advertisements for jobs abroad. According to the Law on Employment and Insurance in the

²¹ For a list of regional organizations in which Serbia is a member check here: <http://www.mfa.gov.rs/en/foreign-policy/eu/regional-initiatives>

Case of Unemployment (2009),²² employment agencies can carry out mediation in the employment of Serbian citizens in Serbia as well as abroad.

It is worth mentioning that the National Employment Service offers a booklet with information on residence permits, conditions and processes related to life and work in Germany for Serbian nationals.²³ The National Employment Service, in cooperation with the German Organization for International Cooperation (GIZ) and the Federal Agency for Work and Mediation with Foreigners of the German Federal Agency for Work, also announces calls (in 2016, already the 5th call) for employment of Serbian nurses and technicians in Germany.

The National Employment Service²⁴ also provides information on bilateral social security agreements between Serbia and other countries that cover unemployment insurance. Out of the five largest worldwide destinations of Serbian citizens – Germany, Austria, Switzerland, France and Croatia – only the bilateral social security agreements signed with Austria and Croatia grant Serbian nationals from these two countries access to unemployment benefits. In order to receive the cash benefits in case of unemployment, Serbians from Austria and Croatia have to be already entitled to these benefits in these two countries, as this creates the basis for their entitlement in Serbia. Also, there is a condition for the aggregation of work i.e. insurance periods, which implies that during the previous 12 months the person entitled to unemployment benefits was employed (and insured) in the country in which he/she claims the benefit for at least 26 weeks.

19.3.2 Health Care

In Serbia, access to healthcare benefits is based on the compulsory social insurance scheme, financed mainly by contributions, which are set at 10.3% of workers' wages. Even though access to healthcare benefits is conditioned by contributions, Serbian nationals residing abroad are able to join the healthcare insurance scheme. Law on Health Insurance (2005)²⁵ specifies that two categories of Serbian citizens employed abroad have the right to compulsory healthcare insurance. One category are those who do not have insurance coverage in the country in which they live. The second category includes those who have access to health insurance in the country

²²Law on Employment and Insurance in Case of Unemployment (2009) [*Zakon o Zapošljavanju i Osiguranju u Slučaju Nezaposlenosti*]. https://www.paragraf.rs/propisi/zakon_o_zaposljavanju_i_osiguranju_za_slucaj_nezaposlenosti.html. Accessed 23 September 2018.

²³Available at: http://www.nsz.gov.rs/live/digitalAssets/4/4913_brosura_-_rad_u_nemackoj.pdf

²⁴National Employment Services (2018). Application of Inter-state Agreements [*Primena Međudržavnih Sporazuma*]. http://www.nsz.gov.rs/live/trazite-posao/dok-traziteposao/nezaposleni/primena_me_udr_avnih_sporazuma.cid542. Accessed on 21 September 2018.

²⁵Law on Health Insurance (2005). [*Zakon o Zdravstvenom Osiguranju*]. https://www.paragraf.rs/propisi/zakon_o_zdravstvenom_osiguranju.html. Accessed 23 September 2018.

of residence, but cannot use it to cover health expenses outside the territory of that country.

The Ministry of Foreign Affairs, embassies and consulates assist nationals with access to healthcare and invalidity benefits indirectly, by providing information through the website of the Ministry of Foreign Affairs and the Office for the Collaboration with Diaspora and Serbs in the Region at the special website “Guide for Diaspora”. This website provides information on rights to healthcare and invalidity insurance, types of insurance, documents needed to access the healthcare insurance and bilateral social security agreements. The national institution in charge of the healthcare insurance –the National Institute for Health Insurance- also provides information on these bilateral agreements.²⁶

Serbia has bilateral social security agreements on healthcare benefits with the countries that represent the five largest worldwide destinations of national citizens of Serbia. Similar to unemployment benefits, in order to receive healthcare benefits, Serbians have to be entitled in their country of residence, as this creates the basis for their entitlement in Serbia. On the basis of the bilateral agreement between Serbia and France, Serbian nationals from France have also access to professional illness and accident insurance.

Consulates do not offer cash benefits to nationals residing abroad to deal with health issues. They only offer administrative support with repatriation of remains. In case of serious accidents or illness, Serbian consulates can inform relatives, visit in hospital or recommend clinics and doctors. However, consulates do not provide any financial assistance even in case of emergency. Missions also do not provide financial assistance for repatriation of remains, but they offer administrative and organizational assistance. Lastly, they do not offer any pre-departure information including training programs regarding healthcare and invalidity risk in any of the five countries that are the top destinations of Serbian nationals.

19.3.3 Pensions

In Serbia, pensions are regulated according to the social insurance scheme, pay-as-you-go pension model and one needs to work and contribute to the pension insurance for at least 15 years to receive a pension (non-contributory pensions do not exist). While entitlements to pensions is contributory, Serbian nationals residing abroad have access to the compulsory pension and invalidity insurance under special conditions. According to the Law on Pension and Invalidity Insurance (2003),²⁷ Serbian nationals employed (and insured) abroad have access to pension (and

²⁶National Institute for Health Insurance (2018). International Contracts [*Inostrani Ugovori*]. <http://www.rfzo.rs/index.php/osiguranalica/zz-u-ino/ino-ugovori>. Accessed 21 September 2018.

²⁷Law on Pension and Invalidity Insurance (2003). [*Zakon o Penzijskom i Invalidskom Osiguranju*]. https://www.paragraf.rs/propisi/zakon_o_penzijskom_i_invalidskom_osiguranju.html. Accessed 23 September 2018.

invalidity) insurance if at the time they are employed abroad they do not have a pension or invalidity insurance, or if the rights of pension and disability insurance under the regulations of the state in which they reside cannot be used outside its territory.

Consulates assist nationals with access to pensions indirectly, by providing information on rights to pension insurance, types of insurance, documents needed for access to pension insurance and bilateral social security agreements through the website of the Ministry of Foreign Affairs and the Office for the Collaboration with Diaspora and Serbs in the Region through “Guide for Diaspora”. The National Institute for Pension and Invalidity Insurance also provides information on the calculation of the pensionable period spent abroad. The Institute for Social Insurance provides information to Serbians residing abroad. Finally, to receive a pension from Serbia, one has to submit a life certificate usually once per year. Consulates can authenticate such certificate.

The National Institute for Pension and Invalidity Insurance also provides information on rights to pension and invalidity insurance and bilateral social security agreements on pension insurance between Serbia and other countries.²⁸ Since Serbia has bilateral agreements on pension benefits with the five largest worldwide destinations of national citizens of Serbia – Germany, Austria, Switzerland, France and Croatia – Serbian embassies and consulates in these countries provide information on access to these benefits on their websites.

19.3.4 Family Benefits

In Serbia, access to family benefits is not based on compulsory social insurance, since there are no special payroll taxes for this type of benefits, but some of them are dependent on previous employment. There are five different types of family benefits. Maternity, paternity and childcare benefits depend on previous employment period. Parental and child benefits do not have previous employment as eligibility criteria, but are conditioned by citizenship and residence. Serbian nationals residing abroad therefore do not have access to any of these family benefits.

However, consular offices provide administrative help with some family-related issues. For example, Serbians residing abroad can register their child in the Serbian registry of births through consulates. Application for the registration has to be submitted in person and under the condition that one parent is Serbian. The documents that need to be submitted are the child’s birth certificate of the country abroad and parents’ marriage certificate.

In addition, the Ministry of Education manages the Special Programme on the Education and Upbringing Abroad, through which it regulates the licences and working conditions of Serbian language teachers who are sent abroad with the mission to teach Serbian abroad to children. The Serbian language courses target

²⁸ Available at: <https://www.pio.rs/lat/medjunarodni-ugovori.html>. Accessed 23 September 2018.

children of Serbian nationals, but are also open to children with no Serbian origins. As part of this programme, the Office for the Collaboration with Diaspora and Serbs in the Region also offers free textbooks for learning of Serbian language, as well as audio files for children education (pre-school and elementary school level), that can be downloaded directly from the office's website. In each one of the top five worldwide destinations of Serbian nationals – Germany, Austria, Switzerland, France and Croatia – the website of consulates list Serbian associations and clubs, and provide information on supplementary programme on Serbian language and culture. In some countries, Serbian language courses are offered in regular schools, based on agreements with schools in destination countries. They are also organized independently, outside of the country's educational system, in Serbian associations and clubs. These language courses are usually free and if they are organized by the Serbian Ministry of Education, children are able to get a certificate about the completed grade.

On the basis of bilateral social security agreements, in Germany, France and Switzerland, Serbian nationals have access to child allowance. To receive such allowance, Serbian nationals residing in these countries have to be entitled to these benefits in Serbia. The same applies for the nationals of these countries residing in Serbia – they have to be entitled to these benefits in their country of origin in order to receive these benefits in Serbia.

19.3.5 Guaranteed Minimum Resources (Including Homelessness)

In Serbia, the scheme for minimum guaranteed resources is entitled 'financial social assistance' and is a means-tested benefit. This benefit functions as the last resort of social protection, i.e. the ultimate "safety net" that aims to prevent extreme hardship and protect single persons and households from severe poverty. This benefit is not accessible to Serbian nationals abroad.

With respect to non-resident citizens, there is no policy by which consulates ought to provide them financial assistance in case of economic hardship or homelessness. Consulates do not provide in-kind benefits, such as access to material goods or services. More specifically, none of the institutions – the Ministry of Foreign Affairs, its Office for the Collaboration with Diaspora and Serbs in the Region and/or the Committee for Diaspora and Serbs in the Region – provides any sort of help (administrative or financial) for Serbian residents abroad in case of hardship. Similarly, these Serbian diaspora institutions do not offer any help to Serbian nationals abroad with regard accessing benefits and services related to minimum income resources in the host country either. This complete absence of Serbia's support to diaspora faced with economic hardship is symptomatic of the more general perception of the Serbian diaspora as a source of financial help for the home country rather than the other way round.

19.4 Conclusions

As shown in this chapter, Serbia's system of social protection, which is based on the social insurance model, offers benefits that provide coverage from both labour market related risk (unemployment, guaranteed minimum resources) and life-long risks (healthcare, family care, pensions). However, the access to these social protection benefits in Serbia for Serbian nationals residing abroad has been limited to only two aspects of social protection – healthcare and pension insurance – under the specific condition that they are not entitled to these benefits in their country of work/residence and/or that they are not able to access these benefits outside the territory of that country. At the same time, Serbia has signed bilateral social security agreements with 28 countries, including the five countries with the largest number of Serbian nationals (Germany, Austria, Switzerland, France and Croatia). Serbians residing in these countries have access to more extensive social benefits in Serbia, if they are entitled to these benefits in their country of residence/employment. A structural reason why access to social protection benefits in Serbia for Serbian nationals abroad has been restricted is the country's social protection system, in which entitlements have been mainly based on employment rather than citizenship.

At the same time, even though the Serbian diaspora plays an important role in providing financial support to the country of origin, both as formal and informal remittances, there has been no debate on the possible extension of social protection of Serbian nationals living abroad. The only rights relatively recently acquired by Serbian nationals residing abroad were the voting rights in legislative and presidential elections. More generally, the key focus of the government policies has been diaspora's financial support and strengthening cultural and educational ties with diaspora. The financial support is used mainly to cover basic living expenses and rise the quality of living conditions. Therefore, it can be concluded that despite the structural reasons, Serbian authorities do not consider diaspora's access to social protection in their home and host countries as a priority. Instead, the diaspora is largely perceived as a 'supplement' to the social-safety net for Serbian families with members residing abroad.

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