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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON  
ECONOMIC AND CULTURAL RIGHTS**

**Initial reports submitted by States parties under articles 16 and 17  
of the Covenant\***

**Addendum**

**SERBIA AND MONTENEGRO**

[10 October 2003]

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\* Several enclosures containing tables of statistical data were contained in the annexes. The annexes can be consulted in the files of the secretariat.

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## **ABBREVIATIONS**

DFID	Department for International Development, United Kingdom of Great Britain and Northern Ireland
ECE	United Nations Economic Commission for Europe
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FRY	Federal Republic of Yugoslavia
IDPs	Internally displaced persons
IMF	International Monetary Fund
MICS	Multiple Indicator Cluster Survey (United Nations Children's Fund)
ODIHR	Office for Democratic Institutions and Human Rights (Organization for Security and Cooperation in Europe)
PHRD	Policy and Human Resources Development Fund (World Bank)
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNIDO	United Nations Industrial Development Organization
UNOPS	United Nations Office for Project Services
WGGE	Working Group for Gender Equality, Stability Pact for South-Eastern Europe

## Introduction

1. The initial report on the implementation of the International Covenant on Economic, Social and Cultural Rights for the reporting period 1990-2002 pertains to the Federal Republic of Yugoslavia, which ceased to exist on 4 February 2003 when, on the basis of the Proceeding Points for the Restructuring of Relations between Serbia and Montenegro of 14 March 2002, the Federal Assembly adopted the Constitutional Charter of the State Union of Serbia and Montenegro. An integral part of the Constitutional Charter is the Charter of Human and Minority Rights and Civil Liberties, adopted on 28 February 2003.
2. Pursuant to the Constitutional Charter, the name of the new State, i.e. the successor State of the Federal Republic of Yugoslavia, is Serbia and Montenegro. It is based on the equality of the two member States, the State of Serbia and the State of Montenegro (arts. 1 and 2). The territory of Serbia and Montenegro consists of the territories of the member States; the border of the State Union is inviolable, while the boundary between the member States is unchangeable, except by mutual consent (art. 6). The State of Serbia includes the Autonomous Province of Vojvodina and the Autonomous Province of Kosovo and Metohija which, under Security Council resolution 1244 (1999), is currently under the administration of the international community (Decision on the Promulgation of the Constitutional Charter of the State Union of Serbia and Montenegro).
3. Serbia and Montenegro is a single subject of international law and its member States may become members of international global and regional organizations, the membership of which is not contingent on international personality (art. 14).
4. The organs of the new State are: the Parliament of Serbia and Montenegro (unicameral and consisting of 126 members, 91 from Serbia and 35 from Montenegro); the President of Serbia and Montenegro (elected for a term of office of four years); the Council of Ministers (Foreign Minister, Minister of Defence, Minister for International Economic Relations, Minister for Internal Economic Relations and the Minister for Human and Minority Rights); the Court of Serbia and Montenegro (rulings of the Court are binding and cannot be appealed against and the Court is authorized to invalidate laws, other regulations and enactments of the institutions of the State that are contrary to the Constitutional Charter and the laws of Serbia and Montenegro). Serbia and Montenegro has the armed forces which are under democratic and civilian control (art. 54).
5. Considering that the initial report on the implementation of the International Covenant on Economic, Social and Cultural Rights covers the reporting period 1990-2002 and contains information relevant to the Federal Republic of Yugoslavia, that name of the country has, by and large, been maintained to make the reading of the text easier.
6. Likewise, pursuant to the agreement of the competent organs of the member republics (now member States) of Serbia and Montenegro, the report consists of two parts. The first part pertains to the Federal Republic of Yugoslavia and the Republic of Serbia, and the competent federal organs (many of which ceased to exist upon the adoption of the Constitutional Charter)

and the organs of the Republic of Serbia participated in its elaboration. The second part of the report pertains exclusively to Montenegro and was prepared by the competent organs of Montenegro.

7. The former Federal Republic of Yugoslavia, i.e. the present Serbia and Montenegro, is situated in South-East Europe and occupies the central part of the Balkan peninsula, covering an area of 102,173 square kilometres. From the point of view of geography, Serbia and Montenegro is a Balkan, central European, Mediterranean and Danubian country. It borders on eight States: Hungary, Romania, Bulgaria, Macedonia, Albania, Italy, Bosnia and Herzegovina and Croatia.

## **PART ONE**

### **INITIAL REPORT ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA AND IN THE REPUBLIC OF SERBIA FOR THE PERIOD 1990-2002**

#### **Article 1**

##### **Right to self-determination**

8. The Constitution of the Federal Republic of Yugoslavia contained no explicit provision on the right to self-determination. However, article 48 guaranteed the persons belonging to national minorities the right to establish and foster unhindered relations with co-nationals within the Federal Republic of Yugoslavia and outside its borders and to take part in international non-governmental organizations, but not to the detriment of the Federal Republic or its constituent republics.

9. Unlike the Constitution of the Federal Republic of Yugoslavia, the Constitutional Charter of Serbia and Montenegro explicitly guarantees in its article 60 the right to self-determination. Under the provisions of this article, upon expiry of a three-year period, the member States have the right to initiate the procedure for a change of the State status, i.e. for withdrawal from the State Union. Such a decision is made after a referendum and a Law on Referendums is passed by a member State, taking into account internationally recognized democratic standards. Also, it is provided that, in case the State of Montenegro withdraws from the State Union, the international documents related to the Federal Republic of Yugoslavia, in particular Security Council resolution 1244 (1999), pertain and apply fully to the State of Serbia as its successor. The member State exercising the right of withdrawal does not inherit the right to international legal personality and all outstanding issues will be regulated separately between the successor State and the State that has become independent. In case both member States declare in a referendum that they are in favour of changing the State status, i.e. in favour of independence, all outstanding issues will be resolved in the succession procedure, as was the case with the former Socialist Federal Republic of Yugoslavia.

## **Article 2**

### **Exercise of the rights recognized under the Covenant**

10. Pursuant to its Constitution, the Federal Republic of Yugoslavia was a federal State, founded on the equality of citizens and the equality of its member Republics (art. 1). Its citizens were equal irrespective of their nationality, race, sex, language, faith, political or other beliefs, education, social origin, property or other personal status (art. 20).

11. However, the Constitutional Charter of the State Union of Serbia and Montenegro stipulates that Serbia and Montenegro is based on the equality of the member States (art. 2), while the Charter of Human and Minority Rights and Civil Liberties prohibits discrimination on a broad basis (art. 3).

12. Along the lines of the strengthening of the general principle of non-discrimination was also the provision of article 50 of the Constitution of the Federal Republic of Yugoslavia, stipulating that any incitement or encouragement of national, racial, religious or other inequality, as well as the incitement and fomenting of national, religious or other hatred and intolerance is unconstitutional and punishable. The Charter of Human and Minority Rights and Civil Liberties adopts this provision, stipulating that the said acts are prohibited and punishable (art. 51).

## **Article 3**

### **Ratified international instruments**

13. By its Successor Statement of 12 March 2001, Serbia and Montenegro continued its membership in all other conventions on women's rights, the depositary of which is the Secretary-General of the United Nations. Serbia and Montenegro is a party to the Convention on the Elimination of All Forms of Discrimination against Women. It ratified the Optional Protocol to this Convention in December 2002.

14. Likewise, Serbia and Montenegro is a party to the ILO Discrimination (Employment and Occupation) Convention No. 111 (1958) and ILO Equal Remuneration Convention No. 100 (1951).

### **Status of women in the Federal Republic of Yugoslavia**

15. Women account for 52 per cent of the population of the Federal Republic of Yugoslavia of legal age. As available data indicate that they are in an unequal position in many walks of life, it is necessary to establish mechanisms at all levels to monitor and create conditions for the right to equal opportunities and the realization of gender equality.

#### *Women and education*

16. Far-reaching positive changes in the area of gender equality have been effected in the field of education. Progress has been achieved at all levels of education, particularly in higher education. Provision of equal education opportunities to children of both sexes has led to an

ever-higher level of education of women. Women have become equal in education with men at certain levels (e.g. according to the 1991 census, 18.4 per cent of men and 24.3 per cent of women in central Serbia and 24.8 per cent of men and 25.7 per cent of women in Vojvodina completed elementary education); nonetheless, they still account for the greater share of the illiterate part of the population as a consequence, primarily, of the historical lack of education opportunities for women of older generations.

17. From generation to generation, women have caught up with, and sometimes even overtaken, men, especially in higher education. In the 1991 census year, in the population group aged 35 to 39, the number of women who had higher education (in Vojvodina 10.9 per cent, in central Serbia 13.1 per cent) was approximately the same as the number of men at this level of education (in Vojvodina 11.4 per cent, in central Serbia 14.4 per cent). Among younger generations, women took the lead. For example, in the population group aged 30 to 34, 13.1 per cent of women in Vojvodina and 14.6 per cent of women in central Serbia graduated from a high school or a university. In this age group women overtook men in Vojvodina, whose percentage in this education bracket amounted to 11.9, while in central Serbia women were almost level with men at 14.7 per cent. Among younger population groups, the difference in education changed from generation to generation in favour of women. Among women aged 25 to 29, 12.8 per cent of them in Vojvodina had a high school or university degree (as against 7.6 per cent of men), while in central Serbia the ratio stood at 13.8 to 10 per cent in favour of women.

18. At the same time, the enrolment of both men and women in higher schools or university in the 1990s kept rising from generation to generation. In the academic year 1994/95 the percentage of the female population attending those schools and universities stood at 31. In 1998, women accounted for 60 per cent of high school and university graduates, 63.4 per cent in Vojvodina and 58.4 per cent in central Serbia. In 1999, 59 per cent of high school and university graduates were women and in 2000, 58 per cent.<sup>1</sup>

19. In 1998, women accounted for 61 per cent of specialization students, in 1999 for 63 per cent and in 2000 for 60 per cent. In 1998, women accounted for 45 per cent of M.A. students, in 1999 for 47 per cent and in 2000 for 47 per cent, while the percentage of women at doctoral studies in the aforementioned years was 37, 40 and 58 respectively.<sup>2</sup>

#### *Women in the labour market and in places of decision-making*

20. According to many indicators, women are not accorded equal treatment with men in the labour market, either. In that market, women account for the majority of the unemployed, in percentages considerably higher than the percentage of their share of adult population.

21. The percentage of women in managerial positions is much lower than that of men, even in occupations in which women account for about 70 per cent of the employed.

#### Article 4

##### **Limitation of the rights and freedoms provided for by the Covenant**

22. The Constitution of the Federal Republic of Yugoslavia provided for the exercise of the rights of men and the citizen and the fulfilment of duties in conformity with the Constitution (art. 67, para. 1). The manner in which various rights and freedoms of man and the citizen are to be exercised may be prescribed by law when so provided for by the Constitution or when necessary for their implementation (art. 67).

23. Compared with the provisions of the Constitution of the Federal Republic of Yugoslavia, the Charter of Human and Minority Rights and Civil Liberties of the State Union of Serbia and Montenegro provides for greater guarantees of rights and freedoms recognized by the Covenant and, in that context, stipulates that the human and minority rights guaranteed are enjoyed directly in accordance with the Constitutional Charter of the State Union of Serbia and Montenegro. They are specifically regulated, ensured and protected by the Constitutions, laws and policies of the member States (art. 2). Likewise, the rights guaranteed by the generally accepted rules of international law, as well as international treaties in effect in the State Union, are interpreted in such a way as to promote the values of open and democratic society, in accordance with international human and minority rights guarantees in force and with the practice of international bodies over viewing their implementation (art. 10).

24. The Charter of Human and Minority Rights and Civil Liberties stipulates that human and minority rights may be limited only on the basis of limitations provided in the Constitutional Charter of the State Union of Serbia and Montenegro, the Constitutions of the member States and the law of general application which contains a specific reference to the provision allowing limitation. Guaranteed human and minority rights may be limited only to the extent necessary to achieve, in an open and democratic society, the purpose for which limitation is allowed. Likewise, when limiting human and minority rights and interpreting these limitations, all State organs must take into account the substance of the right under limitation, the importance of the purpose of limitation, the nature and extent of limitation, the relationship between limitation and its purpose and whether there is a possibility of achieving the purpose with less restrictive means. Limitation must not affect the substance of a guaranteed right (art. 5).

#### Article 5

##### **Prohibition of limitations of basic human rights on the pretext that they are not recognized by the Covenant or are recognized to a lesser extent**

25. By the provisions of article 16, paragraphs 1 and 2, and article 124, paragraph 2, of its Constitution, the Federal Republic of Yugoslavia undertook to guarantee respect for article 5 of the International Covenant on Economic, Social and Cultural Rights. It explicitly declared that it would fulfil in good faith the obligations contained in international treaties to which it is a State party and that those treaties, including generally accepted rules of international law, are an integral part of the internal legal order (art. 16).

26. The Federal Constitutional Court ruled on the conformity of statutes and other laws and general enactments not only with the Constitution of the Federal Republic of Yugoslavia, but also with ratified and promulgated international treaties (art. 124, para. 1, subpara. 2), by way of which the international treaties were recognized as having stronger legal force than the law.

27. The Charter of Human and Minority Rights and Civil Liberties stipulates that no limitation is allowed of human and minority rights guaranteed by generally accepted rules of international law, international treaties in effect in the State Union and laws and other legislation in force on the pretext that they are not guaranteed by the Charter of Human and Minority Rights and Civil Liberties or are guaranteed to a lesser extent (art. 8).

### **Article 6**

28. Ratified international instruments include the ILO Equality of Treatment (Accident Compensation) Convention, No. 19 (1925), the Maintenance of Migrants' Pension Rights Convention, No. 48 (1935), the Abolition of Forced Labour Convention, No. 105 (1957), the Employment Policy Convention, No. 122 (1964), the Discrimination (Employment and Occupation) Convention, No. 111 (1958), the International Convention on the Elimination of All Forms of Racial Discrimination, and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

#### **A. Freedom of work and the right to employment under equal conditions**

29. The provisions of ILO Discrimination (Employment and Occupation) Convention No. 111 are built into Yugoslav legislation in their entirety. The Constitution of the Federal Republic of Yugoslavia and the Constitution of the Republic of Serbia guarantee the freedom of work and engagement in economic activities and free choice of occupation and employment under equal conditions. The freedom of work, i.e. the right to employment under equal conditions, as well as protection of workers against all forms of discrimination are guaranteed and implemented in practice by the Law on Basic Labour Relations (*Official Gazette of the Federal Republic of Yugoslavia*, No. 29/96), the Labour Law of the Republic of Serbia (*Official Journal of the Republic of Serbia*, Nos. 70/2001 and 73/2001) and the Law on Employment and the Exercise of the Rights of Unemployed Persons (*Official Journal of the Republic of Serbia*, Nos. 22/92, 73/92, 82/92, 67/93, 34/94, 52/96, 46/98 and 29/2001).

30. Supervision of the implementation of the Republic regulations in the field of labour relations is carried out by a labour inspection service established within the Ministry of Labour and Employment of the Republic of Serbia. Supervision of the implementation of the Federal Law on Basic Labour Relations was not organized at the federal level; in practical terms, it was carried out by the labour inspection service of the Republic of Serbia through the monitoring of the implementation of the labour relations regulations of the Republic (in which the provisions of the Federal Law on Basic Labour Relations were incorporated).

31. The Charter of Human and Minority Rights and Civil Liberties guarantees the right to work in accordance with the law (art. 40). It is stipulated in the provisions of the said article that the member States create conditions in which everyone can earn a living by his/her own work, that everyone has the right to free choice of work, fair and adequate working conditions and,

especially, to fair remuneration for his/her work. However, unlike the Constitution of the Federal Republic of Yugoslavia, the Constitutional Charter no longer provides for the conditions under which an employment relationship may cease contrary to the will of the employed.

### **B. Gender equality**

32. The data reflecting the implementation of the principle of gender equality in practice indicate that the percentage of women in the total number of the employed in the period from 1992 to 2002 was slightly higher. On average, that percentage was 41.55 over the past 11 years. Compared with 1992, in 2002 it rose by 8 per cent.

33. On average, unemployed women accounted for 55.45 per cent of the total number of the unemployed in the period from 1992 to 2002. At the same time, the average percentage of women taking up employment through the Labour Market Office stood at 52.3 per cent. The trends of employment, conclusion of employment and contracts, based on the records of the Labour Market Office and those related to unemployment, indicate that there is a linear increase in the number of women, while the percentage of women seeking employment through the Labour Market Office increased steadily. According to statistical data, the percentage of university-educated women in the total number of the unemployed persons with college or university degree stood at 58.2. About 57 per cent of unemployed women sought employment longer than two years; that percentage was somewhat lower with unemployed men and stood at 50 per cent.

34. On average, women sought employment longer than men and accounted for the larger percentage of the unemployed at almost all levels of education. This is explained by cultural models and the status of women in society, but also by the choice of occupations less in demand on the labour market. Indicative of women's choice of occupation is the fact that women were employed more than men in education, the textile industry, culture and health.

35. The somewhat higher percentage of women in the total number of persons seeking employment through the Labour Market Office is explained by less personal activity of women looking for employment, the result of sociocultural factors, as well as by the activities of the Labour Market Office. Notwithstanding the fact that, generally speaking, the Labour Market Office had no special programmes or additional financial incentives for the employment of women, their participation in certain programmes was more intensive than that of men.

36. Instances of limitation of the right to work regarding consistent respect for the principle of gender equality do occur in practice. This is particularly true of the legal possibility provided to the employer to choose and employ a person befitting his/her own employment criteria. Although men and women are fully legally equal (under the law and other regulations, collective agreements, etc.) irrespective of sex, in practice it is not always the case. In that context, practice has shown that some employers do not honour the principle of gender equality in its entirety, particularly regarding limitations with respect to age in typically female professions, as well as the right such as maternity or childcare leave.

### **C. Respect for the principle of non-discrimination in employment**

37. If we look at the respect for the principle of equality in employment, practical instances show that, in relation to nationality, race, language, religion, political or other belief, education, social origin, property or any other personal status, this principle is respected consistently, i.e. that there is no discrimination in the exercise of employment rights on this basis.

38. Notwithstanding the fact that general regulations of the Labour Market Office provide for incentives for the employment of disabled persons twice as large as those provided for the employment of other unemployed persons, i.e. that disabled persons are the category in an advantageous position in regard to employment, employers do not consider these measures stimulative enough and are reluctant to employ disabled persons.

39. The Ministry of Labour and Employment of the Republic of Serbia has prepared a draft employment and unemployment insurance law, aimed at regulating these areas in accordance with international conventions, recommendations of the European Union and the contemporary practice of European legislation. The draft law provides for the principle of free choice, equal employment access and treatment according to which a person seeking employment will be accorded equal access to jobs and equal treatment in the employment procedure irrespective of race, colour, sex, nationality, religion, political and other belief or conviction, social status or origin, property, marital or family status, age, membership or non-membership in a trade union, association or a political organization, health condition provided he/she meets work requirements, or of any other circumstance which may be a basis of discrimination, i.e. unequal treatment of persons among whom there are distinctions that are not instrumental in carrying out the functions of a job. Likewise, the draft law provides for the payment of penal compensation by the employer if he/she refuses to conclude an employment contract because of discrimination.

40. With the aim of fully integrating disabled persons in the labour market, a draft law on the employment of disabled persons is being prepared, based on the concept of the right and a turnabout in the treatment of disability from a medical notion to that treating disability as a notion of human rights. The law will provide for special protection of persons with disability in employment and at work, prohibition of discrimination of disabled persons in employment, adjustment of workplaces to the needs of disabled persons and for the obligation of employing disabled persons in all companies. Disabled persons can, under equal conditions, access all jobs and all forms of work training, provided they are capable of carrying out the jobs concerned. Likewise, disabled persons are included in employment and training programmes primarily by way of integration, i.e. alongside able-bodied persons, and if they cannot be employed on the open labour market, they are employed in companies for work training and the employment of disabled persons.

41. In accordance with article 72, paragraph 1, subparagraph 2, of the Law on Physical Planning, the Minister of Town Planning has been empowered to prescribe the conditions for planning and designing of facilities relative to safe movement of children, the elderly and the handicapped and disabled persons. Using his powers, the Minister has brought the Rules regulating these conditions (*Official Journal of the Republic of Serbia*, No. 18/1997).

42. The question of the accessibility of space, places and facilities to disabled persons should be dealt with in the Law on Physical and Settlement Planning and the Law on Facilities Construction, but few provisions of these laws treat these matters.

43. The French humanitarian organization Handicap International initiated the project "Persons with Disability and Their Environment". The project has resulted in a monograph from which the data below have been taken. The following problems have been identified within the framework of this project:

- Limited and insufficient participation of disabled persons in activities and decision-making in all areas of social life, particularly in those areas which concern them;
- In the sphere of education, many handicapped children are excluded from school activities or confined to institutions which do not provide optimum possibilities for normal social integration;
- In the sphere of employment, the unemployment rate of disabled persons is much higher than that of any other group;
- A great number of disabled persons are excluded from public life because of poor access to transport facilities, public, health, cultural, religious, sport and other institutions;
- Adaptation of living quarters is expensive and unaffordable to a large number of disabled persons; and
- Economic problems, starting with elementary support, are pronounced for a large number of disabled persons.

**Table 1**

**The work status of disabled respondents (in percentage)**

Supported person	35
Employed - employment in a protected workshop	1
Employed - employment in a public or private firm	1
Employed - employment in an NGO, association of disabled persons, etc.	10
Self-employed	1
Retired	36
Unemployed - not looking for employment	7
Unemployed - registered with a job centre	6
Others	3

44. Out of the small number of employed disabled persons, 33 per cent consider physical adaptations at work to be in accord with their needs, but only 40 per cent consider work to be correspondent to their needs regarding the beginning of the working hours and the work length, scope and break.

45. The educational qualifications in the Republic of Serbia of disabled persons correspond to those of the general population. One half of the respondents have no education of any kind, 49 per cent have incomplete primary and secondary education, one third have complete secondary education. As in the general population, 6 per cent of the respondents have higher or high education, while 11 per cent of the respondents finished specialized schools. With regard to the accessibility of educational institutions, only 15 per cent said that these institutions were inaccessible to them, by and large because of their health problems.

46. The analysis of the accessibility of public services and facilities revealed an unsatisfactory situation, which affects the quality of life of persons with motor damages in their everyday activities. Public transport is inaccessible to as many as 52 per cent of the respondents, shops to 53 per cent, public telephones to 37 per cent and other public services, such as postal and/or city or town administration services or the police, to 35 per cent. This situation is even worse with regard to institutions that provide a better quality of life through entertainment. Cinemas are accessible to only 20 per cent of persons suffering motor damage, libraries to 17 per cent, theatres to 12 per cent and sport clubs to 11 per cent.<sup>3</sup>

47. Within the process of reforms in the social protection sector and support to alternative, non-institutional provision of services, the Ministry of Social Affairs of the Republic of Serbia devoted special attention in 2002 to the needs of disabled persons. In addition to legal reforms, the Ministry supported the promotion of the work of associations and organizations of disabled persons, giving special priority to associations and organizations at the local level. To that end, an open competition was announced in May 2002 to finance programmes and activities geared towards addressing concrete problems related to day care and inclusion campaigns or programmes. Of the bids received, the Ministry accepted to finance 122 projects for which resources have been allocated in the amount of 25,376,850 dinars.

48. In accordance with the Law on Reduced Fare Arrangements in Public Passenger Transport for Blind and Physically Disabled Persons, the Ministry makes fare refunds for effected transport through current accounts of road, rail, water or air transport carriers (six trips per year for a disable person with an escort). The sum of 4,700,000 dinars was earmarked for these purposes in the 10 months of 2002. Also financed was the work of expert services and part of the material expenses for 10 Republic Federations (associations and organizations of disabled persons) in the amount of 6,530,000 dinars in 2002.

49. A total of 11,150,000 dinars were allocated for the procurement of computers for the needs of 230 associations and organizations of disabled persons in the Republic of Serbia in 2002.

#### **D. Prohibition of forced labour**

50. The freedom of work is one of the constitutionally guaranteed rights and is regulated within the norms establishing the right to work. Article 54 of the Constitution of the

Federal Republic of Yugoslavia guaranteed free choice of occupation and employment. Likewise, employed persons may have had their labour contract terminated against their will only under conditions and in the manner stipulated by law and collective agreements. The provision of paragraph 3 of this article explicitly prohibited forced labour. Similar provisions are contained in the Constitution of the Republic of Serbia.

51. The Charter of Human and Minority Rights and Civil Liberties guarantees the right to free choice of work (art. 40, para. 2), but contains no explicit provision prohibiting forced labour.

52. The provisions on the prohibition of forced labour, i.e. the freedom of work, are the result of the obligations of the country which, in addition to relevant United Nations documents, derive from the ratified ILO Forced Labour Convention No. 29 (1930) (considering that ILO Abolition of Forced Labour Convention No. 105 (1957) has not yet been ratified by the country)<sup>4</sup> and ILO Indirect Forced Labour Recommendation No. 35 and ILO Regulation of Forced Labour Recommendation No. 36. Certain obligations derive also from ILO Gradual Abolition of Recruitment Recommendation No. 46.

53. In the light of the aforementioned international documents, one can analyse the complex of norms of the Law on Basic Labour Relations which regulate the manner of the establishment of a labour relationship, definition of a labour relationship, possibility of the takeover of an employed person by another employer, vacations, leaves of absence of the employed, length of working hours, and instances in which it is possible to introduce overtime work and rearrange working hours.

54. The definition of a labour relationship itself does not contain explicit provisions on the voluntary nature of a labour relationship, but it clearly derives from appropriate constitutional provisions, i.e. from the contractual concept of labour relationship which has been established by the said law.

55. Article 20, paragraph 1, of the Law on Basic Labour Relations establishes an (optional) possibility to introduce longer than full-time work (overtime work) under conditions established by law, i.e. a collective agreement, while the weekly maximum duration of overtime work (up to 10 hours per week) has also been established. Exceptionally, paragraph 2 provides for cases when an employed person is obliged to work even longer (in the case of natural disaster and in other cases established by the law of the Republic). This law provides for the determination of the exact time to which overtime work is introduced and the number of working hours. In each individual case, the employer (manager) is obliged to bring a decision on the introduction of overtime work (art. 20, para. 3). The failure to respect norms on overtime work is sanctioned as an infraction (for which the employer, i.e. the responsible person is fined). For such work the employed person is entitled to increased wages, which is established by the law of the Republic, collective agreement or an employment contract.

56. Due to their specific nature, which is not specified in greater detail, but the conditions under which they will be considered as such are defined by the law, it is possible to rearrange working hours in some sectors (such as civil engineering, agriculture, catering) by way of providing for longer hours than full working hours during one part of the year and for shorter

hours during the other, making sure all along that the aggregate working hours of an employed person are, on average, not longer than his/her overall working hours over the year. This rearrangement has been regulated by article 23 of this law, as well as by appropriate provisions of the Republic's labour-related legislation.

57. Protection against forced labour has been provided also by the provisions of criminal legislation. Groups of criminal offences against labour relations is the subject of regulations of Republic criminal laws. So, for instance, article 86 of the Criminal Law of the Republic of Serbia establishes the criminal offence of violation of labour-related rights, albeit by a blanket disposition. This article stipulates that he/she who deliberately fails to abide by the laws, other regulations, collective agreements and other labour-related general acts will be fined or sentenced to up to one year in prison.

### **E. The right of a foreigner to take up employment**

58. The provision of article 8 of the Law on the Basic Principles of Labour Relations stipulates that foreign nationals and stateless persons may take up employment under conditions from article 7 of this law, i.e. under the same conditions provided for the citizens of this country.

59. The Federal Republic of Yugoslavia is a signatory of ILO Conventions Nos. 19, 48, 97 and 43.

60. The Law on the Conditions of Conclusion of Employment Contract with Foreign Nationals (*Official Gazette of the Socialist Federative Republic of Yugoslavia*, Nos. 11/78 and 64/89 and *Official Gazette of the Federal Republic of Yugoslavia*, Nos. 42/92, 24/94 and 28/96) stipulates that a foreign national may conclude an employment contract in the Federal Republic of Yugoslavia if he/she has been granted approval for permanent residence, i.e. temporary stay, and if he/she has been granted approval to conclude an employment contract by the agency of the Republic of Serbia responsible for employment affairs (art. 2). The law provides for the cases when a foreign national may take up employment without the announcement of public competition. It is envisaged that workplaces may be established by the employer which may be taken up by foreign nationals. In the adoption of this law, due respect has been paid to international rules relevant in this area as the primary principle of equal treatment of foreigners, i.e. non-discrimination, vis-à-vis the domestic labour force. Also, the renewal, i.e. the conclusion of numerous bilateral, inter-State agreements on social security with other States is under way under which it will enable a foreign national to have equal status with the citizens of this country in the field of social insurance. Thus, the freedom of movement and settlement of foreign labour force is achievable in great measure in the Federal Republic of Yugoslavia.

### **Article 7**

#### **(a) Ratified international instruments**

61. International labour instruments ratified by Serbia and Montenegro include the ILO Weekly Rest (Industry) Convention, No. 14 (1921); the Labour Inspection Convention, No. 81 (1947); the Night Work (Women) Convention (Revised), No. 89 (1948); the Night Work of Young Persons (Industry) Convention (Revised), No. 90 (1948); the Equal

Remuneration Convention, No. 100 (1951); the Weekly Rest (Commerce and Offices) Convention, No. 106 (1957); the Labour Inspection (Agriculture) Convention, No. 129 (1969); the Minimum Wage Fixing Convention, No. 131 (1970); the Holiday with Pay Convention (Revised), No. 132 (1970); the Paid Educational Leave Convention, No. 140 (1974); and the Occupational Safety and Health Convention, No. 155 (1981).

**(b) Wages, wage compensation and other emoluments**

62. An employed person is entitled to appropriate wages, established in accordance with the law, a general enactment or an employment contract.

63. An employed person is guaranteed equal pay for equal work or work of equal value.

64. The wages of an employed person are made up of:

- Wages that the employed person earned for work performed and time spent at work;
- Increased wages;
- Wage compensation; and
- Other emoluments derived from employment.

65. Business trip and commutation expenses, solidarity assistance, jubilee awards and retirement severance pay are not considered wages.

66. Wage determination elements are not provided for by law. They are established by a general act or an employment contract.

67. According to the regulations in effect before the coming into force of the Labour Law, wages consisted of the price of work, work performance, time spent at work, food allowance (company-subsidized hot meal at work) and vacation and fieldwork bonuses.

68. An employed person is entitled to increased wages in accordance with a general act or an employment contract for overtime work; work on a holiday which is a non-working day; night work; and work in shifts.

69. Other cases in which an employed person may be entitled to increased wages may be provided for by a general act or an employment contract.

70. Wages to an employed person are paid for periods established by a general act or an employment contract at least once a month.

71. Wages are paid only in money, except in case of conclusion of an employment contract with household personnel in which it is possible to contract partial payment of the wages in kind.

72. An employed person is entitled to minimum wages for standard performance and full-time work. Minimum wages are established by agreement between the Government of the Republic of Serbia and the relevant representative trade union and the relevant representative

employers' association, organized for the territory of the Republic of Serbia in accordance with the law. If no agreement is reached under paragraph 2 of this article within 10 days from the day of the beginning of negotiations, the minimum wages will be determined by the Government of Serbia.

73. The following will be taken into account in determining minimum wages: living expenses, existential and social needs of an employed person and his/her family, unemployment rate, employment fluctuation on the labour market and the general level of the economic development of the Republic.

74. Minimum wages are established per work hour for a period of at least six months.

75. An employed person is entitled to wage compensation:

- During sick leave in the amount of 65 per cent of wages; and
- Occupational disease and injury at work, vacation, non-working holiday and paid leave of absence in the amount of 100 per cent of wages.

76. A general act or an employment contract may establish other cases in which an employed person is entitled to wage compensation. An employed person is entitled to compensation of commutation and in-country business trip expenses in the amount established by a general act or an employment contract. An employed person is entitled to compensation of out-of-country business trip expenses. This area was regulated in the same way in the preceding period as well.

**(c) Limited working hours**

77. The Constitution of the Federal Republic of Yugoslavia stipulated that employed persons were entitled to limited working hours, a daily and weekly rest and a paid vacation and a leave of absence in conformity with the law and/or collective agreement. These are inalienable rights that belong to every worker.

78. The Federal Law on the Basic Principles of Labour and the Labour Law of the Republic of Serbia provide for a 40-hour working week. The 40-hour working week is considered full-time work. The full-time work of a person under the age of 18 cannot be longer than 35 hours a week.

79. A part-time employment contract can be concluded on permanent or temporary employment. An employed person working part-time is entitled to compulsory social security and all employment rights in proportion to the time spent at work.

80. An employed person working part-time for one employer may conclude an employment contract for the remaining part of his work time with another employer and achieve in that way a full-time employment.

**(d) Shorter working hours**

81. The Labour Law regulates the institute of shorter working hours. It stipulates that an employed person who works in particularly difficult, stressful and unhealthy conditions,

established by law or a general act, which, notwithstanding job safety and personal protection equipment and measures, are rife with health hazards, will have his/her working hours shortened in proportion to the effect of the health hazards on the health and work capacity of the employed person at most by 10 hours per week (increased-risk jobs).

82. Shorter working hours are established following an expert analysis. The employed person working shorter hours enjoys all rights as if he/she worked full working hours.

**(e) Overtime work**

83. At the request of the employer, an employed person may have to work longer than full working hours in case of force majeure, sudden increase in the quantity of work and in other cases when it is necessary to complete unplanned work within a certain period of time. An employed person may not work overtime longer than four hours a day and not more than 240 hours in a calendar year.

**(f) Rearrangement of working hours**

84. The employer may rearrange working hours if so demanded by the nature of activity, organization of work, better utilization of the means of work, more effective use of work time and the completion of a work within a fixed period of time.

85. The rearrangement of working hours is carried out in such a way as to make sure that the aggregate work time of an employed person during a calendar year is on average not longer than the full work time. Rearrangement of working hours of an employed person under the age of 18 is prohibited. The employer may rearrange working hours to an employed woman during pregnancy and an employed parent with a child under the age of 3 or a child with a serious psycho-physical handicap only with a written consent of the employed.

**(g) Night work**

86. Work carried out between 10 p.m. and 6 a.m. the following day is considered night work. If the work is organized in shifts, change of shifts must be ensured so that an employed person does not work continually at night more than one working week. An employed person may work at night longer than one working week only with his/her written consent.

**(h) Vacation and leave of absence**

87. The Constitution of the Federal Republic of Yugoslavia guaranteed employed persons the right to a weekly rest in conformity with the law and/or collective agreement (art. 56). The Law on the Basic Principles of Labour Relations provided for the right of an employed person to a weekly rest lasting at least 24 hours. If it is necessary for an employed person to work on the day of his/her weekly rest, he/she must be given a day off during the coming week instead (art. 28). Under the Labour Law of the Republic of Serbia, an employed person is entitled to a weekly rest lasting at least 24 hours on end, and if it is necessary for an employed person to work on the day of his/her weekly rest, he/she must be given a day off during the coming week instead.

88. In addition to a weekly rest, an employed person is entitled to a paid vacation. Under the Law on the Basic Principles of Labour, the right of the employed person to a vacation lasting at least 18 working days may not be denied, nor may the employed person waive that right. The Labour Law of the Republic of Serbia contains more detailed stipulations to the effect that an employed person taking up employment for the first time or interrupting employment longer than five working days acquires the right to a paid vacation after six months of continuous work. While on vacation, an employed person is entitled to wage compensation in the amount he/she would have earned during the month in which he/she was on vacation. If an employed person is unable to use his/her vacation through the fault of the employer, he/she is entitled to monetary compensation in the amount of the wages he/she would have earned during the month in which he/she would have used his/her vacation. The law provides only for the minimum duration of a vacation, not for its maximum length. However, in practice it happens regularly that vacations longer than 18 working days are used through the application of criteria provided for by the law and collective agreements for determining the length of vacation. By and large, 18-working-day vacations are mainly used only by workers at the beginning of employment, i.e. workers with a shorter length of service.

89. In addition to an annual vacation, an employed person is entitled to a leave of absence during the calendar year with wage compensation for up to five working days in cases provided for by the law, a general act or an employment contract. In case of a work interruption occurring through no fault of an employed person lasting up to 45 days at most in the calendar year, he/she is entitled to wage compensation amounting to 45 per cent of the wages he/she would have earned if he/she had worked. The employed person is entitled to wage compensation amounting to the wages he/she would have earned if he/she had worked during the absence on a holiday which is a non-working day. If an employed person works on a holiday which is a non-working day, he/she is entitled to increased wages.

**(i) Job safety**

90. The Constitution of the Federal Republic of Yugoslavia guaranteed employees the right to job safety protection<sup>5</sup> in accordance with the law (article 56, paragraph 2, of the Constitution).

91. The Constitution of the Republic of Serbia stipulates that “employed persons are entitled to job safety, in accordance with the law” (art. 38, para. 2). Likewise, under the Constitution, within the rights and duties under article 72, paragraph 1, subparagraph 4, it is established that the Republic of Serbia regulates and provides for the system in the fields of “protection at work”.

92. National job safety, health protection and work environment policies have been formulated with a view to general job safety, applied to all sectors of economic activity and all workers employed in them. Measures have been established to implement these policies. The implementation of laws and regulations has been ensured by the system of special inspection. Measures have been envisaged at the company level, designed to ensure the functioning of job safety through the fulfilment of certain requirements by employers and through cooperation between employers and workers, i.e. their representatives in the company.

93. Special protection ensures: (a) application of standards relative to risks involved in the use of life- and health-threatening materials (work materials) and machines; and (b) application of standards on risks inherent in some activities, i.e. in the performance of certain types of work.

The first type of protection, for instance, concerns protection against the use of lead-whitener in dyeing, benzene poisoning, the use of carcinogenous substances and agents due to occupational exposure to asbestos and against harmful effects of chemical processes, including protection of machines and protection against occupational risks in the work environment. This type of protection implies also the protection of workers at workplaces and concerns labour medicine. Involved in the protection is also social protection by the establishment of social services and the creation of labour-friendly working and living conditions. The other type of protection concerns the protection of seamen, fishermen, the working conditions in hotels, restaurants and similar establishments.

**(j) Laws regulating job safety**

94. The Federal Republic of Yugoslavia ratified 17 conventions in the field of job safety. They regulate three areas: technical protection, sanitary and health protection and social protection.

95. According to the laws, the right to job safety is, by its nature, the right acquired by employees on the basis of work. The Law on Basic Principles of Labour Relations (*Official Gazette of the Federal Republic of Yugoslavia*, No. 29/96) stipulates that “an employee is entitled to the right of [...] job safety” (art. 3), while the provisions of articles 33 and 34 contain the basic principles of the creation of conditions for job safety of the employee. “The employer is obliged to ensure necessary conditions for job safety in accordance with the law and the prescribed job safety measures and standards” (art. 33, para. 1). “The Employer is obliged to acquaint the employee with all life- and health-threatening risks of the workplace and with his/her rights and obligations relative to job safety and the conditions of work” (art. 44, para. 1).

96. The Law on Labour Relations (*Official Journal of the Republic of Serbia*, No. 55/96), bearing in mind the aforementioned provisions of the Law on the Basic Principles of Labour Relations, stipulates that “only an employed person who, in addition to the conditions established by collective agreement, fulfils the work conditions with regard to health, psychological capacity and the age may be assigned to a workplace in which there is increased risk of sustaining an injury or contracting an occupational or other disease” (art. 73).

97. All categories of workers are encompassed by the system of security and health protection at work. The job safety of the members of the Army of Yugoslavia and of civilian persons in the service of the Army of Yugoslavia has been regulated by separate regulations.

98. According to the said regulations, for the purpose of protecting the life and health of the employees, the employer is obliged to ensure necessary conditions for job safety, while, on the other hand, the employee is obliged to abide by the regulations in the field of job safety in order to preserve his/her working abilities, health and life.

99. The failure to implement job safety and health protection measures by the employer is penalized as a minor criminal or economic offence. The Labour Inspection service will prohibit work at workplaces dangerous to the life and health of a worker until the established danger is eliminated.

100. On the basis of the provisions of the Constitution of the Federal Republic of Yugoslavia, the Constitution of the Republic of Serbia, the law on the Basic Principles of Labour and the Law on Labour Relations, the job safety system in the Republic of Serbia is regulated by the Law on Job Safety. The law provides for:

(a) Workers' rights and obligations with respect to the implementation of job safety; and

(b) Rights and obligations of enterprises and all other forms of organized labour with respect to ensuring and implementing job safety. The provisions of the Law are implemented also with respect to workers employed in an administrative organ, organ of territorial autonomy and local self-government unless otherwise provided for by another law.

101. The Law on Job Safety regulates in detail:

(a) The right to job safety;

(b) Ensurance of job safety which implies (encompasses):

- Prior protection applied during construction works, structure and production of tools and devices, production of personal safety tools and equipment and the production and use of noxious substances;
- Periodic checking and testing;
- Workplaces with special working conditions;
- Organization of operations related to job safety;
- Training of workers for safe work;
- First aid and rescue; and
- Keeping of records;

(c) Rights, obligations and responsibilities in the provision and implementation of job safety;

(d) Supervision; and

(e) Penal provisions.

102. Prior to 23 January 2001, the Ministry of Labour and Veteran Affairs of the Republic of Serbia was responsible for the area of job safety while, after 24 January 2001, under the Law on the Amendments to the Law on Ministries, the Ministry of Labour and Employment of the Republic of Serbia became responsible for this area.

103. The Ministry of Labour and Employment includes the Labour Inspection Department and the Labour Department as separate organizational units.

104. Labour inspectors in the Labour Inspection Department of the Ministry of Labour and Employment of the Republic of Serbia monitor the implementation of the Law on Labour Relations, Job Safety Law, Law on Enterprises and the Law on Private Entrepreneurs and other regulations in the field of job safety and labour relations, collective agreements, general acts and employment contracts.

105. The Labour Inspection within the aforementioned Labour Inspection Department reports on an annual basis to competent Federal agencies on the situation in the field of job safety in the Republic of Serbia which, in turn, submit a consolidated report to the International Labour Organization.

106. Organization-wise, the Labour Inspection of the Republic of Serbia has been part of the Labour Inspection Department of the Ministry of Labour and Employment of the Republic of Serbia since 1992 and is subdivided into the Division of Labour Inspection for Job Safety and the Section of Labour Inspection for Labour Relations.

107. In total, 167 inspectors monitor the job safety measures in the territory of the Republic of Serbia, while 106 inspectors monitor the implementation of the Law on Labour Relations and the Law on Labour.

108. The number of inspectors in the territory of the Republic of Serbia is not satisfactory compared with the number of monitoring sites and the number of persons employed by employers. It should also be pointed out that work inspectors are not technically equipped for effective monitoring.

109. By its work, the inspection service strives to improve conditions of work through the application of job safety measures and the implementation of the Law on Job Safety and the Law on Labour. On average, 13,736 supervisions per year are carried out to that end and 39,062 inspections of conditions for granting permissions to commence work. Under the Law on Enterprises and the Law on Private Entrepreneurs, an employer cannot start work before the work inspection for job safety establishes that job safety measures have been applied on sites, installations and machines.

110. Each employer is obliged to designate a person or a service which will be responsible to carry out job safety tasks.

111. There exists in the Republic of Serbia a corresponding institution of high education, the Faculty of Job Safety, which prepares experts for this field.

112. With the aim of further improving the situation in the field of job safety and introducing international and European standards in this area, a text of a New Law on Job Safety and the Protection of Workers' Health was prepared in 2002. The text will be aligned with ILO conventions and recommendations and with European Union Directives.

113. Telltale evidence of the importance that the Government of the Republic of Serbia attaches to this area is the establishment of a separate Job Safety Council.

**(k) Job Safety Council**

114. On 3 July 2001, the Government of the Republic of Serbia established the Job Safety Council as a national consultative body consisting of the representatives of: the Government; employers; trade unions; technical, scientific and educational institutions; and job safety associations. The Council has as its main task to: prepare a national job safety programme and strategy; and recommend to the Government adoption of national job safety regulations on the basis of international regulations in this area.

115. The basic principles of the programme are the principles contained in ILO and United Nations conventions and the European Union Framework Directive, such as:

- Primary prevention and safe technology;
- Creation of optimum work conditions;
- Integration of all job safety and health protection measures and activities and their introduction into work processes as an integral part of business policy;
- Its tripartite nature;
- Cooperation between employers and employees on an equal footing;
- The right of employed persons to participate in decision-making in the field of job safety and health protection;
- The right of employed persons to receive timely and accurate information and to transparency in decision-making; and
- Continued monitoring and improvement of the system of job safety and health protection.

116. The Job Safety Federation of Yugoslavia, a non-governmental organization, also takes part in the work of the Job Safety Council. The Job Safety Federation of Yugoslavia is a non-governmental, non-party and non-profit organization established to develop activities aimed at promoting job safety and improving work conditions and the work environment. Members of the Federation are associations, enterprises, institutions and physical persons.

117. The information given in the tables indicates that the number of injuries, particularly fatal injuries, was significantly reduced, undoubtedly as a result of the application of job safety measures. During 1992, a total of 156 fatal injuries occurred, while in 1997 that number fell to 44. The greatest number of fatal injuries occurs in industry and mining. It should be pointed out that each injury that happens to a worker during commutation and/or on business trips is considered an injury at work. In point of fact, most of the injuries at work did occur in traffic accidents during commutation or on business trips (see tables 2, 3 and 4 below).

**Table 2**

**Survey of injuries in the workplace in the Republic of Serbia by branches  
of the economy in the period 1993-1997**

Code	Branch	Total economy					Indexes			
		1993	1994	1995	1996	1997	1994/93	1995/94	1996/95	1997/96
01	Industry and mining	12 012	13 246	15 556	16 591	12 934	110.2	117.4	106.6	77.9
02	Agriculture and fisheries	1 813	2 002	1 671	1 499	1 449	111.5	82.6	89.7	96.7
03	Forestry	287	208	226	179	149	72.5	108.6	79.2	83.2
04	Water	44	80	73	129	90	181.8	91.2	176.7	69.8
05	Construction industry	2 464	2 210	2 186	1 987	1 349	89.7	98.9	90.8	67.9
06	Transport and communications	1 477	1 329	1 727	1 731	1 540	90.0	129.9	100.2	88.9
07	Trade	956	646	788	778	683	67.6	122	98.7	87.8
08	Catering and tourism	332	287	326	387	270	86.4	113.6	118.7	69.8
09	Crafts and other private sector services	374	315	327	342	314	84.2	103.8	104.6	91.8
10	Housing, utilities and activities related to urban and physical planning and settlements	554	632	771	843	630	114.1	122	109.3	74.7
11	Financial, technical and commercial services	347	304	309	427	259	87.6	101.6	138.1	60.6
12	Education, science, culture and information	612	557	637	714	468	91.0	114.4	112.1	65.5
13	Health care and social welfare	1 346	1 130	1 426	1 599	1 218	84.0	126.2	112.1	76.2
14	Plans, schemes and specialized agencies	878	765	878	950	809	87.1	114.8	108.2	85.1
15	Other	33	18	39	39	38	54.6	216.7	100.0	97.4
Total		23 528	23 749	26 940	28 195	22 200	101.0	113.4	105.6	78.73

**Table 3**  
**Survey of injuries in the workplace in the Republic of Serbia by branches**  
**of the economy in the period 1993-1996**

Code	Branch	Total economy					Indexes			
		1992	1993	1994	1995	1996	1993/92	1994/93	1995/94	1996/95
01	Industry and mining	14.692	12 012	13 246	15 556	16 591	81.8	110.2	117.4	106.6
02	Agriculture and fisheries	658	1 813	2 022	1 671	1 499	275.5	111.5	82.6	89.7
03	Forestry	234	287	208	226	179	122.6	72.5	108.6	79.2
04	Water	54	44	80	73	129	81.5	181.8	91.2	176.7
05	Construction industry	3 545	2 464	2 210	2 186	1 987	69.5	89.7	98.9	90.8
06	Transport and communications	1 529	1 477	1 329	1 727	1 731	96.6	90.0	129.9	100.2
07	Trade	931	956	646	788	778	102.7	67.6	122	98.7
08	Catering and tourism	415	332	287	326	387	80.0	86.4	113.6	118.7
09	Crafts and other private sector services	309	374	315	327	342	121.0	84.2	103.8	104.6
10	Housing, utilities and activities related to urban and physical planning and settlements	550	554	632	771	843	100.0	114.1	122	109.3
11	Financial, technical and commercial services	269	347	304	309	427	129.0	87.6	101.6	138.1
12	Education, science, culture and information	456	612	557	637	714	134.2	91.0	114.4	112.1
13	Health care and social welfare	975	1 346	1 130	1 426	1 599	138.1	84.0	126.2	112.1
14	Plans, schemes and specialized agencies	697	878	765	878	950	126.0	87.1	114.8	108.2
15	Other	60	33	18	39	39	55.0	54.6	216.7	100.0
Total		25 374	23 529	23 749	26 940	28 195	92.8	101.0	113.4	105.6

**Table 4**  
**Survey of fatal injuries in the workplace in the Republic of Serbia by branches of the economy in the period 1992-1996**

Code	Branch	Total fatal injuries					Indexes			
		1992	1993	1994	1995	1996	1993/92	1994/93	1995/94	1996/95
01	Industry and mining	45	22	27	43	27	48.9	127.7	159	62
02	Agriculture and fisheries	11	10	4	1	2	-	40.0	-	-
03	Forestry	2	1	1	-	-	50.0	100.0	-	-
04	Water	2	1	-	-	3	50.0	-	-	-
05	Construction industry	31	11	16	8	6	35.5	145.5	50	75
06	Transport and communications	16	14	9	8	4	87.5	64.3	89	50
07	Trade	14	10	1	6	7	71.4	10.0	600	117
08	Catering and tourism	3	2	2	-	-	66.6	100.0	-	-
09	Crafts and other private sector services	1	3	-	-	3	300.0	-	-	-
10	Public utilities	3	2	-	3	4	66.6	-	-	133
11	Finances	4	3	1	-	-	75.0	33.3	-	-
12	Education	3	2	1	-	2	66.6	50.0	-	-
13	Health care	4	2	3	2	2	50.0	150.0	67	100
14	Local communities	15	15	2	10	8	100.0	13.3	500	80
15	Other	2	1	1	1	1	50.0	100.0	100	100
Total		156	99	68	82	69	63.4	68.7	121	84

## Article 8

### (a) Ratified international instruments

118. International instruments ratified include the International Covenant on Civil and Political Rights; the ILO Freedom of Association and Protection of the Right to Organize Convention No. 87 (1948); the Right to Organize and Collective Bargaining Convention No. 98 (1949); and the Workers' Representatives Convention No. 135 (1971).

### (b) Right to trade union organization

119. The right to trade union organization (association) and the freedom of trade union activity is guaranteed by: the Constitution of the Federal Republic of Yugoslavia; the Constitution of the Republic of Serbia; the Law on the Basic Principles of Labour Relations; the Law on Labour; the Law on Strikes; a general collective agreement; and the rules governing the registration of trade union organizations.

120. The provisions of articles 41 and 42 of the Constitution of the Federal Republic of Yugoslavia guaranteed the freedom of trade union association and activities without the requirement of approval, subject to registration with the competent authorities. A similar provision is contained in article 44 of the Constitution of the Republic of Serbia. According to the provision, any activity aiming at a forcible changing of the order established by the Constitution, violation of the territorial integrity and independence of the Republic of Serbia, violation of freedoms and rights of man and the citizen guaranteed by the Constitution and the provocation and fomenting of national, racial and religious intolerance and hatred is prohibited. Under article 42 of the Constitution of the Federal Republic of Yugoslavia professional members of the armed forces and police force were not allowed to organize in trade unions.

121. The freedom of trade union organization is also provided for in the Charter of Human and Minority Rights and Civil Liberties (art. 32). Similar provisions are contained in the Constitution of the Republic of Serbia. Activities of trade union organizations are prohibited if they are aimed at the violent overthrow of the constitutional order, violation of the territorial integrity of the Federal Republic of Yugoslavia, violation of the guaranteed rights and liberties of man and the citizen or the incitement of national, racial, religious or other intolerance and hatred.

122. The freedom of trade union association and activity for the purpose of protecting the rights and promoting the professional and economic interests of trade union members is also guaranteed by article 130 of the Law on Labour. A trade union is established without prior approval, with an inscription in the trade unions register kept by the Ministry responsible for labour affairs in accordance with the law and other regulations. A trade union is an independent association of employed persons which they join of their own free will and which works independently on the realization and protection of group and individual rights and interests of the employed (article 5 of the Law on Labour).

123. An employed person or a person seeking employment cannot be placed in a position less favourable than the positions of others, regardless of his/her trade union membership.

124. The rules governing the inscription of trade union organizations in the register prescribe the manner of inscription in the register of trade union organizations. The inscription is made on the basis of an application submitted by a trade union organization. In addition to the application, it is necessary to submit a trade union founding act and an authorization to submit the application. The Ministry responsible for labour affairs will inform of the inscription and issue a certificate on trade union registration. About 17,960 trade unions have been inscribed in the register of trade union organizations.

125. Dissolution of trade unions is carried out on the basis of:

(a) An act on the cessation of the activity of a trade union;

(b) An effective court decision prohibiting the activity of a trade union in accordance with the provision of the Constitution on the prohibition of trade union activity aimed at changing the constitutional order by force, violating the territorial integrity and independence of the Republic of Serbia, violating the rights of man and the citizen guaranteed by the Constitution, fomenting and inciting national, racial and religious intolerance and hatred; and

(c) An act of the minister responsible for labour affairs, if the inscription has been made on the basis of incorrect data supplied by a trade union.

126. The protection of representatives of a trade union organization is provided for by the general collective agreement. It envisages that, while discharging their functions and if acting in accordance with the law and the collective agreement, the representatives may not be assigned to another work post, less advantageous for them; no cessation of the need for their work may be decided upon nor may they be placed in an unfavourable position in some other way.

127. Trade union organizations determine independently their organizational set-up and the manner of work by their own acts: the statutes and the rules of procedure.

128. There are three trade union federations in the Republic of Serbia: the Federation of Trade Unions of Serbia; United Branch Trade Unions "Independence"; and the Association of Free and Independent Trade Unions of Serbia. In addition to trade unions at the level of the Republic, there are also trade unions of individual sectors of industry or activities and trade unions within companies.

129. There exists a possibility of trade union organization at the federal level as well. The legal basis for the inscription and registration of federal trade union organizations is the Law on Association of Citizens in Associations, Social Organizations and Political Organizations established for the territory of the Socialist Federative Republic of Yugoslavia (*Official Gazette of the Socialist Federative Republic of Yugoslavia*, No. 42/90 and *Official Gazette of the Federal Republic of Yugoslavia*, Nos. 24/94, 28/96). Likewise, the legal basis for the inscription of trade union organizations in Serbia is the Law on Social Organizations and Associations of Citizens (*Official Journal of the Socialist Republic of Serbia*, No. 24/82 and *Official Journal of the Republic of Serbia*, No. 48/97).

130. Only one trade union - the Confederation of Independent Trade Unions of Yugoslavia (CITUY) was organized at the federal level, as a confederation of the trade unions of all sectors. There was also a sectoral trade union of the employees of the administrative and judiciary organs of the federation.

131. According to the Law on Labour, collective agreements are concluded between employers or employers' representative associations and representative trade unions. The representation of trade unions is determined by:

- The inscription in the register in accordance with the law and other regulations; and
- The number of members calculated on the basis of accession cards.

132. If no trade union fulfils the conditions of representation, trade unions may conclude association agreements in order to be able to take part in conclusion of collective agreements.

**(c) The right to strike**

*Constitutional guarantees of the right to strike*

133. The right to strike is fully regulated by the federal law. It is guaranteed by the Constitution and the employed have the right to strike in order to protect their professional and economic interests.

134. In addition to the normative regulation of the right to strike by the special Federal Law on Strikes (*Official Gazette of the Socialist Federative Republic of Yugoslavia*, No. 42/92 and *Official Gazette of the Federal Republic of Yugoslavia*, Nos. 37/93 and 24/94), the Law on Strikes was also in effect in the Republic of Serbia (*Official Journal of the Republic of Serbia*, Nos. 51/91, 51/92, 53/93, 67/93, 48/94) in the period from 4 August 1991 to 27 September 1996. However, rather than regulating this matter separately, the Republic of Montenegro applied only the Federal Law on Strikes.

135. Under the Constitution of the Federal Republic of Yugoslavia, article 1, the Law on Strikes (*Official Gazette of the Federal Republic of Yugoslavia*, No. 29/96), a strike is defined as "the interruption of work that the employed organize in order to protect their professional and economic interests on the basis of work". The employed decide freely on their participation in a strike. Under the law, all employed persons and all trade unions have the right to strike regardless of whether they fulfil the conditions of representation. Article 2 establishes the following types of strike: in the entire company (or in another legal person, i.e. against the employer-entrepreneur as a physical person) or part of the company; in a sector or branch; general strike (in a member State, i.e. the Federal Republic of Yugoslavia); or a warning strike.

136. Article 13 of the law provides for separate protection of the organizers of, i.e. participants in, a strike, provided it is organized in a legal manner. The protection implies a prohibition of the institution of discipline proceedings or material responsibility and a prohibition of the

termination of the employment contract. During participation in the strike, the employed person exercises the basic labour-related rights, except the right to wages, as well as social security rights.

137. In the period from 1992 to 1996 when, in addition to the aforementioned federal law, the Law on Strikes of the Republic of Serbia was also in effect, the monitoring of the implementation of the law was carried out by the labour inspection service of the Republic. Certain conclusions were made on the basis of the experience it had acquired in carrying out inspection monitoring in 111 cases over the said period.

138. Among the activities subject to inspection, almost one half of the cases were related to inspectors' actions in enterprises engaged in activities falling under the special legal strike regime (57 cases). Most of the actions concerned the fields of education, health and the "activities of special social interest" (mining, radio and television and newspaper publishing activity), followed by the food processing industry. This is indicative of the legal coverage of a wide range of these activities, while the additional conditions under which it is possible to strike are fairly restrictive.

139. Although, in carrying out inspections, the inspectors did not attempt to fathom the content of the strikers' requests, but instead assessed only whether the requests were of an economic nature (i.e. whether they concerned the exercise of the rights and interests on the basis of work and the social condition of the employed) or of some other, primarily of a political nature, it is possible to conclude from the cases, indirectly, that the number of requests of an exclusively political nature was negligible. The content of other requests of the strikers was diverse. More often than not several requests were made. About one half of the cases under review were related to the payment of wages, i.e. minimum wages, followed by requests for other emoluments on the basis of work, complaints about conditions of work or the exercise of collective rights deriving from work, related primarily to the exercise of trade union rights and the rights of workers' representatives in trade unions, i.e. the members of the strike committee. It is of interest to note that in a number of requests the strikers demanded replacement or resignation of company managers. Requests also concerned ownership transformation: cancellation of the sale of company premises sold unlawfully, demands for separation of a part of the company or status change disagreements.

140. As to the number of strikers, rather than in separate plants or departments, most of the strikes were organized company-wide. Strikes were frequent also in entire industries, i.e. sectors, most often in education and health.

141. Following the abolition of the Law on Strikes of the Republic of Serbia, i.e. after 1997, the federal inspection service monitored the implementation of the Federal Law on Strikes of 1996.

#### *Limitation of the right to strike*

142. The Law on Strikes establishes conditions for organizing strikes in general (so-called general legal strike regime). It also establishes additional limiting conditions for the

organization and conduct of strikes in the activities of public interest or other activities of special significance that are enumerated in the Law on Strikes (so-called special legal strike regime), to which provisions of articles 9-13 of the law relate.

143. In the general legal regime, a strike may be organized once a decision to go on strike has been taken - it may be taken either by the employees or a trade union - which the strike committee is obliged to forward to the employer in writing (to announce the strike) not later than five days before the beginning of the strike, or 24 hours in the case of a warning strike. Article 4 establishes the elements that a strike decision must contain (requests of the employed, the time of the beginning of the strike, venue of the assembling of strikers in case it is manifested by the assembling of the employed and the composition of the strike committee). During the conduct of the strike, there is an obligation of social partners (parties in the dispute) to enter negotiations and to attempt to solve the dispute.

144. Unlike the general legal regime, the deadline for the announcement of a strike in a special legal regime is at least 10 days before the beginning of the strike. The decision to strike is forwarded to a larger number of people. In this case, it is possible to strike only if the minimum work processes have been ensured (which essentially are determined by the manager, i.e. the founder of a public service or a public company) in sectors in which they can be organized in the sense of article 9 of the law. A more active role in the conduct of negotiations, i.e. in the solution of a dispute by negotiations has been provided for parties in dispute, as well as a larger number of participants in the proceedings.

145. Thus, according to article 9 of the Law on Strikes, a strike by employees in sectors of public interest or in sectors in which an interruption of work could, due to the nature of the activities, threaten the life and health of people or cause damage of great proportions, may only be conducted (as already mentioned) under additional limiting conditions. Sectors of public interest in the sense of this law are: power generation, water industry, transport, media (radio and television), postal and utility services, production of basic foodstuffs, health and veterinary protection, education, social care of children and social protection. Of public interest are also the activities of special importance for the defence and security of the Federal Republic of Yugoslavia (established by the competent organ in accordance with the federal law), as well as the activities necessary for the fulfilment of the international obligations of the Federal Republic of Yugoslavia. Activities, the interruption of which could because of their nature threaten the life and health of the people or cause damage of large proportions, are also covered by this law: chemical industry, steel, iron and non-ferrous metal production.

## **Article 9**

### **(a) Ratified international instruments**

146. The Federal Republic of Yugoslavia ratified 10 Conventions in the field of social security and a large number of special Conventions on social security.

**(b) Social protection**

147. The Constitution of the Federal Republic of Yugoslavia guaranteed social security to employed persons and their family members, as well as social welfare for citizens unable to work and without a livelihood, i.e. for citizens without the means of subsistence (art. 58).

148. The Charter of Human and Minority Rights and Civil Liberties guarantees social security and social insurance to everyone permanently residing in the State Union.

149. Under the Law on Social Protection and the Provision of Social Security of Citizens of the Republic of Serbia (*Official Journal of the Republic of Serbia*, Nos. 36/91, 33/93, 67/93, 46/94, 52/96 and 29/2001), social protection is considered an organized social activity, aimed at providing assistance to citizens and their families when they find themselves in a state of social need, as well as the taking of measures to prevent that state from emerging and to remove the consequences. Social security is provided to citizens who are unable to work and possess no means of livelihood, as well as to citizens and their families who, by their work and on the basis of their work, through relatives' obligation of support, property and property rights or in some other way, cannot procure sufficient means to satisfy the basic livelihood needs.

150. Institutions of social protection have been established for the purpose of ensuring the rights provided for by the Law on Social Protection and the Provision of Social Security of the Republic of Serbia. Enterprises for work and professional training and for employment of disabled persons carry out work and professional training and employment of disabled persons in accordance with the law. Activities in the field of social protection may be performed also by citizens, as well as by other institutions and enterprises.

**(c) Rights related to social protection and social security**

151. The rights related to social protection and social security include: financial security; other person assistance and care bonus; work training assistance; home aid, day care, accommodation in an institution or accommodation in another family; welfare services; provision of personal effects of the beneficiary for accommodation in an institution of social protection or in another family; and one-off aid.

152. The right to financial security, other personal assistance and care bonus, work training assistance, accommodation in an institution of social protection or in another family and welfare services in the exercise of public powers are the rights of general interest provided by the Republic of Serbia. Home aid, day care, personal effects of the beneficiary for accommodation in an institution of social protection or in another family, one-off aid and other welfare services are provided by municipal authorities. The level of resources provided to beneficiaries of certain rights depends on the month in which that right is being paid. The basis for the establishment of this right is the Law on Social Protection and Provision of Social Security of Citizens (*Official Journal of the Republic of Serbia*, No. 29/2001).

153. The right to financial security belongs to a person living alone, i.e. a family, whose income is below the level of social security determined by the Law on Social Protection and the Provision of Social Security of Citizens of the Republic of Serbia. In 2002, financial security covered 40,300 families (93,400 individuals). It amounted to 16-32 per cent of the average wages and salaries earned in a municipality in the previous quarter. The base payment could not be higher than that provided in the Republic.

154. The right to other personal assistance and care bonus belongs to a person who, due to the nature and gravity of the injury or disease, needs assistance and care to carry out actions necessary to satisfy basic livelihood needs, provided he/she is unable to realize this right on another legal ground and is not using the right to accommodation in an institution of social protection.

155. The need for assistance and care is determined on the basis of pension and disability insurance regulations. In 2002, this kind of aid was in the amount of 13 per cent of wages and salaries earned in the Republic in the previous months was provided to 21,000 beneficiaries.

156. The right to work training assistance, i.e. education and work training assistance, belongs to mentally handicapped children and youths and other handicapped persons who, depending on psycho-physical capabilities and age, may be trained for a certain type of work and cannot realize that right on another legal ground.

157. Determination of disability and the assessment of the remaining work capability and the inclusion in work training are carried out following the procedure established by a special law.

158. The right to home aid, day care and accommodation in an institution or another family is recognized to a person to whom the family cannot ensure appropriate protection and a person without family care if appropriate protection cannot be ensured in another way. The type of right is determined by the competent institution of social protection on the basis of comprehensive assessment of the needs of the beneficiary and the possibilities of his/her family.

#### *Home aid*

159. The right to home aid is ensured to old and infirm chronically ill persons and other persons unable to care for themselves. This aid is rendered by doing necessary home chores for the beneficiary (domestic cleaning, provision of food and other necessities, taking care of the recipient's personal hygiene, etc.). The level of participation of the beneficiary and his/her relatives legally bound to provide support in defraying home aid expenses is determined on the basis of the criteria established by the municipal administrative organ responsible for welfare issues.

#### *Day care*

160. The right to day care belongs to a physically and mentally handicapped child, an autistic child, a child with behaviour problems and an adult person with the right to accommodation in

an institution or another family if, depending on the level and type of handicap and on the abilities and needs of these persons or for other reasons, this form of protection is the most appropriate. This right is ensured by committing the beneficiary to an appropriate institution of social protection providing day-care services or to an educational institution providing requisite services.

*Accommodation in an institution of social protection*

161. Social protection is realized by sending the beneficiary to an appropriate institution providing for basic needs (lodging, food, clothes, nursing, assistance, care), upbringing and education, training for certain type of work activity and health protection in accordance with special regulations and work/occupational, cultural/entertainment and recreation/rehabilitation activities and welfare services.

162. Exceptionally, the beneficiary may be accommodated in a dispensary which fulfils the conditions for the provision of accommodation services, as well as in a student dorm if he/she is dispatched to work training. This is done on the basis of a service provision agreement concluded between a welfare centre and an appropriate institution upon receiving the opinion of the competent Ministry for Social Affairs.

163. The right to accommodation in an institution of social protection also applies to:

- A child without parental care and a child whose development has been impeded by family circumstances, until rendered capable of independent life, returned to his or her own family or accommodated in the family of the adopter or another family, or until his/her regular education has been completed, but no longer than six months after completion of regular education;
- A mentally handicapped child of moderate, grave and severe and/or multiple mental handicap, an autistic child, as well as a physically handicapped child without conditions to remain in its own family as long as there is a need for this type of protection;
- A child with behaviour problems;
- A pregnant woman or a single mother with a child not older than nine months who, because of financial constraints, lack of lodging, problems in the family and similar situations, needs temporary accommodation;
- An adult handicapped person with physical and sensory damage, a severely chronically ill person or a mentally handicapped person unable to live independently in the family because of bad health, social, housing or family circumstances and a person with behaviour problems;

- A pensioner or another elderly person who, because of bad health, social, housing or family circumstances, is unable to live in the family, i.e. household; and
- A person abandoned to drifting or in need of temporary accommodation or supervision for some other reason.

164. Accommodation in an institution of social protection takes place on the basis of the decision of the centre for social services, taken on the basis of the finding and opinion of the centre's relevant expert team about the need for accommodation.

*Right to accommodation in another family*

165. The right to accommodation in another family belongs to persons who have the right to accommodation in an institution. The beneficiary cannot be accommodated in a family in which a family member is deprived of the parental right or of business capacity; in a dysfunctional family; in a family in which a member behaves in a socially unacceptable manner; in a family in which the health of the beneficiary and the purpose of accommodation would be threatened by the illness of a family member; or in a family which is not financially secured.

166. Preventive activity, diagnostics, treatment and advisory-therapeutic work - based on preparation of professional and scientific knowledge aimed at providing assistance to individuals, families and social groups to solve their life problems or assistance to local and other communities to organize themselves to deal with social problems and assuage their consequences - are considered welfare services. All citizens have the right to these services, free of charge.

167. A municipality may provide for citizens' participation in defraying the costs of some welfare services provided by centres for social services which are not a function of preventive nature and exercise of the rights from this law and the family legal protection.

168. The right to one-off aid is provided to a person who suddenly or momentarily finds himself/herself in a situation of social need. One-off assistance may be rendered in cash or in kind. It may not exceed the Republic average wage per employee in the month in which the payment is effected.

**(d) Rights provenant from pension and disability insurance**

169. The rights to pension and disability insurance are acquired and realized under the conditions and in the manner provided for by the Law on the Basic Pension and Disability Insurance (*Official Gazette of the Federal Republic of Yugoslavia*, No. 30/96) and the Law on Pension and Disability Insurance of the Republic of Serbia (Nos. 52/96, 46/98 and 29/2001).

170. The rights to basic pension and disability insurance are realized in organizations for compulsory pension and disability insurance, the Republic funds for pension and disability insurance. The funds ensure the resources for compulsory pension and disability insurance.

*Old-age pension*

171. An insuree acquires an old-age pension on reaching 63 years of age (men), 58 years of age (women) and at least 20 years of service. If he/she has not completed 20 years of service, the insuree acquires the right to old-age pension under the condition that he/she has 15 years of insurance and has reached 65 years of age (men), or 60 years of age (women). An insuree acquires the right to old-age pension upon reaching 40 years of service (men), 35 years of service (women) and at least 50 years of age.

172. Under the Law on Pension and Disability Insurance of the Republic of Serbia, an insuree who has terminated his/her employment in accordance with the Republic law and acquires the right to pension prior to the fulfilment of the general conditions prescribed for the realization of the right to old-age pension, acquires the right to an old-age pension if he/she has reached at least 50 years of age and 20 years of service. He/she must, however, work at least 10 years at workplaces in which the service of increased duration is calculated. The insuree has the right to old-age pension in the amount 55 per cent (men) or 57.5 per cent (women) of the basic pension for 20 years of service, which is increased by 2.5 per cent of the basic pension for each subsequent year up to 30 years of service. The pension is increased by 0.5 per cent of the basic pension for each subsequent year of service above 30 years of service, but cannot exceed 85 per cent of the basic pension.

173. The old-age pension is calculated from the basic pension consisting of average monthly wage, i.e. 10 consecutive years of insurance, that are the most favourable for the insuree. The wages, i.e. the insurance basis from previous years, are calculated against the average wages of the employed in the territory of the Republic in the last calendar year preceding the year in which the right to pension is realized.

174. Old-age pension is calculated on the basis of the length of service and can be neither less than 35 per cent (men), 40 per cent (women), nor more than 85 per cent of the basic pension. The pension determined in this way is adjusted over the year according to the fluctuation of the average wages of the employed in the territory of the Republic.

*Disability rights*

175. Disability rights are ensured to the insuree in case of diminution or loss of the ability to work. Disability occurs whenever a lasting diminution or a loss of the ability to work at the insuree's workplace occurs due to changes in his/her health condition caused by an injury at work, an occupational disease, an injury outside of work or a disease that cannot be eliminated through treatment or medical rehabilitation.

176. Reduced ability to work obtains if, by exerting normal work efforts not threatening his/her health condition, an insuree can no longer work full-time at the workplace that he/she has worked at immediately prior to the occurrence of the disability.

177. Continuing ability to work obtains if an insuree, whose ability to work has been established to have diminished, can work by exerting normal efforts not threatening his/her health condition at another suitable workplace with or without re-training or additional training. The insuree who has continuing ability to work has the right to be assigned another suitable job, i.e. the right to suitable employment, re-training or additional training, if needed, as well as the right to appropriate monetary compensation relative to the exercise of those rights. Through monetary compensation, he/she is compensated for the wages that he/she is no longer able to earn because of the disability that has occurred.

178. The loss of the ability to work obtains if an insuree has no ongoing ability to work, i.e. if he/she is fully and permanently unable to carry out his/her or another suitable job and if, through re-training or additional training, he/she cannot be trained to carry out another suitable job, in which case he/she acquires the right to disability pension.

179. A woman insuree may, at her own request, obtain the right to disability pension in the same way, under the same conditions and in the same amount it is realized by a male insuree.

#### *Minimum pension*

180. The right to the minimum pension is acquired by an insuree who has acquired the right to old-age, i.e. disability pension. An average monthly wage of the employed in the territory of the Republic in the previous year constitutes the basis for the determination of the minimum amount of the old-age, i.e. disability pension. The minimum old-age, i.e. disability pension amounts to 20 per cent of the basic pension.

#### *Survivor's pension*

181. The survivor's pension may be received by the family of:

(a) A deceased insuree who completed at least 5 years of service covered by insurance or had at least a 10-year pension record or completed the conditions for an old-age or disability pension; or

(b) A deceased beneficiary of an old-age or disability pension or the right to one on the basis of remaining ability to work.

182. If the death of an insuree occurred as a consequence of an injury sustained at work or an occupational disease, the members of his/her family acquire the right to a survivor's pension irrespective of the length of the pension record of the insuree, i.e. of that person.

183. The members of the family of deceased insuree are considered to be:

(a) The spouse;

(b) Children (born in or out of wedlock or adopted; stepchildren whom the insuree, i.e. the beneficiary of the right, supported; grandchildren, brothers and sisters, and other children without parents, i.e. children, whose one or both parents are unable to work, and whom the insuree, i.e. the beneficiary of the right, supported; and

(c) Parents (father and mother, stepfather and stepmother and the adoptive parents) whom the insuree, i.e. the beneficiary of the right, supported.

184. The spouse from the dissolved marriage may realize the right to the survivor's pension if his/her right to maintenance has been determined by a court decision.

185. The survivor's pension is determined on the basis of the old-age or disability pension that the insuree would have been entitled to at the moment of death, i.e. the pension that the insuree was entitled to at the moment of death. If the pension belongs only to the members of the immediate family (the spouse and children born in or out of wedlock or adopted, stepchildren or grandchildren) or only to the members of the larger family (father, mother, stepfather, stepmother and adoptive parents, brothers and sisters and parentless relatives, i.e. children whose one or both parents are unable to work and whom the insuree, i.e. the beneficiary of the right supported) of the deceased insuree, i.e. the beneficiary of the right, it will be determined in the following percentages:

- 70 per cent for one member of the family;
- 80 per cent for two members of the family;
- 90 per cent for three members of the family; or
- 100 per cent for four or more members of the family.

186. The amount of the survivor's pension, if it is used by three or more members of the family or children without both parents, cannot be lower than 40 per cent of the basic pension of the deceased insuree, i.e. the beneficiary of the right.

187. In addition to the survivor's pension of one parent, children without both parents are entitled also to the survivor's pension of the other parent in the following percentages: 20 per cent of the old-age or disability pension for one child, 40 per cent for two children, 60 per cent for three children and 100 per cent for four or more children.

*Monetary compensation for bodily harm*

188. Bodily harm obtains if a loss, substantial damage or incapacity of some organs or parts of the body of the insuree occur which aggravates normal activity of the body and necessitates exertion of greater efforts in the achievement of life needs, irrespective of whether it does or

does not cause disability. The insuree, whose bodily harm (caused by an injury at work or an occupational disease) amounts to at least 30 per cent, acquires the right to monetary compensation.

189. The amount of monetary compensation is determined on the basis of the average monthly wage of the employed in the territory of the Republic in the previous year according to the percentage of bodily harm and in accordance with the law.

190. Bodily harm and its percentages are determined by the competent federal agency.

**(e) Reform of social protection**

*Long-term strategy of the development of social policy*

191. The reform of social protection in the Republic of Serbia began following the changes of 2000. Prior to the reform, a long-term strategy of social policy had been devised and the following objectives of the development of social policy established: (a) assistance to families and individuals in ensuring minimum social assistance/security, aimed at developing mechanisms for reducing poverty (linked to the Poverty Reduction Strategy); (b) development of the principles of alternative forms of social protection and social protection services designed for vulnerable families with children and marginalized groups; and (c) development of a strategy for the reform of the pension system.

192. For the purpose of ensuring rights in the field of social protection and services, work is being done to establish mechanisms of decentralization, transition, transformation of institutions and the dissemination of good practices. Likewise, for the purpose of involving an ever-larger number of various actors in the reform of the system, the Ministry for Social Affairs of the Republic of Serbia is engaged in pooling initiatives of various institutions, universities, civic society and donors' agencies and encourages them to take part in the process of transformation of the system of social protection in accordance with the long-term strategy and the objectives of the development of social policy.

*Changes in the sector of social protection*

193. Reforms in the provision of social protection are reflected in the adoption of the Law on Rendering Financial Support to Families with Children (*Official Journal of the Republic of Serbia*, No. 16/2002) which introduced the following changes: division of measures of social and population policies has been effected; better identification of poor/vulnerable families with children has been achieved; continual access to rights has been ensured; and the changes in the system of payment of entitlements provenant from the law (the right to children's/family allowance) have accounted for savings in the budget.

194. On the basis of the instruction for the implementation of the law, the nominal amounts of the right to financial support to families with children, the prices of educational programmes and the children's allowance threshold were established for the month of November 2002 as shown in table 5.

**Table 5**  
**Right to support for children**

	Nominal amounts of right	Regular amount (dinars)	Increased amount (dinars)
1.	Children's allowance (for first, second, third and fourth child)	977.70	1 271.00
2.	Family allowance (since 1 December 2002)		
	For second child	54 535.00	
	For third child	98 164.00	
	For fourth child	130 885.00	
3.	Maternal allowance	1 299.50	
4.	Financial assistance to refugee mothers	1 083.00	
5.	Assistance for acquisition of layette (since 1 December 2002)	4 331.70	
6.	Market price per education group to finance education/upbringing work in pre-school year lasting three hours a day		
	In the institution	14 391.00	
	Outside the institution	15 191.00	
7.	Market price for financing education/upbringing programme for children on protracted hospital convalescence	19 911.00	

**Table 5 (continued)**

	Nominal amounts of right	Regular amount (dinars)	Increased amount (dinars)
7.	Children's allowance threshold (since 1 December 2002)		
(a)	Earnings threshold	2 991.44	3 599.35
(b)	Earnings from agriculture threshold		
	Article 19, paragraph 1, subparagraph 1 of the Law	2.38	2.86
	If the total monthly income, reduced after taxes and contributions, per family member accrued over three months preceding the month in which a request has been submitted amounts to 2,750.00 dinars, while the total monthly cadastre income per family member in the preceding year does not exceed the amount of 3 per cent of the monthly cadastre income per hectare of fertile land in the preceding year or has accrued from land of up to 500 square metres on which an apartment building has been built		
	Article 19, paragraph 1, subparagraph 2, of the Law	5.56	6.67
	If the total monthly cadastre income per family member in the preceding year amounts up to 7 per cent of average cadastre income per hectare of fertile land in the preceding year, and the family has no other income		
	Compensation for work of breadwinner	832.00	

*Source:* Ministry of Social Affairs of the Republic of Serbia.

195. Below is a breakdown of the funds planned and paid out in financial support to families with children and the average monthly number of beneficiaries, i.e. children who have realized that right, for the period January-November 2002.

**Table 6**  
**Financial support for families**

	Type of right	Financial plan for 2002	Execution of the financial plan for January-November 2002	Index	Average monthly number of beneficiaries, i.e. children
1.	Wage/salary compensation to new mothers	2 262 000 000	2 844 673 238	125.7	24 500
2.	Maternal allowance	510 000 000	456 067 177	89.4	37 676
3.	Layette	300 000 000	149 954 994	50.0	3 253
4.	Assistance to refugee mothers	10 000 000	8 274 125	82.7	900
5.	Children's allowance	8 370 000 000	6 135 486 686	73.3	267 600 beneficiaries 458 420 children
6.	Family allowance		702 150 394		2 090
7.	Rights in pre-school institutions	840 000 000	627 433 544	74.7	76 667
8.	Other rights and obligations	50 000 000	68 385 223	136.8	
9.	Bonds for children's and maternal allowances	220 000 000	279 411 835	127.0	
10.	Children's week		500 000		
	Total	12 532 000	11 272 337 216	89.9	603 506 children

Source: Ministry of Social Affairs of the Republic of Serbia.

196. The realization of the right to financial support by families with children is aligned with actually available resources. This has been made possible through the implementation of the Law on Financial Support to Families with Children and the rationalization of the payment of entitlements. The true effects of the rationalization in this field is possible to assess over a one-year implementation of the law. It is estimated, for instance, that savings under this law, as against the Law on Social Care for Children, will amount to about 2,770 million dinars in 2003, almost 350 million dinars from the reduced expenses of the processing and payment of entitlements.

197. The following are the reform projects conducive to the processes of policy change and practice in this field: development of foster parenthood in Serbia (2002-2004); transformation of institutions of social protection (2002-2004), de-institutionalization; development of professional standards in social protection, including monitoring and evaluation (2002-2003) - ensurance of quality standards; development of the social protection of children with disability (2002-2003); integral access to social protection and development of partnership at the local level in the provision of services (2002-2005) - decentralization in social protection; development of social protection relative to domestic violence (including trafficking in human beings) (2002-2004); and establishment of alternative forms of social protection and services (2002-2004) through the Fund for Social Innovations.

198. Within the framework of changes in the sector of social protection, a Draft Law on the Amendments to the Law on Social Protection and the Provision of Social Security in the Republic of Serbia has been prepared. It is expected to be adopted by the end of 2003. The amendments should bring about changes in the criteria for the realization of the rights to social assistance; inclusion of certain categories that previously fell under pension and disability insurance; changes in the indexation of amounts of social assistance; introduction of mechanisms for a better identification of poor/socially vulnerable families; introduction of monitoring and revision mechanisms; and savings in the budget designed to conduce to the redistribution of funds for social protection.

199. Within the framework of reforms of the pension and disability insurance, the Ministry for Social Affairs of the Republic of Serbia took steps aimed at changing the system of pension and disability insurance and to that end proposed amendments to the Law on Pension and Disability Insurance in December 2001. Thus, the Swiss formula of quarterly pension indices was introduced by combining wage increases and living expenses (50 per cent:50 per cent); the age retirement limit was extended by three years (women 58, men 63); and only one minimum pension was introduced in the system. Likewise, a regular payment of pensions, every 15 days, has been ensured; the contribution rate has been lowered from 32 per cent to 19.6 per cent; taxes and contributions basis have been expanded; transfers from the budget are made directly, and bank loans have been eliminated, accounting for savings of 500-800 million dinars; submission of death certificates of deceased insurees to the Pension and Disability Insurance Fund has become compulsory; and a campaign against disability-pension scams has been launched.

200. A Law on Pension Insurance of the Republic of Serbia is expected to be adopted, the aim of which is to strengthen the correlation between the amount of the pension and the contributions paid to the pension fund; to reduce the number of too-liberal and redistributive elements in the system; to ensure financial stabilization and fiscal sustainability of the system; to distribute the burden among incumbents in a more balanced way; to increase the possibility of choice, i.e. of longer work and greater contributions for larger pensions; to create conditions for transition from grey to regular economy; to provide for a more just, more stimulative and simpler method of pension calculation; and to create conditions for continuing reform efforts in this area.

### **Article 10**

#### **(a) Ratified international instruments**

201. Relevant international instruments ratified include the International Covenant on Civil and Political Rights; the Convention on the Rights of the Child; the Convention on the Elimination of All Forms of Discrimination against Women; the ILO Maternity Protection Convention (Revised) Convention No. 103 (1952); and the Minimum Age Convention No. 138 (1973).

#### **(b) Meaning of the term “family”**

202. The Constitution of the Federal Republic of Yugoslavia stipulated that the family, mothers and children enjoy special protection and that children born in and out of wedlock enjoy the same rights and duties (art. 61). The Charter of Human and Minority Rights and Civil Liberties also guarantees special protection of the family, mother and child. It also guarantees mother's right to support and protection of the member States within the period stipulated by law, before and after childbirth.

203. The Law on Marriage and Family Relations of the Republic of Serbia (*Official Journal of the Republic of Serbia*, Nos. 22/80, 11/88, 22/93, 25/93, 35/94, 29/2001), as the main piece of legislation regulating marital and family relations, does not contain an explicit definition of the family in any of its articles. However, on the basis of the provisions referring to family, one may indirectly conclude that, according to this law, a family is the union of spouses and family in the broader sense - the union of parents and children. Only in regulating certain property relations (support) is the family understood in a wider sense and the obligation of support is extended to all relatives. In all degrees, the obligation of support exists between the major and minor siblings, and in step relations between the stepfather/stepmother and stepchildren.

204. According to the Law on Social Care for Children of the Republic of Serbia (*Official Journal of the Republic of Serbia*, Nos. 49/92, 29/93, 53/93, 67/93, 28/94, 47/94, 25/96, 29/2001) a family is made up of (married or common-law) spouses and children (born in or out of wedlock, adopted and stepchildren) and relatives, and up to the second degree of kinship, provided they live in a common household.

205. The Law on Social Welfare and Provision of Social Security of Citizens of the Republic of Serbia defines the family in the following way: "For the purpose of exercising the right to financial support, the family shall imply married and common-law spouses, children (born in and out of wedlock, adopted and foster children) and relatives in the straight line, and in the side line up to the second degree of kinship, provided they live in a common household."

206. In exceptional cases, a person without income who does not live with his/her parents shall be considered a member of the parents' family until he/she marries and/or starts a family, but not longer than the age of 27. Also, exceptionally, a spouse as well as a parent of the child incapable of work and of the child attending regular school shall be considered a member of the family regardless of where he/she actually lives.

**(c) Age when children acquire legal capacity**

207. According to the Law on Marriage and Family Relations of the Republic of Serbia, legal age is reached at the age of 18. A minor aged 16 or more may contract marriage with the court's permission. By reaching the legal age as well as by contracting marriage before the legal age a person acquires full business capacity.

208. A child who has reached the age of 14 may conclude legal deals alone, but for these deals to be fully valid, except minor deals, consent of his/her parents is required, i.e. consent of the guardian body in case of disposal of or placing of a lien on the child's property.

209. A child who has reached the age of 15 may independently take up employment and dispose of its earnings and property earned by its work, but is obliged to contribute from this income toward its support, upbringing and education.

210. Active inheritance capacity is acquired at the age of 16.

**(d) Marriage and marital relations**

*Guarantees for free contracting of marriage*

211. According to the Constitution of the Federal Republic of Yugoslavia, a family enjoyed special protection. The Charter of Human and Minority Rights and Civil Liberties guarantees the right to contracting marriage on the basis of free consent of prospective spouses.

Contracting, duration and termination of marriage are based on equality of spouses, while children born in or out of wedlock enjoy equal rights (art. 25).

212. Marriage and legal relations in the marriage are regulated by law. According to the legislation in force, men and women are guaranteed the right to contract legally valid marriage by expression of their free consent before the competent authority. A marriage contracted without complete and free consent of the man and the woman concerned would be considered

null and void, i.e. would not produce any legal consequences. In practice, there are no difficulties in the exercise of the right of men and women to contract marriage only on the basis of their full and free consent.

*Measures undertaken to facilitate the starting of the family*

213. A range of different measures is undertaken to facilitate the starting of the family by young married couples and to assist them. These measures encompass various services and facilities. In addition, a variety of measures are undertaken to maintain, strengthen and protect the family, such as:

(a) Wage allowance during regular maternity leave and extended maternity leave for the purpose of childcare up to the age of 5 (for children with diagnosed severe illness). This right may be exercised by the father or guardian or a person who cares for the child if the mother is prevented;

(b) Maternity allowance accorded to every mother who is not a beneficiary of wage allowance during maternity leave. This means that an unemployed mother is entitled to this benefit until the child's first birthday;

(c) Allowance for the purchase of necessary equipment (layette) for a newborn baby, entitled to every family;

(d) Rest and recreation for children and meals in school kitchens;

(e) Child allowance, a benefit accorded to the first three children of a family up to the age of 19 provided that the child attends regular education and that other conditions stipulated by law are met. According to the Law on Social Care for Children of the Republic of Serbia, the entitlement to child allowance depends on the family's financial situation, i.e. it is benefited from by lower-income families. The exception is a family with three children which is entitled to child allowance for the third child regardless of the family's financial situation. The amount of child allowance depends on the child's age, level of education and psychophysical status; and

(f) Organized placement of children in children's institutions encompassing pre-school children from the families in need of such a placement. The Government participates with up to 80 per cent in the costs of accommodation.

214. In order to assist the starting of the family, other rights and forms of social and child protection are provided for: one-off assistance, credit, advisory work in the area of family-legal relations (priority is given to preventative forms and protection of marriage and family, but forms of advisory-therapeutic work are applied as well with the aim of rehabilitation of disturbed family relations), costs of purchase of textbooks and school accessories, tax relief on account of support of persons, etc.

**(e) Protection of motherhood and prevention of discrimination of women on account of motherhood**

215. Special protection of the mother, child and family has been provided in articles 28 and 29 of the Constitution of the Republic of Serbia.

216. The Law on Labour Relations of the Republic of Serbia and the Law on Social Protection regulate in detail the issues of the protection of pregnant women and women who have just given birth.

217. The Law on Labour Relations provides for paid maternity leave, which cannot be shorter than 270 days. For health reasons, maternity leave begins 28 days prior to the expected date of childbirth.

218. After the expiration of the maternity leave, a female worker is entitled to work half time until the child's age of 3 if the child, according to the opinion of the competent health authority, needs care in view of its health condition. Part-time work in these cases is considered full-time work.

219. The father of the child may also use maternity leave if the mother has died, abandoned the child or is prevented to use that leave for justified reasons.

220. If a woman gives birth to a stillborn child or the child dies before the expiration of the maternity leave, she is entitled to continue the maternity leave for as long as necessary to recover according to the doctor's opinion, but at least 45 days. During this time she is entitled to all the rights arising from the maternity leave.

221. Allowance during maternity leave is determined by the amount equal to the woman's earnings if she were working full time.

222. During maternity leave, the female worker enjoys all the rights deriving from health, pension-disability insurance and other social rights to the same extent as if she were working.

**(f) Protection of children from economic exploitation**

223. The Constitution of the Federal Republic of Yugoslavia prohibited forced labour (art. 54, para. 3).

224. The Charter of Human and Minority Rights and Civil Liberties in its article 13 sets forth the prohibition of slavery, positions resembling slavery and forced labour. In this context, forced labour and the sexual or economic exploitation of a person in a disadvantaged position are prohibited.

225. On this basis, children and youth are protected by general legislation ensuring the integrity and social security of every man and citizen in the country. Protection of children and youth against negligence and cruelty is specifically provided through penal legislation.

226. According to the national legislation in force, a person under the age of 15 cannot work at a workplace which, considering his/her psychophysical abilities, involves mainly hard physical labour (work underground or underwater) and/or life-threatening work or work dangerous to health.

227. A child is allowed to work at the age of 15, but this seldom happens, because qualification for work/employment is acquired only with the completion of secondary education (at age 18). Some children under the age of 18 work, but that is usually the case in farm households, where they are engaged in work appropriate to their age.

228. A person under the age of 18 cannot work at night (from 10 p.m. till 6 a.m.) nor overtime. In addition, special protection at work is provided to an employee of this age.

229. Measures undertaken to protect and assist children in order to enable them to have sound physical and psychosocial development are applicable to all children, without any discrimination based on birth, family background, social or other status.

230. In the context of the social care for children, the right to special protection is provided to children who have no parental care, children with disorders in their psychophysical development and children from families with disturbed family relations. The legally established protection is realized in practice in accordance with the financial possibilities.

231. A possibility of the application of a variety of forms and measures of foster care is provided through centres for social work which operate in almost every municipality, based primarily on the needs of these children, in all cases when parents for whatever reason do not exercise their parental rights and duties or perform them in a way contrary to the interests of children. The causes determine the type of measure and form of protection.

232. Children and youth with minor developmental disorders are entitled to education and adequate employment, while children with severe disorders are entitled to necessary rehabilitation and training. This means that they are all provided with medical, educational, professional and social rehabilitation. Yet, there are significant problems in integration, and particularly in adequate employment of these young people.

233. The purpose of the implementation of different measures for the protection of children from families with disturbed family relations is to ensure their upbringing, their reform and proper development. This is done by providing assistance and protection to these minors, performing supervision of their professional or vocational training and development of their personal responsibility. The most efficient form of protection of these minors is their placement in an institution for work with neglected children and youth.

## Article 11

### A. The period before October 2000

234. The 1990s were years of pronounced economic crisis in the country. From 1990 to 1993, GDP drastically dropped, ending in the collapse of the country's monetary system. A (relative) stabilization of macroeconomic trends and a certain recovery of economic activity has been recorded from 1994 onwards.

235. The analysis of inequality and poverty in the Federal Republic of Yugoslavia, based on the data from a survey of household consumption conducted in 1995 by the Federal Statistical Office, indicates that 28.9 per cent of the population (nearly 3 million people) was poor. Growing poverty was caused both by the increase in the number of the poor, and by a real drop in GDP.

236. Poverty particularly affected families of workers employed in industry and mining (38 per cent). Families with children, especially urban families (37.8 per cent), were in an extremely difficult position.

237. Changes in the structure of income and expenditures caused a reduction of stable income from regular employment and an increase in expenditures for food and housing. So, most families were left with few resources for the satisfaction of cultural, educational and other non-material needs. Food dominated in the structure of expenditures, with the average share rising to 48.4 per cent. Among the poor, that share was 59.2 per cent.

238. In 1996, the Federal Republic of Yugoslavia, with GDP of about US\$ 1,500 per capita (which, despite its growth, reached only half of the value of GDP in 1990) was surrounded with Romania (US\$ 1,437) and Bulgaria (US\$ 1,047). Among the former Yugoslav republics, only Bosnia and Herzegovina was poorer (US\$ 815), while Macedonia had a somewhat higher GDP per capita (US\$ 1,845). Croatia had GDP nearly three times as high (US\$ 3,992) while Slovenia's GDP was sixfold higher (US\$ 9,279).

239. According to the latest available published data from 1997, GDP per capita was US\$ 1,714 (calculated according to the SNA concept) and was a half of GDP in 1989.\*

240. At the beginning of 1997, macroeconomic indicators showed a decline in industrial output, retail trade and exports. All this led to the drop in GDP in that year by one fifth of its value in 1998 (minus 19.3 per cent). Thus, the Federal Republic of Yugoslavia entered the last year of the twentieth century as one of the poorest countries in Europe.

241. A sharp drop in national income by republics and provinces\* resulted in increased unemployment, erosion of living standards, growing poverty and rapid accumulation of social problems.

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\* Annexes can be consulted in the files of the secretariat.

242. The share of current expenditures of public services in the national income of the Republic of Serbia ranged from 33.5 per cent in 1990 to 46.1 per cent in 1997. These expenditures were the highest in central Serbia and in 1997 they accounted for more than a half (55.9 per cent) of its national income.

### **B. The period after the changes in 2000**

243. A survey on living standards of the population was conducted in 2002 on a sample of 6,800 households. The aim was to provide guidelines for designing the Poverty Reduction Strategy (as well as to determine the number of the poor, explain the causes of poverty, define the characteristics of poor population and to point out priorities and activities for channelling welfare aid and creating social policy in the broader sense). The purpose of the survey was also to test and to define the most suitable methodology for the future monitoring of poverty; to provide information that will help promote regular survey on consumption and income of households. The results of this survey pointed to the following.

#### **Revenues and expenditures of rural and urban households**

244. Revenues and expenditures of urban and rural households are approximately balanced. A somewhat less favourable demographic structure (higher share of older households and higher average number of households) in the countryside are responsible for a lower average income per consumer unit (8,630 dinars) in a rural household compared with the average for urban households (9,094 dinars).

245. The main sources of income of rural households are wages and pensions (43 per cent), agricultural and self-sufficient production (40 per cent). In urban households, wages and pensions account for 68 per cent of the total revenues.

246. A far greater difference between the countryside and cities exists in terms of the level of consumption. Consumption of an urban household is as much as 30 per cent greater per consumer unit (10,840 dinars) than in the countryside (8,350 dinars).

247. In addition, a considerable difference has been recorded between the revenues and expenditures of urban households, where expenditures exceed revenues by 19 per cent. This points to a high share of "grey" revenues from unregistered economic activity, i.e. unreported income of urban households.

248. At the same time, rural households have lower registered expenditures (3 per cent lower than revenues). This indicates a possible level of savings of rural households amounting to some 800 dinars per month.

249. The very structure of expenditures points to a less favourable situation of rural households, where the share of food in total expenditures is 52 per cent. In urban households food accounts for 46 per cent of all expenditures.

**Table 7****Average income and expenditures per household and consumer unit**

Consumer units	Per household			Per consumer unit		
	City	Village	Average	City	Village	Average
Income (in dinars)						
Wages and work-related payments	10 905	6 929	9 243	4 379.5	2 604.9	3 610.5
Pensions	4 430	3 082	3 866	1 779.1	1 158.6	1 510.2
Income from agriculture	520	5 056	2 415	208.8	1 900.8	943.4
Income from production for self-sufficient consumption	400	4 221	1 997	160.6	1 586.8	780.1
Rent for flat/house	1 363	533	1 016	547.4	200.2	396.9
Income from durable goods	3 355	1 452	2 560	1 347.4	545.9	1 000.0
Second job	717	698	709	288.0	262.4	277.0
Other income	954	987	968	383.1	371.1	378.1
<b>Total income</b>	<b>22 644</b>	<b>22 957.5</b>	<b>22 774</b>	<b>9 094.0</b>	<b>8 630.6</b>	<b>8 896.1</b>
Income - structure (in per cent)						
Wages and work-related payments	48.2	30.2	40.6			
Pensions	19.6	13.4	17.0			
Income from agriculture	2.3	22.0	10.6			
Income from production for self-sufficient consumption	1.8	18.4	8.8			
Rent for flat/house	6.0	2.3	4.5			
Income from durable goods	14.8	6.3	11.2			
Second job	3.2	3.0	3.1			
Other income	4.2	4.3	4.3			
<b>Total income</b>	<b>100</b>	<b>100</b>	<b>100</b>			
Expenditures						
Depreciation of durable goods	548	450	507	220.1	169.2	198.0
Rent for flat/house	1 363	532.5	1 016	547.4	200.2	396.9
Housing costs	4 552	3 310	4 033	1 828.1	1 244.4	1 575.4
Food	12 269	11 563	11 974	4 927.3	4 347.0	4 677.3
Education	831	474	682	333.7	178.2	266.4
Health	1 340	1 113	1 245	538.2	418.4	486.3
Other non-food costs	6 090	4 677	5 500	2 445.8	1 758.3	2 148.4
<b>Total expenditures</b>	<b>26 993</b>	<b>22 119.5</b>	<b>22 957</b>	<b>10 840.6</b>	<b>8 315.6</b>	<b>9 748.8</b>
Expenditures - structure (in per cent)						
Depreciation of durable goods	2.0	2.0	2.0			
Rent for flat/house	5.0	2.4	4.1			
Housing costs	16.9	15.0	16.2			
Food	45.5	52.3	48.0			
Education	3.1	2.1	2.7			
Health	5.0	5.0	5.0			
Other non-food costs	22.6	21.1	22.0			
<b>Total expenditures</b>	<b>100</b>	<b>100</b>	<b>100</b>			

*Source:* Ministry of Social Affairs of the Republic of Serbia, 2002.

### Factors of poverty in rural and urban households

250. To determine the factors of poverty and their level of influence, a sub-sample has been selected of a household with consumption per household unit under average consumption determined for all households. Partial correlation coefficients have been calculated between the level of consumption per household unit and every individual factor.

251. In the sub-sample of rural households, the main positive factor of the level of consumption is the level of income in kind (agricultural production and production for self-sufficient consumption). The next factor by the level of influence is the amount of pension. The level of wages ranks only third, while the most pronounced negative factor in consumption is the number of dependent members of the household. The most important confirmed factor for the consumption of urban households is the level of wages.

**Table 8**  
**Factor of poverty in households**

Factor	Partial correlation coefficient		
	City	Village	All households
Level of wages	0.268	0.154	0.202
Amount of pension	0.117	0.211	0.179
Income in kind	0.044	0.251	0.180
Employment in the household	0.076	-0.002	0.048
Supported persons	-0.211	-0.135	-0.163
Prices	-0.128	-0.016	-0.061

*Source:* Ministry of Social Affairs, 2002.

### Poverty of older categories of the population of Serbia

#### (a) Gender aspect of the poverty of older citizens

252. Older citizens are persons beyond the age of 65. The poverty rate of older citizens (14.7 per cent) is considerably higher than the average poverty rate (10.6 per cent). While there is no major difference between genders in terms of poverty rates in the total population, in the older category that difference is somewhat more pronounced. More precisely, the poverty rate is higher for women by one percentage point.

**Table 9**  
**Poverty rate for seniors**

Gender	Poverty rate, in per cent
Male	14.2
Female	15.2
Total	14.7

*Source:* Ministry of Social Affairs, 2002.

**(b) Regional aspects of the poverty of older citizens**

253. A very high poverty rate for the older population (26.1 per cent) is especially pronounced in south-eastern Serbia, while other regions have a much lower degree of variation in poverty level.

**Table 10**  
**Poverty by region**

Region	% poor
Belgrade	12.2
Vojvodina	13.7
Western Serbia	11.8
Central Serbia	13.5
Eastern Serbia	11.8
South-Eastern Serbia	26.1
Total	14.7

*Source:* Ministry of Social Affairs, 2002.

**C. Poverty reduction strategy**

254. After the changes that occurred in the country in 2000, the competent authorities took a series of measures to determine the situation in the country regarding poverty. In this context, in June 2002 the Ministry of Social Affairs of the Republic of Serbia, in cooperation with the Ministry for Foreign Economic Relations of the Republic of Serbia prepared the Basic Framework for the Poverty Reduction Strategy and submitted it to the World Bank and the International Monetary Fund.

255. The Ministry of Social Affairs of the Republic of Serbia undertook the implementation of the following programmes and projects to contribute to the changes, as well as to the reduction of poverty of the beneficiaries:

- Development of integral social protection at the local level;
- A strategy of family accommodation (implementation of the project in Belgrade is in the final stage, while introductory educational seminars are carried out for regions in Serbia);
- Transformation of social protection institutions for the accommodation of beneficiaries;
- Development of the standards of professional work in centres for social work;
- The development of adoption as a form of protection of children deprived of parental care;

- Protection of the rights of children with special needs;
- A fund for social innovations will be established soon, with the task of regulating the roles and responsibilities of all actors involved in providing social protection services through development of partnership;
- The manner of financing associations and organizations of persons with disabilities was changed in 2002, with emphasis on the financing of programme activities aimed at developing alternative forms of welfare services through public competition, with clearly defined quality criteria; and
- A task force has been set up for the protection of older citizens which should draw up guidelines for elaborating the Strategy for the Protection of Senior Citizens.

256. The implementation of the above-mentioned programmes has been made possible through financing from the budget of the Ministry and donations from UNICEF, the World Bank, UNDP, the United Nations Office for Project Services, the Government of Norway and the Government of the United Kingdom.

## **Article 12<sup>6</sup>**

### **A. Health-care system in the Republic of Serbia**

257. The health-care system in the Federal Republic of Yugoslavia, according to the level of economic welfare measured by gross domestic product per capita (i.e. national income per capita), may be considered to fall within the group of developing countries.

258. According to its administrative structure, the health-care system in the country is formally pluralist, and in effect extremely centralized at the Republic level, with very few competencies of the federal State.

259. The territory of the Federal Republic of Yugoslavia has a very developed health infrastructure with a well-established network of health institutions and the number of doctors and medical staff compared with the number of inhabitants comparable to the European average. Still, there are regional disproportions in the development level of infrastructure as well as urban/rural differences.

260. Following the adoption of the separate Law on Health Care (*Official Journal of the Republic of Serbia*, Nos. 17/92, 26/92, 50/92, 52/93, 25/96, 18/2002) and the Law on Health Insurance (*Official Journal of the Republic of Serbia*, Nos. 18/92, 26/93, 23/96, 46/98, 54/99, 29/2001 and 18/2002), the system of health care in the Republic of Serbia formally belongs to the so-called Bismarck model of a system based on compulsory health insurance. However, essentially it does not operate according to the principles of modern health insurance. The Republican Health Insurance Office is, first and foremost, the government agency for the collection of fiscal revenues used to finance health care of the population through financing of public health institutions.

## **B. Share of health in gross national income**

261. In the field of health, public ownership is dominant. Although health institutions are independent economic entities, decision-making about the organization of the health sector, its operation, financing, development and appointment of directors is centralized at the level of the Republic. The role of the local community and initiative and independence in decision-making of employees in these institutions are reduced to a minimum or do not exist at all.

262. Health, like other public services, i.e. like all other areas of common consumption in public services, spends a part of earned social product. The share of health-care expenditures in the national income, as one of the most important indicators of the country's health policy, is very high, ranging from 7.4 per cent in 1990 to 11.9 per cent in 1997, with the lowest share being, according to estimates, in the years of hyperinflationary crisis.<sup>7</sup>

263. A considerable increase in these expenditures by nearly 53 index points is noticeable in the seven-year period, reflecting the tendency to maintain the present health system at the cost of a large budgetary appropriation of resources from the country's already meagre value-added.

264. It should be borne in mind that the data on health-care expenditures monitored by the official statistics of the Federal Republic of Yugoslavia and Serbia represent only data on the costs in the public health sector (health insurance and expenditures of health institutions). These expenditures do not include direct payments by beneficiaries either in the form of payment of the full price of medical services in the private health sector (mainly for dental services and medicines bought in private pharmacies), or the full price in the public health sector for services that were not covered by health insurance. These data also exclude expenditures of the military medical service (financed from the military budget); humanitarian aid and donations to health institutions; purchase of necessary medical supplies for treatment in hospitals, or certain other costs that beneficiaries pay themselves, a practice rather widespread in recent years. According to some economists' estimates, in the early 1990s these expenditures amounted to 2 per cent of national income. In recent years, with the aggravation of the situation in the health sector, they increased by an additional 4.5 per cent. Expenditures for health care in certain years also exclude delivered and used but unpaid medicines. The value of unpaid medicines in 1996 reached about 7,000 million dinars, representing about 1 per cent of the national income. That was at the same time one of the main causes of the shortage of medicines and medical material at the end of 1996 which greatly aggravated the situation in the health sector in Serbia in 1997.

265. Health-care expenditures per capita in dinars are hard to monitor over a longer period of time due to the hyperinflationary crisis in 1993, amounting to hundreds of millions per cent at the annual level. Since 1994, when the Monetary Stabilization Programme was adopted, expenditures increased from 156 dinars per capita in 1994 to 836 dinars in 1997 at current prices. According to the market (black) exchange rate, expenditures in 1997 reached DM 167 (or DM 253 according to the official exchange rate), i.e. they rose by about 60 per cent.<sup>8</sup>

266. In the past 10 years the Federal Republic of Yugoslavia has pursued, in the health-care area, a policy of preserving all established capacities and benefits accorded by law, hoping that better times will come and that it will be possible to restore resources in the health sector to

the level of 1989/90. Since all socio-economic conditions for all public services have dramatically worsened in the meantime, the health sector has spontaneously adjusted to the new circumstances, marked by a drop in the quality of health services, lack of medical supplies and medicines, bribery and corruption, transfer of patients, and removal of some of the equipment for the purpose of use in the private health sector. Due to this, it is of particular importance to undertake serious reforms in the health sector, because declarative support for changes has not produced effects on the financing and functioning of the health-care system.<sup>9</sup>

### **C. Measures and procedures for upgrading the health situation**

267. Medical measures and procedures for upgrading the health situation, prevention, control and early detection of diseases and other health disorders include: health education, vaccination according to an adequate programme and calendar of vaccination, preventive check-ups, with special indication to whom they refer (children, pupils, students, women in connection with reproductive function) and to what health problems (illnesses of major socio-medical importance, such as malignant diseases, diabetes, cardiovascular diseases, caries, diseases of the teeth support system, etc.).

268. The scope of preventive measures is precisely defined. To illustrate the point, one may mention the obligation that an infant have four systematic examinations during its first year (in the third, sixth, ninth and twelfth month) in addition to three control check-ups, which include check-ups prior to vaccination. The content of systematic examinations is standardized. One preventive examination (systematic or regular check-up) is carried out once a year from the second to the sixth year. The same schedule of health condition monitoring is envisaged for primary and secondary school students. For college and university students systematic examinations are provided for in the first and third years of study. The above-mentioned activities are complemented with health education programmes, nursing visits and the obligation to undertake appropriate therapeutic and other measures.

269. The scope and extent of preventive health care for women older than 25 in connection with detection of malignant diseases and for adult citizens above the age of 20, i.e. 35 or more in connection with detection of chronic non-infectious diseases, etc., have been regulated in a similar way.

270. The treatment of the sick or injured persons is provided through:

- Provision of emergency medical assistance and taking care of emergency cases at all levels of medical activity, including medical transportation;
- Examination, diagnostics and treatment at the primary level in infirmaries and at home, and at higher referral levels according to the recommendation of the chosen physician, i.e. according to the decision of the medical board or “consilium” of doctors.

271. The scope of these measures is not restricted. Prevention and treatment of mouth and tooth diseases in children and youth, in women during pregnancy and taking care of emergency

cases in dentistry, as well as treating caries lesions and other treatments are defined as the main contents of dental care. The right to reimbursement for dentures is dealt with by a separate regulation. The content and scale of measures for preventive dental care are defined in the special programme of the Government of Serbia.

272. The regulations of the Republican Health Insurance Office also provide for the right to medical rehabilitation without restriction at the outpatient level and with limitation of up to 30 days (maximum 90 days) in specialized hospital institutions. A part of the treatment regulated in such a way has the character of extended hospital treatment, including the application of the natural factor when endocrine diseases, diseases of the respiratory and haematogenous systems are concerned.

273. Medicines, certain medical supplies and materials are regulated by the List of Medicines, with restriction on the quantity of a medicine that can be prescribed and dispensed for a specified period of time.

274. Depending on the extent and gravity of a physical handicap, i.e. reduction of function, insured persons are provided with prosthetic and orthotic means, other aids and sanitary implements, dental substitutes, eye, hearing and speech aids. All these aids are used on the basis of defined criteria and, for many beneficiaries, with a very high share in the cost of their procurement.

275. Since many elements of health care are not mentioned in the insurance regulations, and because of chronically limited resources, the Decision on the Contents and Scope of Health Care quotes numerous measures and services which the health service cannot provide within the scope of compulsory medical insurance. These include various types of examinations at personal request and at the request of bodies and organizations, all measures of specific (preventive) health care for workers, treatment of acute alcoholic intoxication, abortions due to non-medical reasons, IV-insemination, numerous non-standard services in dentistry, etc.

276. According to the legislation in force, there exists a rich practice in the regulation of the contents of health care supplemented with special programmes in certain areas of activity where key health and social problems are concerned (health care of women, children and students, protection against infectious and chronic non-infectious diseases, preventive dental care, etc.). The contents and scope of health care are presented in detail, including appropriate instructions for implementing it and an indication of the parties responsible for the implementation of individual activities. However, the proclaimed complete coverage of the population with all services is not being carried out in practice, particularly when high-cost diagnostic, therapeutic and rehabilitation services are involved, as is to be expected, because this cannot be provided even by more affluent countries.

277. What is missing is a critical evaluation of effectiveness of certain measures, which alone do not contribute considerably to the realization of the goals of health programmes. Numerous systematic check-ups and diagnostic tests, often done without good reason, and frequently repeated, uncritical sending of patients to higher referral levels, etc., can serve as an example.

278. The legal provision relating to the right and obligation of citizens to freely choose a doctor to handle primary health care is not implemented consistently, and it has nothing to do with financing of this segment of health activity. In larger urban centres, due to the lack of control, citizens may freely use the services of several doctors in primary health care, and any doctor can prescribe them medicines.

**D. Coverage of the population with health care and contents and scope of the services of compulsory health insurance in the Republic of Serbia**

279. According to the Law on Health Insurance of the Republic of Serbia, compulsory health insurance encompasses all employed citizens, temporary or occasional employees, the unemployed while they receive unemployment benefit, the self-employed, pensioners, craftsmen and farmers. In addition to the insurees, the members of their family, provided the insuree is supporting them, are also entitled to health insurance benefits. On 31 December 1998 there were 9,222,542 insured persons in the Republic of Serbia. This number excludes foreign insurees insured on the basis of conventions and uninsured persons. Employees in the social sector, farmers and pensioners, including members of their families, accounted for 93 per cent of the total number of insured persons.<sup>10</sup>

280. If the number of insured persons is compared with the number of inhabitants in the Republic of Serbia according to the 1991 census (9,923,000 inhabitants), the ensuing conclusion is that health insurance in Serbia encompasses 92.94 per cent of the population. It is estimated that about 7 per cent of the population (primarily unemployed persons) are not covered by compulsory health insurance. For the uninsured part of the population - children and youth, women in connection with pregnancy and motherhood, persons above the age of 65, welfare beneficiaries and persons suffering from serious and chronic diseases (psychoses, diabetes, chronic kidney failure, malignancies, etc.) - costs of health care for a certain amount of benefits are borne by the Government. These costs are financed from the budget by transfer of necessary resources to the Health Insurance Fund. However, it should be stressed that owing to the very difficult economic situation and a deficit in the State budget, resources for these purposes have actually not been allocated in recent years.

281. According to the same law, benefits from health insurance include: health care, wage allowance during temporary disability for work, allowance for extended childcare, compensation of travel costs incurred in connection with the use of health care and compensation for funeral costs.

282. According to the Law on Health Insurance, health care, as the basic right of insured persons, is defined to include:

- Medical measures and procedures for the upgrading of health condition, prevention and early detection of illnesses and other health disorders;
- Treatment of ill and injured persons and other kinds of medical help;

- Prevention and treatment of mouth and teeth diseases;
- Medical rehabilitation in outpatient and inpatient institutions;
- Medicines, auxiliary material serving for administration of medicines and medical material necessary for the treatment; and
- Prostheses, orthopaedic and other aids; auxiliary and medical devices, dental prosthetic aids and dental materials.

283. On the basis of the legal authorization, the Republican Health Insurance Office, by its enactments, regulates in more detail the conditions and the manner of the exercise of the rights from health insurance. In this context, it should be noted that there is an obligation of insured persons to choose their doctor to handle primary health care according to their place of residence. Preventive measures and activities related to employment are implemented at the place of work, and for pupils and students in the place where they attend education. The use of services at higher referral levels takes place, as a rule, in the nearest adequate health institution, based on the recommendation of the chosen doctor, i.e. on the approval of the medical board of the Republican Health Insurance Office.

284. The scope and extent of health-care measures are defined more precisely by the decision of the Board of Directors of the Republican Health Insurance Office. This document insists on the balance between the scope and extent of health-care benefits and the amount of resources provided for these purposes by compulsory health insurance.

#### **E. Health situation of the population in the Republic of Serbia**

285. The period from 1990 to the present is characterized by dramatic changes in the lives of some 10 million inhabitants of the Republic of Serbia which have directly affected their health condition. According to longitudinal (so-called environmental) studies and comparative analyses, it is more or less known how critical events in life affect the incidence of diseases and death among the population. Thus cycles have been defined on the global level when these events cause changes in health condition, so that an increase in the outbreak of diseases occurs in three-year periods, followed by an increased number of deaths in periods of three to five years. It has also been established that these cycles of morbidity and death as a consequence of critical events in life are becoming shorter. Some analyses of indicators of the health situation in the Republic of Serbia show that these cycles have become even shorter as a consequence of the cumulative effect of a series of critical events to which its population was exposed: the break-up of the former Yugoslavia and war in its territory; sanctions imposed by the international community; and the hyperinflationary crisis.

286. However, numerous methodological problems are present in monitoring the effect of these events on the population's health as well as on the isolation and assessment of the impact of each particular factor. First of all, the report on the cause of death is insufficiently reliable in

the entire territory of the Republic. Then, population (a denominator that is essential for the calculation of the rate of morbidity and death rate) has also changed. These rates in fact indicate the probability of dying or falling ill in relation to the population affected by risks. The make-up of the population of Serbia has dramatically changed in the period of 10 years through emigration of the native population, mainly young people, and arrival of refugees and displaced persons with different risks of morbidity and dying. It is also important to stress that there are not enough financial resources, nor are there efforts aimed towards quality research in monitoring the influence of critical events on the health of the population in Serbia.

#### **F. Death rates**

287. In the early 1990s a sequence of dramatic events began that led to stagnation and/or deterioration in respect of most indicators of the population's health available for routine monitoring and analysis. Life expectancy at birth calculated on the basis of the existing age-specific death rates (abbreviated approximate mortality tables) in the period from 1989/90 to 1996/97 was lowered for male newborns in central Serbia by a little more than two years, while in Vojvodina it remained practically at the same level. The value of this indicator in Vojvodina for female newborns in the same period fell by 1.13 years and remained practically unchanged in central Serbia.<sup>11</sup>

288. Death rates for the adult population aged 20 to 44 in the period from 1990 to 1997 in central Serbia rose by 14 deaths per 100,000 inhabitants of that age, and in Vojvodina by 10.5 deaths.<sup>12</sup>

289. In the same period, death rates for the adult population aged 44 to 64 in central Serbia increased somewhat more, i.e. by 20.4 deceased per 100,000 inhabitants of that age, and in Vojvodina by as much as 90.3 deaths per 100,000 inhabitants. It follows that during the period under review the most vulnerable category was the category of adults aged between 44 and 64 in the entire territory of the Republic of Serbia, and particularly in Vojvodina.<sup>13</sup>

290. It is worth noting that, contrary to expectations, no increase has been recorded in the reported period (1990-1997) in the death rate of the population above the age of 65. Instead, this rate was reduced, although this category is a particularly socially vulnerable group in our conditions. The death rate of the population above the age of 65, per 100,000 inhabitants of the same age, was reduced in central Serbia in 1997 by 693 deaths compared with 1990; and in Vojvodina there were 1,184 fewer deaths per 100,000 inhabitants of that age.<sup>14</sup>

291. The analysis of specific death rates by age groups, as already pointed out, shows that the increase in death rates for the age group from 20 to 44, and particularly for the age group 45 to 64, is the most responsible for the reduction of life expectancy at birth recorded in central Serbia and Vojvodina in the period from 1990 to 1997. This is consistent with the results of the analysis of health situation in Central and Eastern European countries.

292. When analysing the causes of death of the population of the Republic of Serbia, it is worth stressing that the structure of the causes of death in the period of eight years remained practically unchanged. More than half of the population in 1997 died of cardiovascular diseases (56.4 per cent in central Serbia, 60.2 per cent in Vojvodina) with the share of the death due to this cause increasing by about one percentage point in central Serbia and Vojvodina compared with 1990. Malignant diseases rank second (17 per cent in central Serbia and 18.2 per cent in Vojvodina) with a slight increase in central Serbia and practically unchanged share in total deaths in Vojvodina compared with 1990. Ranking third are insufficiently defined disorders and conditions (symptoms, signs, pathological, clinical and laboratory results), while injuries, traumas and consequences of the impact of external factors rank fourth.<sup>15</sup> The share of insufficiently defined diseases and conditions increased both in central Serbia and in Vojvodina. The share of external causes of death in the total number of deaths dropped both in central Serbia and in Vojvodina.

293. The high share of cardiovascular and malignant diseases in the structure of deaths points to a widespread presence of risk factors resulting from behaviour (smoking, alcohol, inadequate diet, poor physical activity) and external environment (polluted air, food and water). Insufficiently defined diseases and conditions, ranking third, are the consequence of unreliable reporting of the cause of death throughout the territory of the Republic. External causes of death, ranking fourth among the causes of death, point to insufficient safety at work, in traffic or at home. When external causes of death are disaggregated, the highest share refers to accidents, followed by suicides and murders.<sup>16</sup> Death rates due to these causes increased in 1991 and 1992, at the beginning of the conflicts in the territory of ex-Yugoslavia, and then all three recorded an increase since 1996, with the sharpest rise in the category of accidents and suicides.

294. The second level of analysis of death due to accidents, by gender, shows that the death rate during the period being reported was almost threefold higher for the male than that for the female population, and that it was even four times as high in 1991 and 1992.<sup>17</sup>

295. The analysis of the health condition of the population of the Republic of Serbia made on the basis of mortality statistics, as the most reliable, shows that deteriorated health conditions were due to increased mortality of the working-age population, particularly men. It was also due to the so-called preventable mortality, i.e. causes of disease and death that can successfully be prevented by adequate activities in the health-care system. Changes in the health condition of the population of Serbia are very similar to those in the countries of Central and Eastern Europe undergoing transition, although opinions still differ whether and to what extent our country entered the transition period.

## **G. Indicators of health condition**

### **Infant mortality**

296. The difference in life expectancy at birth between female and male newborns increased by more than two years in central Serbia, while in Vojvodina it dropped by about one year and a half.<sup>18</sup>

297. The analysis of the linear trend of life expectancy at birth for central Serbia and Vojvodina in the period of eight years (1990-1997) distinguishes two critical periods with declining value of this indicator for male newborns in 1992/93 and 1996/97, while stagnation or a slight drop in the value for female newborns can be noted in the same periods.<sup>19</sup>

298. After a continuous fall during the 1970s and 1980s, infant mortality, still a sensitive indicator of children's health from birth to the end of the first year of life, started to increase in 1992. In 1993 the rate increased in central Serbia and Vojvodina by two infant deaths per 1,000 live births. After a short decline, it began to rise again in 1996 in the rest of the territory as well.<sup>20</sup>

299. Correlation between infant mortality and socio-economic development is well illustrated by negative correlation between infant death rate and GDP (or national income) per capita, already described in literature and recorded both at the international and at the national levels. The example of this vulnerable category of the population demonstrates that socio-economic factors are the most powerful determinants of health condition. Negative correlation between infant mortality and national income per capita calculated in constant prices may also be illustrated by the trends recorded in the Republic of Serbia from 1990 to 1998.<sup>21</sup>

300. The infant mortality rate is a complex measure of death risk in the neonatal period (first 28 days of life), which declines with better availability of neonatal health care, and death risk in the post-neonatal period (from the twenty-eighth day to the first birthday), which declines with better education of mothers, better sanitation, food, greater coverage of infants with immunization and more successful treatment of respiratory ailments at this age. Mortality of infants in the Republic of Serbia increased due to both risks in 1993, and again in 1996 and 1997.

301. Mortality of newborns in the first week of life accounts for the greatest share in neonatal mortality, as also indicated by the values of the rate of perinatal mortality. This rate represents the ratio of the sum of stillbirths and deaths in the first week of life per 1,000 childbirths and is the indicator of the effect of endogenous factors on the health of the foetus. Besides, in the countries with organized perinatal health care (health care of pregnant women), in which practically all parturitions take place in medical institutions, as in the Federal Republic of Yugoslavia, this rate represents also a reliable indicator of the quality of health services provided to mothers with children, because it occurs in periods of intensive medical supervision over their health.

302. High values of perinatal death rates in central Serbia, which remained practically at the same level throughout the period being reviewed, with a slight increase in 1993 and 1996, point to potentially deteriorating quality of health care provided to pregnant women, women after childbirth and their newborn babies.<sup>22</sup> In Vojvodina, after a drop in this rate in 1994, it started to rise again in 1996.

303. Alarming increases in post-neonatal mortality in central Serbia in 1995 and in Vojvodina in 1996 point to the adverse effect of factors of external environment (exogenous) on infants' health.<sup>23</sup>

304. Children's health is very delicate not only in the first year of life, but also during the entire pre-school period. Therefore, UNICEF chose mortality of children under the age of 5 as the most relevant indicator of children's health in the world, ranking countries according to the value of this indicator. Like the values of infant mortality rates, the values of this indicator also increased in 1993 and again in 1996 both in central Serbia and in Vojvodina.<sup>24</sup>

305. Maternal mortality, which reflects all risks for the mother's health during pregnancy, at parturition and during puerperium (six weeks after childbirth) is under the direct influence of socio-economic conditions of life, mother's health condition before pregnancy, complications during pregnancy and at parturition, as well as availability and use of health service, particularly prenatal and obstetric health care. Like the rate of perinatal mortality, the rate or ratio of maternal mortality (which are used more often) are good indicators of the results of health service performance, i.e. of the quality of provided health services.

306. In the period of eight years under review, the ratio of maternal mortality (the number of women who died during pregnancy, childbirth and confinement per 100,000 live births) increased by 10 in central Serbia. Vojvodina has also recorded a similar increase, unlike Kosovo and Metohija, which is explained by under-registration and a large number of childbirths taking place outside medical institutions.<sup>25</sup>

307. Although increased death rates among vulnerable categories of the population such as children, particularly infants and mothers during pregnancy, at parturition and in puerperium, are partly responsible for the reduction and stagnation of life expectancy at birth for women, the increase in mortality rates among adults in the working-age population has the greatest impact on the overall deterioration of the value of this indicator of health condition.

### **Life expectancy**

308. Life expectancy at birth, as a comprehensive indicator of health condition which shows how long a newborn of a specific sex is expected to live if the present mortality rates continue, increased in the period 1950/51 to 1989/90 in central Serbia for male newborns by 15.7 years and for female newborns by 18.1 years, and in Vojvodina by 15.1 and 19.2 years, respectively. In the same 40-year period the infant mortality rate dropped 8.3-fold (from 101.7 to 12.2 infant deaths per 1,000 live births) in central Serbia and twelvefold in Vojvodina (from 143.1 to 12).

### **Implementation of compulsory immunizations**

309. The following tables give a picture of immunizations from 1992 to 2001 in the Republic of Serbia, Vojvodina and central Serbia.

**Table 11**  
**Coverage with immunization in the Republic of Serbia,**  
**1992-2001**

Year of immunization	Type of immunization <sup>a</sup>									
	Di-Te-Per vaccine			Polio vaccine			MMR vaccine in second year			BCG
	Planned	Immunized	%	Planned	Immunized	%	Planned	Immunized	%	Planned
1992		140 241	85.5	158 417	133 099	84.0	155 198	126 378	81.4	
1993		132 985	85.0	171 265	141 816	83.0	162 955	140 019	86.0	
1994		217 492	85.0	265 020	223 481	84.0	145 643	118 414	81.0	
1995		124 656	88.8	144 518	129 415	89.5	135 130	115 692	85.6	128 740
1996		123 561	91.2	138 818	125 705	90.5	133 315	119 777	89.8	
1997		124 633	94.0	134 639	126 421	93.9	136 609	125 100	91.6	121 940
1998		103 164	89.0	115 997	103 009	88.8	115 888	103 190	89.0	71 432
1999 <sup>b</sup>	71 567	69 538	97.1	71 557	69 724	97.4	72 005	66 485	92.3	58 608
2000 <sup>b</sup>	68 044	65 908	96.9	68 046	65 865	96.8	71 446	61 897	86.6	42 653
2001 <sup>b</sup>	69 168	67 640	97.8	69 284	67 652	97.6	72 197	69 102	95.7	54 336

<sup>a</sup> Di-Te-Per for diphtheria, tetanus, whooping cough; Polio for poliomyelitis; MMR for morbilli, mumps, rubella; and BCG for tuberculosis.

<sup>b</sup> Excluding data for Kosovo and Metohija.

**Table 12**  
**Coverage with immunization in Vojvodina,**  
**1992-2001**

Year of immunization	Type of immunization									
	Di-Te-Per vaccine			Polio vaccine			MMR vaccine in second year			BCG
	Planned	Immunized	%	Planned	Immunized	%	Planned	Immunized	%	Planned
1992	25 021	24 985	99.8	25 313	24 996	98.7	21 767	20 893	95.5	
1993	22 264	21 358	96	22 468	21 525	96	17 491	16 987	97	
1994	23 944	22 588	94	24 046	22 780	94	21 098	19 527	92	24 292
1995	22 240	21 074	94.7	22 341	21 365	95.6	22 142	21 138	95.5	22 896
1996	22 220	21 312	95.5	22 458	21 536	95.9	23 297	22 473	96.5	16 057
1997	21 365	20 558	96.2	21 533	20 769	96.5	21 645	21 158	97.8	20 360
1998	20 166	19 467	96.5	20 291	19 553	96.4	20 565	19 821	96.4	19 424
1999	19 353	18 841	97.4	19 443	19 016	97.8	19 617	18 525	94.4	17 743
2000	18 626	18 157	97.5	18 656	18 163	97.4	19 030	15 620	82.1	18 406
2001	18 733	18 273	97.5	18 784	18 324	97.6	19 426	18 840	97	18 190

**Table 13**  
**Coverage with immunization in central Serbia,**  
**1992-2001**

Year of immunization	Type of immunization								
	Di-Te-Per vaccine			Polio vaccine			MMR vaccine in 2nd year		
	Planned	Immunized	%	Planned	Immunized	%	Planned	Immunized	%
1992	62 844	60 225	96.0	64 854	60 947	94.0	63 223	59 495	94.0
1993	63 487	60 954	96.0	64 609	61 685	95.0	66 050	63 055	95.0
1994	69 135	59 915	96.0	62 924	59 951	95.0	60 007	53 591	89.0
1995	60 009	58 311	97.0	60 315	58 670	97.2	59 146	55 193	93.3
1996	59 957	58 661	97.8	59 998	58 750	97.9	60 396	58 535	96.9
1997	57 480	56 053	97.5	57 516	55 991	97.3	58 167	56 325	96.8
1998	52 879	51 694	97.8	52 889	51 779	97.9	53 961	52 096	96.5
1999	50 026	48 509	97.0	50 115	48 709	97.2	50 782	46 354	91.3
2000	49 418	47 751	96.6	49 390	47 702	96.6	52 416	46 277	88.3
2001	50 435	49 367	97.9	50 500	49 328	97.7	52 771	50 262	95.2

### Water supply and waste disposal

310. In the Republic of Serbia about 81.8 per cent of households are supplied with potable water in their house/apartment or yard from city and village water supply systems. In urban settlements, drinking water is provided for 98 per cent of households, with minimum regional differences. In rural areas, only 63.3 per cent of households use water from public water supply systems.

**Table 14**  
**Supply of potable water to households under favourable sanitary conditions,**  
**by type of settlement (in percentage)**

Territory	Total	Urban settlements	Rural settlements
Central Serbia	80.7	99.0	59.2
Vojvodina	92.1	96.1	86.8
Belgrade-region	95.9	99.5	82.7
Serbia	81.8	98.0	63.3

*Source:* Monitoring of progress toward implementation of the goals of the World Summit for Children - Report for the Federal Republic of Yugoslavia, 1997.

311. Regular monitoring of sanitary safety encompasses mainly population hooked to central municipal water supply systems, which accounts for some 48 per cent of the total population.

**Table 15**

**Percentage of unsanitary potable water from central  
municipal water supply systems in central Serbia,  
1981-2001**

Year	Percentage of checked water supply systems with microbiological inadequacy in over 5% of samples	Percentage of checked water supply systems with physical and/or chemical inadequacy in over 20% of samples	Percentage of checked water supply systems with combined inadequacy
1981	29.59	18.37	9.18
1982	46.36	24.54	6.36
1983	33.96	28.30	N/A
1984	37.00	17.00	11.00
1985	36.06	26.74	18.60
1986	37.50	19.79	N/A
1987	35.79	20.00	15.79
1988	33.33	22.91	16.67
1989	32.69	30.77	N/A
1990	24.27	16.50	N/A
1991	35.92	26.21	14.56
1992	42.34	31.53	N/A
1993	35.13	28.82	13.51
1994	35.45	31.81	16.36
1995	35.78	33.03	18.35
1996	36.52	31.30	20.00
1997	48.60	45.76	29.94
1998	38.53	36.70	22.93
1999	33.33	32.43	21.62
2000	34.23	31.53	21.62
2001	40.52	30.31	17.24

*Source:* Institute for Health Care of Serbia.

**Table 16**

**Percentage of unsanitary drinking water from central municipal water supply systems in Vojvodina, 1993-2001**

Year	Percentage of checked water supply systems with microbiological inadequacy in over 5% of samples	Percentage of checked water supply systems with physical and/or chemical inadequacy in over 20% of samples	Percentage of checked water supply systems with combined inadequacy
1993	72.50	62.50	55.00
1994	81.08	64.86	54.05
1995	83.72	67.44	58.14
1996	88.09	73.81	69.05
1997	88.09	66.66	61.90
1998	83.33	59.52	52.38
1999	64.15	49.05	49.05
2000	64.15	50.94	49.05
2001	75.00	75.00	66.66

*Source:* Institute for Health Care of Serbia.

312. In the Republic of Serbia, about 91.6 per cent of the urban population and about 48.3 per cent of the rural population use a toilet (WC) located in the house/apartment connected to a sewerage or septic tank. Differences are significant by type of settlement. In urban settlements, 91.8 per cent of the population have adequate sanitary conditions.

**Table 17**

**Availability of adequate sanitary conditions by type of settlement (in percentage)**

Territory	Total	Urban settlements	Rural settlements
Central Serbia	73.2	94.9	51.6
Vojvodina	81.1	87.6	73.1
Belgrade - region	92.7	97.4	77.0
Serbia	68.5	91.6	48.3

*Source:* Monitoring of progress toward implementation of the goals of the World Summit for Children - Report for the Federal Republic of Yugoslavia, 1997.

313. In the territory of Serbia there is no organized gathering of complete data on the quantity and quality of effluent.

314. In the territory of Serbia there is no organized gathering of complete data on the quantity and quality of solid waste. In most cases urban settlements have city dumps, while the situation in rural areas differs. In most cases it can be assessed as unsatisfactory. Recycling of scrap materials is not organized in any significant measure.

315. At the beginning of 1990, the Ministry of Environmental Protection of the Republic of Serbia started activities on organized compilation of data on the quantity and quality of solid waste, as well as on the manner of their disposal.

316. According to available data, 3,245,307 tons of solid waste are produced annually in the territory of the Republic of Serbia, of which 1,916,939 tons in central Serbia and 664,583 in Vojvodina. Of this quantity, organized disposal encompasses 2,009,765 tons: 1,195,091 tons in central Serbia and 444,249 in Vojvodina.

**Table 18**

**Deposited quantity of waste in the territory of Serbia**

Territory	Population (1991 census)				Population encompassed by organized waste disposal		
	No. of settlements	Population	Tons/year	m <sup>3</sup> /year	Population	Tons/year	m <sup>3</sup> /year
Central Serbia	4 211	5 808 906	1 916 939	12 779 593	3 621 487	1 195 091	7 967 271
Vojvodina	464	2 013 889	664 583	4 430 556	1 346 210	444 249	2 961 662
Serbia total	5 455	9 834 266	3 245 307	21 635 385	7 090 197	2 009 765	13 398 433

*Source:* Ministry of Environmental Protection of the Republic of Serbia, inspection services.

**H. Measures and activities of the Government and the Ministry of Health of Serbia aimed at changing and upgrading the health situation and health insurance**

317. The following activities were organized and carried out during 2001 and by 23 November 2002 within the Ministry of Health of Serbia, independently or in cooperation with the Government of the Republic of Serbia, the Republic Office for Health Insurance and expert teams and referral health institutions:

- (a) The Law on Health Insurance has been amended to adjust it to “financial laws”;
- (b) The Law on Medical Supplies and the Law on Medical Associations have been completed;

(c) The Government of the Republic of Serbia has prepared and adopted a paper on health policy of Serbia (on the basis of which work has been intensified on the reform of the system and elaboration of new regulations in the field of health and health insurance);

(d) New texts of the Law on Health Care, the Law on Health Insurance and the Law on Medical and/or Pharmaceutical Associations have been drawn up as working versions and submitted for consultation to health institutions, the Republic Office for Health Insurance and its branch offices and to other concerned parties. Certain delay in the finalization of the texts of the mentioned laws is due to the fact that they depend on elaboration and adoption of laws in other areas, particularly the Law on Local Self-Government, as well as the Law on Determination of Certain Competencies of the Autonomous Province;

(e) Parallel with work on the elaboration of the mentioned draft laws, the following regulations to be adopted by the Government of Serbia or those which require its approval are under preparation or have already been prepared: Decree on the Plan of Network of Health Institutions; Decision on Personal Participation of Beneficiaries of Health Insurance in the Costs of Health Care; Decision on the List of Medicines Prescribed at the Expense of Health Insurance; Decision on the Extent and Scope of Health Care Benefits;

(f) The following regulations have been adopted independently and in cooperation with the Ministry of Health and the Republic Health Insurance Office: Regulation on joint medical procurement in publicly owned health institutions; decision on determining the base for the payment of contribution for compulsory health insurance; decision on the rates of contribution for compulsory health insurance; regulation on amendments to the regulation on evidence in support of the application for issuance of sanitary clearance; regulation on the costs and manner of determining the amount of costs incurred in the process of conducting inspection supervision at the client's request; regulation on the manner of acquiring basic knowledge on the hygiene of foodstuffs and on personal hygiene; change of the branch collective agreement for the health sector (which enabled increase in wages and salaries by 20 per cent); decision on the criteria for concluding health-care contracts in 2001 between the Republican Health Insurance Office, health institutions and other providers in the health sector;

(g) Five national expert teams have been set up for: dentistry; public health; mental health; tuberculosis; and elaboration of the national health account of the Republic of Serbia;

(h) Terms of reference have been prepared for the World Bank's technical assistance: reform of health insurance and financing of health care; development of health information system; public health; development of human resources in the health-care system;

(i) A document entitled "Development prospects of the health care system" has been prepared; analysis of the Medical Service has been made; research on "Satisfaction of users with hospital health care" has been conducted in five stationary health-care institutions in Belgrade;

an Action Plan of the Ministry of Health for an anti-smoking campaign has been prepared; a draft amendment to the decision on personal participation of beneficiaries in health-care costs has been worked out; a conference on the reform of mental health in the Republic of Serbia has been organized in cooperation with the World Health Organization, Caritas Italy and Caritas Yugoslavia; a symposium has been organized on the introduction of the national health account in the Republic of Serbia, in cooperation with the Department for International Development of the United Kingdom (DFID); all activities in the Ministry of Health necessary for the licensing of software have been completed in accordance with the planning, licensing and use of Microsoft software; a procedure has been initiated for the licensing of software in health institutions of Serbia; elaboration of the proposal for the WEB presentation of the Ministry of Health of the Republic of Serbia has been started.

### **I. International assistance and cooperation in the health sector**

318. The Ministry of Health of the Republic of Serbia is preparing a project worth 16.5 million dollars for a World Bank loan (secondary health-care restructuring, 2003-2007). For the preparation of the credit project, the ministry will engage consultants paid from the loan preparation grants (SPEAG) and the World Bank's Policy and Human Resources Development Fund (PHRD).

319. For the needs of the loan preparation project, the Ministry of Health has set up a four-member unit for project management. The unit has prepared necessary documents for negotiation of credit terms between the Government of Serbia and the World Bank. The bank engaged two consultants, financed from its resources, who assisted during December in the preparation of documents necessary for the loan.

320. The Ministry of Health of Serbia and the Republic Health Insurance Office are beneficiaries of resources within the Structural Adjustment Credit (SAC). These resources are intended for the restructuring of financing of the health-care system (list of essential medicines, the law on medicines, participation, etc.), collection of health-care contributions (basic package of services, development of additional packages of services from health insurance, etc.), preparation of the Master Plan and the Personnel Plan in the health system.

321. The first Biannual Country Agreement with the World Health Organization was signed in 2002. A delegation of the Ministry of Health visited WHO headquarters and met with the Director-General of the organization. An official visit to Belgrade was agreed on for early in 2003.

322. The document entitled "Orientation programme on adolescent health for health-care providers" has been worked out. The Ministry of Health organized and held a seminar on management, with technical cooperation of the World Health Organization.

323. The first shipment of approved Chinese humanitarian aid in the amount of US\$ 2,698,795 arrived at the bonded warehouse of Hemofarm in Vršac. This aid consists of the following equipment: 4 CT scanners, 60 ultrasound apparatuses and 130 personal

computers. The second shipment of aid, consisting of medical material and pharmaceutical raw materials is expected at the end of December 2002. The Ministry of Health - Department for International Cooperation and Project Management and the Health Inspectorate - has made a list of priority equipment for health institutions in the Republic of Serbia, on the basis of which a list of equipment distribution has been made. The aid is planned to be distributed upon the arrival of Chinese officials in January 2003. Application has been submitted for the third instalment of aid amounting to around US\$ 3 million. Resources will be used for the procurement of CT apparatuses according to the priority list.

324. The Government of Japan approved a grant amounting to US\$ 10 million. The purpose of the grant is to procure equipment for the Clinical Centre of Serbia, Belgrade, the Clinical Centre Novi Sad, the Clinical Centre Niš and the Clinical and Hospital Centre Kragujevac. In December 2002, a final list of equipment has been established according to priorities, which represents three quarters of the process leading to the realization of the donation.

325. In cooperation with the International Red Cross, implementation of a pilot project of basic health services has been started in the Outpatient Clinic in Kraljevo. The estimated value of the project is US\$ 2.65 million. Implementation of an integrated package of health services targeting primarily displaced persons has been launched as well.

326. In cooperation with the European Agency for Reconstruction, the Ministry of Health, Department of International Co-operation and Project Management, continued the projects started in 2001: support to the pharmaceutical sector through procurement and distribution of medicines, medical material and reagents for publicly-owned pharmacies, outpatient clinics and hospitals (according to the priority list); support to the regulatory framework in the pharmaceutical sector; technical assistance in the rationalization of prescribing through development of diagnostic and therapeutic protocols referring to specialized examinations; rationalization of pharmaceutical industry; rehabilitation of equipment in hospitals and outpatient clinics; assessment of the needs of health institutions in Serbia. The total budget for the mentioned projects was EUR 31.7 million (EUR 26.7 million from 2001 and 5 million from 2002).

327. New equipment has been bought and distributed according to the list of priorities: X-ray equipment (EUR 4 million), especially X-ray apparatuses (54) and film-developing machines (25); equipment for surgery and intensive-care units (EUR 6.5 million), especially apparatuses for anaesthesia (70), aspirators (400), monitors (200), infusion pumps (150), electrocauters (60), operating tables for surgery (20) with operating lamps (20), respirators (40), sterilizers (20) and defibrillators (20); tender has been called for the purchase of laboratory equipment. The amount of EUR 1.75 million has been used to repair obsolete equipment (anaesthetic apparatuses, sterilizers, X-ray apparatuses, scanners, endoscopes).

328. Good practice guidebooks for asthma, chest pain, oncology and diabetes have been prepared in cooperation with EPOS and presented to practising physicians.

329. The Ministry of Health of the Republic of Serbia, with the assistance of the European Agency for Reconstruction, worked out the Law on Medicines, which has been submitted to the Government of the Republic of Serbia for adoption. In addition, the Project of Rehabilitation of the Blood Transfusion Service has been launched.

330. Two projects worth EUR 2.2 million have been started in cooperation with the Government of Norway: the project of assistance to emergency medical services in Kragujevac, Valjevo, Zrenjanin and Zaječar through the purchase of equipment and reconstruction planned to be completed in January/February 2003. The Ministry of Health initiated with the Government of Norway the project for the development of information system for the Belgrade Pharmaceutical Institution. At this moment the Government of Norway is expected to formally approve the technical part of the tender documentation for the purchase of software. The completion of the project is expected during 2003.

331. Within the Hellenic Plan, application has been submitted for the project of development and recovery of the emergency medical services, along the E-10 corridor, amounting to EUR 10 million (EUR 8 million to be provided by the Government of Greece and EUR 2 million from budget resources and other donors). Applications have been submitted for the remaining funds within the Hellenic Plan: project for the management of medical waste valued at EUR 2 million, with optional joint project management with the Ministry of Environment and Natural Resources.

332. The Humanitarian Aid Office (ECHO) of the European Commission with its partners, and with the consent of the Ministry of Health of the Republic of Serbia, participated in the purchase of medical equipment (colposcopes, visiting medical bags with equipment, centrifuges, biochemical analysers, sterilizers), purchase of vehicles for primary health care visiting medical services, reconstruction of medical institutions buildings, assistance to rehabilitation centres and health-care offices and assistance to handicapped and persons with special needs. The total budget was EUR 6.5 million and has been fully distributed according to the list of priorities.

### **Article 13**

#### **A. Right to education equally accessible to all**

333. The Constitution of the Federal Republic of Yugoslavia guaranteed that education shall be accessible to all under equal conditions (article 62 thereof).

334. The Charter of Human and Minority Rights and Civil Liberties also guarantees this right and stipulates that primary education shall be compulsory and that the member States are obligated to ensure free primary education. In addition, the Charter prescribes that the founding of schools and universities shall be regulated under the laws of the member States (art. 43).

335. The Constitution of the Republic of Serbia recognizes the right to education, free of charge, to all individuals who acquire their secondary, higher and university education through the regular educational system.

### **B. Primary education - compulsory and available free to all**

336. The Law on Primary Schools (*Official Journal of the Republic of Serbia*, No. 12/50/92/06) prescribes that primary education is compulsory for all children of school age (between ages 7 and 14). Primary schooling and education is acquired through curricula and syllabuses lasting eight years (article 1 thereof). In the sphere of primary education, citizens exercise the following rights: the right to eight years of primary schooling and education; the right to primary schooling and education of adult persons; the right to primary musical and ballet education and to supplementary primary schooling and education of children of the citizens of the Republic of Serbia (article 8 thereof).

337. Under the Law on Primary Education, all children of primary school age are obliged to attend primary school, which is available free of charge. Under its article 40, parents, adoptive parents or guardians are responsible for enrolment of their child in grade one and for their child's regular school attendance and for carrying out other obligations required of schoolchildren.<sup>26</sup>

338. Official statistics, as one of the indicators of the enforcement of the laws and regulations regarding compulsory primary education accessible to all, portray an effective practical implementation of the relevant legislation. According to the statistical data, in the previous two school years (1999-2000 and 2000-2001), compulsory primary education accounted for more than 98 per cent of all children of primary school age. The dropout rate was about 1 per cent, whereas the rate of successful completion of primary school was over 98 per cent.<sup>27</sup> Other indicators that are also based on official surveys suggest that mere percentages (or figures) of children finishing primary school do not always provide a clear insight into whether all children get to complete eight years of compulsory education in full.

339. The analysis of the primary education system in the Federal Republic of Yugoslavia made by UNICEF representatives and respective Republic Ministries of Education, covering the 1990-2000 period,<sup>28</sup> has shown an imbalance in coverage for primary education. Namely, some segments of the primary school population (in particular, Roma children and children belonging to other ethnic minorities, children in remote rural areas, children with special needs, growing numbers of refugee children and of displaced persons) leave primary school early, i.e. before finishing the eighth grade.

340. The findings indicate that in the past decade the above-mentioned categories of children experienced serious problems in being integrated in the primary educational system. Roma and Vlachs were the largest groups of those who did not exercise their right to compulsory primary education. These groups mostly left school early in senior classes.<sup>29</sup>

341. Children with special needs had very serious education problems in their difficult integration in regular schools, which included an inadequate procedure to diagnose various health impairments, and inadequately trained teaching staff, particularly in regular schools for work with children with special needs. Refugee children and those of internally displaced persons (IDPs), too, have had a difficult time integrating themselves in the educational system. Children in remote rural areas, due to availability of incomplete (only four grades) schools in their own communities and lack of transport means to go to the nearest full (eight grades) school, often finish only four grades of primary school.

342. To give full effect to the laws and regulations on equal accessibility and the obligation of completion of primary education for all population of primary school age, the Ministry of Education and Sport of the Republic of Serbia - within the framework of the initiated reform of the educational system in Serbia - has begun introducing a series of short-term and long-term measures, such as the gathering and analysis of essential information about various target groups and areas; review of the network of primary schools to improve accessibility of education to all; establishment of guarantees of quality of school premises and teaching at school; quality of student accomplishments (credits) and verification mechanisms; adoption of measures of discriminating in favour; introduction of new legal norms concerning schooling and education of handicapped pupils; mobilization of all available resources at the central, regional, municipal and local level in order to remove existing disparities.

### **C. Secondary education - the right to education made generally available and accessible to all**

343. Under the Law on Secondary Schools (*Official Journal of the Republic of Serbia*, No. 12/50/92/05), secondary schools may be high or grammar or comprehensive schools (lasting four years), where undergraduates acquire general education required for going on to university or college; art schools (lasting four years) where the acquired general education may serve as a basis for employment or further study; technical and vocational schools (lasting two, three or four years) in which students receive both vocational training and general education. The aforementioned law included schools specializing in secondary technical training for craftsmen (article 3 thereof).

344. In the field of secondary education, the citizens have the following rights: the right to a full-time secondary, three- or four-year education; the right to a full-time secondary education for students with exceptional skills, gifted and talented students; the right to secondary education and vocational training for full-time handicapped students; the right to secondary education in a language of a minority or to bilingual education for full-time students; the right to a two-year technical or vocational training for full-time students; parallel secondary education for grade A students; educational work in boarding schools.

345. A person who has completed the whole period of primary school may enrol in a secondary school (article 38 thereof). Articles 38-42 of the same law lay down the conditions and criteria for candidates applying for a place in a secondary school of their choice.<sup>30</sup>

346. The Constitution of the Republic of Serbia guarantees the right to a free secondary education to all full-time students attending secondary school. Part-time students do not have this right.

347. The networks of secondary schools have been developed in such a way as to absorb the majority of children of school-leaving age, since most of those who have completed the whole period of primary school continue education in a secondary school. According to a more recent survey, 88.3 per cent of primary school students choose to continue schooling at the secondary education level, whereas 10.2 per cent are undecided and 1.2 per cent intend to quit school. Official data also show that between 83 and 87 per cent of primary school-leaving students seek a place in a secondary school. Almost a fourth attend a high (grammar or comprehensive) school and three fourths technical or vocational secondary schools.<sup>31</sup> The results of research of the Research Centre of the Belgrade University School of Economics show that of all secondary schools, technical and vocational schools make up 64.10 per cent, high (grammar) schools 24.62 per cent, arts schools 5.83 per cent and special schools (for children with special needs) 5.45 per cent. The proportion of part-time students in the total number of secondary schools in Serbia in 2001 was a mere 2.61 per cent. This proportion varies from one school to the next and from region to region. The lowest proportion of part-time students is in high schools, with only 0.32 per cent, while art schools with 4.14 per cent have the largest proportion of part-timers. In technical and vocational secondary schools, the proportion of part-timers of all students is 3.35 per cent.<sup>32</sup> The cited data on the share of part-time students of secondary schools indicates that the numbers of secondary school students whose education is funded by the Republic are much higher than those who pay their own school fees.

348. A developed system and network of secondary schools is an indicator of the effective implementation of legal regulations concerning equal accessibility of secondary education to all wishing to continue their schooling. Other indicators, however, underline the need to modify these regulations to correspond to the present requirements of society. Since the choice of a secondary school is dependent upon the student's decision and upon the real possibilities of enrolment, the number of students wishing to attend a certain school of their choice may exceed the number of places available at that school. Such a situation creates, from time to time, problems during the enrolment period.

349. According to the findings of a team of secondary education experts from the Ministry of Education and Sport of the Republic of Serbia, despite a great student interest in technical and vocational secondary schools (approximately 75 per cent of all secondary school students are enrolled in a technical or vocational school), most students leaving primary school would prefer to continue education in high (grammar or comprehensive) schools rather than enrol in a technical or vocational school. This means that this disproportion is the consequence of a limited number of places available in high schools. The fact that, in recent years, 90 per cent of technical or vocational secondary school graduates have waited between one and five years to get a job has compounded the problem.

350. The same data account for such a large number of young people at universities (142,000 in 1997 and 200,000 in 2000). Besides the problem mentioned above, there is a disproportion between the demand for certain skills taught at technical and vocational secondary schools and the requirements of the economy and society. In three-year secondary schools the kind of skills required in personal services, trade, catering and administration are much sought after, while the skills needed for production (machine engineering, metal-working, mining, etc.) are not so well ranked on the wish-list of young people seeking a place in secondary schools. The demand for secondary school training in medical or commercial services, trade and tourism - which lasts four years - is double the number of places that these schools can offer.

351. The above data are illustrative of the fact that legislation has hitherto defined school and its functioning in isolation from its social and cultural context. The legislation focused solely on the curricula, teachers, principals or head teachers and students. The other important players in the education system (parents, the public, local community, public and private businesses, local media) have completely been left out. Little attention was paid to the implementation and to the end results of the overall educational process.

352. The first step that the Ministry of Education and Sport of the Republic of Serbia took in reforming secondary schools was to review and adjust the education laws to the changed economic, social and political circumstances. Accordingly, the Ministry adopted the Law Amending the Law on Secondary Schools (*Official Journal of the Republic of Serbia*, No. 23/2002). The new legislation seeks to shape the school as a democratic institution fostering democratic education and climate; to direct education to modern educational aims essential to social and economic development, in particular to acquiring independent learning skills, critical thinking and cooperative problem-solving in all areas; and to bring vocational secondary education and adult education in touch with the future needs of the economy. The achievement of these aims will make secondary education generally available and accessible to all intending to continue their education (after primary school).

#### **D. Higher education made equally accessible to all**

353. The rights of citizens in the field of higher education cover education given at higher schools or colleges and at universities (or in faculties). Higher schools, where courses last two or three academic years, offer theoretical and practical skills required for specialized professional or technical work. Undergraduates have the opportunity to take part in professional work and to attend specialized training programmes. Degrees granted on graduating from these schools are considered as full studies. However, certain faculties may accept students who have graduated from higher schools and let them join courses as sophomores or third-year students. University-level education gives the highest level of education in such fields as science and the arts. Under the Law on Universities (*Official Journal of the Republic of Serbia*, No. 21/2002), faculty studies may be basic, specialized, master's and doctoral degree studies (article 17 thereof). Basic studies last three to six academic years. Upon completing basic studies, a student may continue to attend a specialized course (lasting one to two academic years), a master's degree course (lasting two to three academic years) or a doctoral degree course (lasting three academic years).

354. New university entrants must have completed a four-year secondary school, as prescribed by the statute of a faculty or university arts school or academy of art. Entrance exams for university arts schools or academies of art may only be taken by secondary school graduates, under the conditions laid down in the statute of the university art school or academy of art (article 28 thereof). The Government decides on quotas for students allowed to attend the first year of basic, master's degree or doctoral degree courses paid for by the State and those who pay their own fees at universities funded by the Republics, upon getting the opinion of universities (article 32 thereof).<sup>33</sup>

355. A student funded by the State may fail two different years of university studies. If a student in his/her repeat attempt at fulfilling conditions to register for the next year or course of studies fails, he/she may register as a student paying his/her way through university. If in a space of one academic year such student qualifies to register for the next course of studies, he/she will enjoy the right to continue his/her studies within the quota allocated for students funded by the State (article 43 thereof). Equal access to State-funded university-level education serves as an incentive to secondary school undergraduates wishing to go on to university to achieve better results and grades in secondary school.

356. According to the data furnished by the Department for the Development of Higher and University-level Education in the Ministry of Education and Sport of the Republic of Serbia, the overall quota for full-time students enrolled on basic studies courses is close to 33,000 annually; half of them are funded by the State. Each year, approximately 12,000 students obtain a first-level degree. Freshmen mainly choose social studies (30 per cent), technical studies (24 per cent), humanities (16 per cent), medicine (12 per cent), natural sciences (9 per cent), biotechnology (7 per cent) and the arts (2 per cent).<sup>34</sup>

357. The rights to academic freedom and university autonomy are the essence of an efficient university education. Complete denial of these rights was the hallmark of the past decade. The foundation of State universities or higher schools was guided by and large by political considerations. Educational institutions had no autonomy whatsoever. All important decisions ranging from national educational policy to institution accreditation were taken by the Government of Serbia via its Ministry of Education which, in turn, turned out to be ill-equipped to perform these tasks effectively. Once in place, these institutions were never subject to a truly academic evaluation.

358. The only legal supervision, consisting of verification as to whether the prescribed bureaucratic procedure was strictly followed, was the responsibility of the Education Ministry of the Republic of Serbia. Short of a better system of institutional evaluation, former students were judged solely by their academic record at renowned world universities.

359. With this in mind, each institution started revising its syllabus by adding ever more subjects. Thus, university degree studies included even full postgraduate courses run at all universities worldwide within postgraduate studies. Left without a choice, the students had to cope. With a promise of a highly-valued university degree, they struggled seven or eight years on average to get a bachelor's degree in the first place. Those who did, graduated with honours. On the other hand, more than 60 per cent of registered students never got a degree, even though

they had completed two or three years of courses and passed more than 20 exams. They could not even get a transfer to attend a higher school, as their syllabuses differed. It goes without saying that higher schools are graduated from more easily. Despite the fact that some of them offer quite good practical knowledge and skills, they are commonly regarded as second-rate educational institutions.<sup>35</sup>

360. Vague legal provisions concerning the procedure of accreditation of the founded private universities and schools of higher learning also presented a problem. In this respect, “the law focused on a set of formal requirements such as the existence of adequate premises, technical equipment and appropriate number of lecturers. The Education Ministry of Serbia was formally tasked to define the details of procedure, but it never did. Therefore, the conclusion that may be drawn is that only a bad economic situation prevented private educational establishments from mushrooming”.<sup>36</sup>

361. One of the aims of the reform in this sector is to put a modern system of higher education in place, one conforming to the Bologna Declaration and Lisbon Convention which provide for a single European system of education, including the maintenance of specific national, cultural and linguistic characteristics. An initial step in that direction was the passing of a new Law on Universities (*Official Journal of the Republic of Serbia*, No. 21/2002). It is hoped that this law will ensure basic conditions for an effective system of higher education implying assertion of university’s autonomous status; reduced numbers of those giving up studies and less lengthy studies; introduction of mechanisms of testing the quality of courses, both the syllabuses and the quality of teaching; relevance of subjects taught taking into account national needs and the demands of the market; integration of students as partners in the educational process. Legal regulations relating to the composition and election of management and specialized bodies reassert the autonomy of universities and their faculties. Students, through their Parliament, have an important say in the running of universities and faculties (article 64 thereof).

#### **E. Fundamental education for those persons who have not received or completed the whole period of their primary education**

362. Under the Law on Primary Schools of the Republic of Serbia, persons over 15 years of age who do not attend primary school full-time and adult persons receive primary education and are schooled in accordance with this law. The curricula and syllabuses used are those for adults (article 94 thereof). Such an education and schooling is graded one to four and lasts four years. The statute of the establishment providing primary education and schooling for adults regulates enrolment and registration for taking exams. Finances for the classes and taking of exams come from attendants in conformity with the normative act of the school concerned (art. 96).

363. Job centres initiate and launch literacy campaigns when registering those out of work. Given that it is not possible to find even a job requiring the most basic skills without a certificate of primary education, special measures aimed at enabling the persons who have grown out of attending primary school full-time or have not completed all the classes are taken.

364. A group of experts of the Ministry of Education and Sport of the Republic of Serbia analysed the situation pertaining to the education of adults and found that the relevant regulations do not provide for the realization of the right of adult persons to education and the right to a quality education. They found that “schools providing primary education for adult persons use the curricula and syllabuses valid for regular primary schools. These programmes have been indiscriminately cut down without taking account of andragogical criteria. The classes are not shaped to meet attendants’ needs (e.g. consultations and instructive classes for children with learning problems). Textbooks and reading materials are not suitable for these purposes. Teachers are not equipped to give instruction in classes, either. There are no organizational standards for schools of this type and for their management. As far as secondary schools are concerned, they did not run classes but only organized final exams for adults (forming part of part-time students).<sup>37</sup> Non-existence of classes at the level of secondary education is the consequence of the lack of flexible organizational forms of work, the lack of suitable programmes and teaching staff trained for these purposes. The situation is similar at universities.

365. An European Union white paper pointed out that adult education is an essential element in the furtherance of the fundamental principles of a modern Europe: compatibility of socio-economic integration with individual development. To overcome the existing problems and make higher education one of the more important factors of society, the Ministry of Education and Sport of the Republic of Serbia has undertaken certain activities within the framework of the educational reform. They are: enactment of legislation on adult education; establishment of a system of adult education by defining conditions, criteria and standards for the activities of adult educational organizations and institutions; development of a methodology for the preparation of publicly acknowledged programmes of professional education; development of databases of andragogical educational institutions and establishments; mapping out a short-term and long-term strategy for improved educational structure of the population; development of model educational and training services in companies; improvement of the Adult Education Unit at the Ministry of Education and Sport of the Republic of Serbia; establishment of public funds to finance adult education.

## **F. Education system: statistical indicators of the situation in the field of education**

### **1. Regular education**

#### **Pre-school upbringing and education**

366. Three departments or ministries share the responsibility for pre-school upbringing and education: the Ministry of Education and Sport, the Ministry for Social Affairs and the Ministry of Health in the Republic of Serbia. Pre-school education and upbringing are provided in nursery schools, crèches and day-care centres.

367. The data of the Ministry of Education and Sport indicate that the programmes and services intended for children aged 1 to 7 cover no more than 32 per cent of children, one of the lowest percentages in Europe.<sup>38</sup> For the purpose of raising this type of education and upbringing

to the level required by European standards, the Education Ministry has set the following reform: a single responsibility for pre-school education and upbringing resting with the Education Ministry, and transformation of existing pre-school education forms into “a decentralized, diversified and interrelated system that will define standards of quality, care, upbringing and education for pre-school children and give parents the right of choice and participation”.<sup>39</sup>

### **Primary education**

368. The aim of primary education is to acquire general education, achieve a harmonious development of personality, prepare for life and for further general and professional education (art. 2). Under the Law on Primary Education, children who are 7 years old by the end of the current calendar year and who are healthy, enrol in first grade (article 39 thereof).

369. From the school years 1991/92 to 2000/01, the coverage of children by primary education had a downward trend. In the school year 2000/01 there were 149,975 fewer schoolchildren covered by regular primary education than in the school year 1991/92.<sup>40</sup> A decrease in the primary school population was the result of the falling birth rate in Serbia. According to official figures, the birth rate in Serbia dropped from 2.1 per cent in 1990 to 1.48 per cent in 1998. In the 10 years reviewed (1991-2001) alone, the annual number of enrolled first-graders that is estimated on the basis of live births decreased by more than 20,000.<sup>41</sup> On the other hand, there was a significant influx of refugee and internally displaced children, which alleviated the effects of the fall of the birth rate. In 1998/99 there was approximately 40,000 such children in Serbia.

370. Primary school population is partially balanced as to gender. In the period under review (1992-2001) the number of boys was some 2 per cent higher than the number of girls. About 52 per cent of boys and 48 per cent of girls were covered by primary education.<sup>42</sup> The UNICEF analysis showed disparities regarding gender share of school population: boy numbers were 5.3 per cent higher than girl numbers. This being the result of a higher dropout rate for girls before finishing school.<sup>43</sup>

371. The proportion of completion of each grade (grade one to eight) is, as a rule, the lowest in grade five.<sup>44</sup> That is the grade when most dropouts occur. UNICEF's survey indicated that the majority of schoolchildren who drop out after grade four come from underdeveloped rural areas where there are incomplete (four grades) schools and where schoolchildren, due to a lack of proper transport to the main school, have a hard time continuing their schooling. Upon completing grade four, such children have no other choice but to travel in order to attend classes at the main school establishment. In fact, after grade four most children drop out of primary school. Free bus transport is the privilege of only 13 per cent of schoolchildren. The others pay either a full or subsidized fare. Not a single school has its own school bus. More than 23,000 schoolchildren do not have any means of transport at their disposal as a result of absence of public transport or roads. They walk 4 to 15 kilometres to get to school everyday.<sup>45</sup> Besides this group of schoolchildren, dropouts are noticeable among internally displaced and refugee children,<sup>46</sup> as well as among some ethnic groups like Roma and Vlachs.

**Table 19**  
**Coverage of students by regular primary education<sup>a b</sup>**  
**1991/2001**

School year	Total coverage		Gender coverage	
	Total	Students	Boys	Girls
1991/92		856 847	441 055	415 792
	%	100.00	51.47	48.53
1992/93		854 546	439 464	415 082
	%	100.00	51.43	48.573
1993/94		832 861	426 821	406 040
	%	100.00	51.25	48.75
1994/95		822 037	421 280	400 757
	%	100.00	51.25	48.75
1995/96		834 242	428 080	406 162
	%	100.00	51.31	48.69
1996/97		816 043	418 112	397 931
	%	100.00	51.24	48.76
1997/98		799 913	410 785	389 128
	%	100.00	51.35	48.65
1998/99		740 084	378 919	361 165
	%	100.00	51.20	48.80
1999/00		716 578	362 374	354 204
	%	100.00	50.57	49.43
2000/01		706 872	362 133	344 739
	%	100.00	51.23	48.77

*Source:* Statistical Yearbooks of the Republican Statistical Office.

<sup>a</sup> In school year 2000/01 there were 149,975 less primary school children covered than in 1991/92. A decrease in the primary school children is a consequence of a falling birth rate.

<sup>b</sup> The data concern schoolchildren in regular primary schools, excluding data on students in special and adult education schools.

### Secondary education

372. General secondary education is accessible to all students who have completed eight grades of primary education (Law on Secondary Schools, art. 38). As far as registration is concerned, candidates may register with the secondary school of their choice if their school reports are fairly good and if they pass the entrance test required for that school.

373. A reduced number of schoolchildren in primary schools has not yet affected trends in the number of secondary school students.<sup>47</sup> A study made by the Research Centre of the Belgrade University School of Economics<sup>48</sup> pointed out that the impact of the reduced primary school population on secondary education would surely be felt in the next five years.

374. The secondary school population is balanced as to gender. In the reporting period, 51 per cent of girls and 49 per cent of boys were covered by secondary education.<sup>49</sup>

**Table 20**

**Coverage of students by regular secondary education<sup>a</sup>**

**1991/2001**

School year	Total coverage		Gender coverage	
	Total	Students	Male	Female
1991/92		309 739	152 988	156 751
	%	100.00	49.39	50.61
1992/93		314 526	155 609	158 917
	%	100.00	49.47	50.53
1993/94		308 823	152 768	156 055
	%	100.00	49.47	50.53
1994/95		312 217	154 841	157 376
	%	100.00	49.59	50.41
1995/96		326 096	160 870	165 226
	%	100.00	49.33	50.67
1996/97		324 422	160 291	164 131
	%	100.00	49.41	50.59
1997/98		327 401	162 953	164 448
	%	100.00	49.77	50.23
1998/99		316 187	155 703	160 484
	%	100.00	49.24	50.76
1999/00		322 555	159 215	163 340
	%	322.55	159.215	163.340
2000/01		315 589	154 783	160 806
	%	100.00	49.05	50.95

*Source:* Statistical Yearbooks of the Republican Statistical Office.

<sup>a</sup> Students in regular secondary schools, not including students in special secondary schools for adults.

### **Higher and university education**

375. The data concerning coverage by higher and university education reflect a marked rise in the student population in the past decade. Unlike primary and secondary school populations, the rise in the university student population has been enormous. It was sharply manifested in the latter part of the decade (academic years 1995/96 and 1999/2000). In the academic year 1995/96, the number of university students increased steeply over academic 1992/93. This increase was the sharpest in academic 1999/2000.<sup>50</sup> Comparing the numbers of undergraduate and graduate students in academic 1992/93 (undergraduates 136,241 and graduates 16,636) with those in academic 1999/2000 (undergraduates 217,787 and graduates 16,226) showed that a marked increase of students of higher schools and faculties did not give a clear picture of an efficient academic situation existing in the Federal Republic of Yugoslavia.

376. An important reason for such a situation in higher and university education is scarcity of jobs and lack of employment opportunities for students who completed their secondary education. That forced many graduates to enrol in university or a higher school and brought about a situation in which some university students acquired knowledge and developed skills, while others wasted time there and moonlighted in the meantime. They were students only on paper.<sup>51</sup> The newly enacted legislation in the field of education has resulted in a changed situation, as reflected in the rate of coverage in academic 2000/01. Namely, the overall number of students fell by 10.83 per cent in comparison with 2000 (from 217,787 in academic 1999/2000 to 194,198 in 2000/01).

377. Gender statistics indicate that approximately 53 per cent of women and 47 per cent of men were covered by higher or university education as full-time students; the proportion of students receiving BA or BSc degrees is about 57 per cent for female and 43 per cent for male students.

**Table 21**  
**Gender breakdown in higher education**

Academic year	Coverage of students by higher education			Coverage of full-time students			Academic year	Graduated students		
	Total students			Full-time students				Total	Male	Female
%	Total	Male	Female	Total	Male	Female		Total	Male	Female
1991/92	127 046	60 422	66 624	99 219	48 399	50 820	1992	16 636	7 087	9 549
%	100.00	47.56	52.44	100.00	48.78	51.22		100.00	42.60	57.40
1992/93	136 241	63 769	72 472	104 732	50 391	54 341	1993	15 149	6 543	8 606
%	100.00	45.67	54.33	100.00	46.53	53.47		100.00	43.10	56.90
1993/94	134 909	61 607	73 302	98 898	46 022	52 876	1994	15 380	6 629	8 751
%	100.00	45.67	54.33	100.00	46.53	53.47		100.00	43.10	56.90
1994/95	137 467	63 001	74 466	98 607	46 440	52 167	1995	16 324	7 003	9 321
%	100.00	45.83	54.17	100.00	47.10	52.90		100.00	42.90	57.10
1995/96	152 709	71 436	81 273	101 512	48 863	52 649	1996	16 629	7 279	9 350
%	100.00	46.78	53.22	100.00	48.14	51.86		100.00	43.77	56.23
1996/97	165 593	76 453	89 140	101 144	47 762	53 382	1997	15 100	6 635	8 465
%	100.00	46.17	53.83	100.00	47.22	52.78		100.00	43.94	56.06
1997/98	182 209	84 036	98 173	105 537	49 429	56 108	1998	16 573	6 762	9 811
%	100.00	46.12	53.88	100.00	46.84	53.16		100.00	40.80	59.20
1998/99	197 202	92 365	104 837	107 444	50 839	56 605	1999	15 607	6 430	9 177
%	100.00	46.84	53.16	100.00	47.32	52.68		100.00	41.20	58.80
1999/00	217 787	102 395	115 392	109 187	52 628	56 559	2000	16 226	6 817	9 409
%	100.00	47.02	52.98	100.00	48.20	51.80		100.00	42.01	57.99
2000/01	194 198	89 785	104 413	72 992	33 469	39 523	2001	17 006	7 061	9 945
%	100.00	46.23	53.77	100.00	45.85	54.15		100.00	41.52	58.48

Source: Statistical Yearbooks of the Republican Statistical Office.

## 2. Education and upbringing of handicapped students

378. The existing laws (primary school and secondary school laws) provide a legal basis for solutions governing education of handicapped children or children with organically caused impairment in development. Under the Primary School Law, article 84, the category of handicapped children means children with physical and sensory impairments (blindness, impaired vision, deafness and hard of hearing); mentally handicapped (slightly, moderately, seriously or severely); and with multiple handicaps (autistic children, etc.). The type and level of handicap are determined on the basis of the opinion of a medical board (article 84 of the Primary School Law, and article 39 of the Secondary School Law). Handicapped children are subjected to a medical examination organized by the medical board as they reach the age of enrolment in primary or secondary school. The decision on the type and level of handicap establishes the ability to attend primary school or the type of school that will be attended (article 85 of the Primary School Law). It also determines the vocational training to be received depending on the type and level of handicap (article 39 of the Secondary School Law). A handicapped child may be re-examined to determine the type and level of handicap during the period of primary or secondary education. A request for re-examination may be submitted by parents, school or a health institution (arts. 86 and 39).

379. Under the Law on Primary Education, handicapped children may receive their education in regular schools (article 31, paragraph 3 and article 44, paragraph 4 thereof), in specialized primary schools (article 91 thereof), in special classes of regular primary schools or in hospitals while the handicapped child is being treated. As to secondary education, such students receive education in specialized secondary schools (art. 15). Special primary schools may exist if they have at least eight classes and they carry out activities related to pre-school, primary and secondary education (for the same kind of handicapped children, on the basis of article 91 of the law). Such a school may provide food and accommodation for pre-school children in a boarding school. Food and accommodation may be provided on a daily or permanent basis (article 91 thereof). The municipality of parents' residence bears the costs of transport, food and board if there is no such school in the municipality concerned (article 85 thereof).

380. The laws of the Republic (Primary School Law, article 92 and Secondary School Law, article 71) spell out the conditions and criteria teachers have to meet to be able to work with handicapped children. Schoolteachers may teach in grades one to eight if they have a degree as a speech therapist or a similar degree from a higher school or college. Subjects taught in grades five to eight of primary school and classes in secondary schools may be taught by teachers holding a degree of a higher school in the subject concerned or who have been trained at the Faculty of Special Education Teachers to teach handicapped children. Syllabuses for work with handicapped children are adopted by the Minister of Education and are part of the syllabus of the Faculty of Special Education Teachers.

381. According to UNICEF's official data<sup>52</sup>, the country's regulations in the field, which conform to international standards in theory, have not been implemented fully in practice. An indicator is a high presence of Roma children and children from vulnerable social groups in special schools for slightly mentally handicapped children. Often Roma children are misdirected "to attend special schools because of showing poor results in the tests run by the Categorization

Board. Their poor overall results are due to insufficient language skills making some test questions unclear to them.”<sup>53</sup> The underlying causes mentioned are difficulties of a professional, organizational or methodological nature resulting in errors in the process of categorization of these children and sending them to special schools. The categorization process basically relies on IQ tests, not taking into account other important indicators of whether the child is ready to go to school, such as organizational adaptation, level of socialization and social and cultural conditions existing in the family.

382. The categorization process is taking place too late, i.e. at the time of starting school. Consequently, it does not take account of the many difficulties of the learning process requiring early and intensive teacher intervention. Bearing witness to this is the fact that only about 1 per cent of children with special needs are covered by pre-school education.<sup>54</sup>

383. An uneven regional distribution of special schools is also a problem in this field. Many special schools are located in larger regional centres. For example, almost half the specialized schools (classes) in central Serbia are located in Belgrade.<sup>55</sup> To stay in their families or social environment, most of the handicapped children living in communities with no special schools attend regular ones, or more precisely special classes run for them in regular schools.

384. In order to help remove the difficulties associated with the categorization process, the Ministry of Education and Sport of the Republic of Serbia, as part of the first stage of legislative changes, has amended the regulations concerning the process of classification of handicapped children. The amended Law on Primary Schools (*Official Journal of the Republic of Serbia*, No. 22/2002) established the responsibility of the municipal or civic administration for action upon appealing against the decision to classify the child. It gave the Government of the Republic of Serbia the powers to lay down the criteria and procedure for classifying handicapped children as well as the manner of work of the medical board. The amendments clarified the criteria for the selection of the board. It is appointed by the municipal or civic administration at the recommendation of the health institution from the area where the school is located. It is comprised of a consultant specialist in a particular field of medicine, a psychologist, a pedagogue, a therapist specializing in a particular handicap and a social worker (art. 18).

385. Having the sole responsibility for pre-school education with the Ministry of Education and Sport of the Republic of Serbia will make it possible for children with special needs to be included in pre-school education in greater numbers. This, and a timely classification or categorization, will help learning problems be detected and intensive teacher intervention occur before it is too late.

386. In the 1990s there was an increase in the number of special schools (including special classes in regular schools). The increase was the sharpest in the school year 1997/98 (228 special primary and 44 special secondary schools) in comparison with the school year 1991/92 (199 specialized primary and 31 special secondary schools). In the succeeding school years (1998/99; 1999/2000; 2000/01), the number of special schools/special classes dropped compared to 1997/98. Statistical data on special schools'/special classes' attendance show a decrease in student coverage. The data relating to gender proportion at special schools indicate a larger proportion of male than female population.<sup>56</sup>

**Table 22**

**Coverage of handicapped students by primary and secondary education**

		Primary education			Secondary education <sup>a</sup>		
		Total coverage	Gender coverage		Total coverage	Gender coverage	
School year	Total %	Students	Boys	Girls	Students	Boys	Girls
1991/92		8 567	5 059	3 508	1 533	990	543
	%	100.00	59.05	40.95	100.00	64.58	35.42
1992/93		8 345	5 002	3 343	1 577	1 022	555
	%	100.00	59.94	40.06	100.00	64.81	35.19 3
1993/94		7 962	4 837	3 125	1 175	772	403
	%	100.00	60.75	39.25	100.00	65.70	34.30
1994/95		7 929	4 751	3 178	1 302	846	456
	%	100.00	59.92	40.08	100.00	64.98	35.02
1995/96		8.240	4.933	3.307	1.247	811	436
	%	100.00	59.87	40.13	100.00	65.04	34.96
1996/97		8.160	4.779	3.381	1.421	945	476
	%	100.00	58.57	41.43	100.00	66.50	33.50
1997/98		8 262	4 893	3 369	1 468	975	493
	%	100.00	59.22	40.78	100.00	66.42	33.58
1998/99		7 847	4 734	3 113	1 321	863	458
	%	100.00	60.33	39.67	100.00	65.33	34.67
1999/00		7 706	4 639	3 067	1 337	872	465
	%	100.00	60.20	39.80	100.00	65.22	34.78
2000/01		7 560	4 488	3 072	1 269	806	463
	%	100.00	59.37	40.63	100.00	63.51	36.49

*Source:* Statistical yearbooks of the Republican Statistical Office.

<sup>a</sup> Students in regular secondary schools, not including information on special and schools for the education of adults.

### 3. Education of persons belonging to ethnic minorities

387. Education in the languages of minorities, as provided under the laws on primary, secondary and higher education in the Republic, implies the following: the right to a primary, secondary and higher education in one's mother tongue; the right to textbooks and specific teaching aids for classes taught in that mother tongue (State publishers are obliged to publish school books in the languages of all ethnic minorities); the right to ensure that teachers are properly trained to teach in the languages of ethnic minorities; and the right to schools/classes taught in minority languages. These provisions enable students belonging to ethnic minorities to get to know and maintain, through the process of education, their historical, social, cultural and national identity.

388. The laws on primary and secondary education prescribed the general conditions necessary to carry out the syllabuses and curricula in minority languages. Articles 5 of both laws provide for education in minority languages (or bilingual education)<sup>57</sup> provided that at least 15 students belonging to ethnic minorities have sought a place in grade one. The same laws allow classes to be held in minority languages even if there are fewer than 15 students belonging to ethnic minorities who enrolled in a grade, but only if the Education Minister gave a go-ahead and if the necessary pedagogical conditions exist. The Education Minister determines how bilingual curricula and syllabuses are to be implemented. Should a student choose to attend classes in a minority language, he/she is also obliged to learn Serbian according to the curriculum. Should he/she choose to attend classes in Serbian, he/she may, if he/she so wishes, have elective subjects in his/her own language (twice weekly).

389. The provisions of article 4 of the Law on Higher Schools and those of article 8 of the Law on Universities allow for courses of a school of higher learning or a university faculty to be conducted in a minority language or in any international language, if the founder of the school or faculty has so decided. In case the Republic of Serbia is not the founder, the Government of the Republic should give its approval subsequently (in the case of a school of higher learning). However, in the case of a faculty such approval should be obtained beforehand. Article 31 of the University Law sets as a specific requirement for registration for initial studies in a foreign or minority language, knowledge of the language of studies. That knowledge is tested by a special examination board in a manner prescribed by the statute of the faculty or university. A freshman who has registered for a study course done in a minority or foreign language, may elect to attend a further study course in Serbian.

390. If instruction is given and the curriculum or syllabus is carried out in a minority language, all school documents and official diplomas or degrees are issued in that language. The law also prescribes general requirements concerning teaching staff. Schoolteachers must hold a degree from a Teachers' Training College (Faculty), while teachers in senior classes of primary or secondary schools must also have a certificate that they command the language of the classes. Textbooks and manuals need to be available also in minority languages. State publishing companies have the obligation to publish textbooks in all the languages in which classes are held.

391. Ethnic minorities are educated in seven ethnic minority languages:<sup>58</sup> Hungarian, Romanian, Ruthenian, Slovak, Albanian, Bulgarian and Turkish. There exist considerable differences among these minorities regarding their approach to, and acceptance of, education. Social and economic development of areas populated by minority groups is an important factor influencing a varied approach to, and acceptance of, education. Vojvodina - which is the economically most developed region in Serbia and a region where ethnic Hungarians, ethnic Slovaks, ethnic Romanians and ethnic Ruthenians constitute a majority population - is an example of the most consistent realization of the right of ethnic minorities to education.<sup>59</sup>

392. The Ministry of Human Rights and Minorities of Serbia and Montenegro has established within its framework a secretariat dealing with a Roma national strategy. The aim is to assist, monitor and consult in the process of the adoption and implementation of a strategy for the integration and empowerment of the Roma.

393. The strategy underlines the need for the implementation of a non-discriminatory curriculum in the specialized training of public institution staff with a view to avoiding ethnic discrimination in institutions (including centres for social services and welfare institutions).

394. In terms of percentages, 34 per cent of children in institutions for orphaned and abandoned children are of Roma ethnic minority. Among other things, the strategy developed by the Ministry for Social Affairs in the Republic of Serbia aims to cut down the number of children placed in these institutions both by promoting foster parenthood and child adoption and by supporting their natural parents to look after their own children.

395. Due to their bad socio-economic position and different social and cultural background, a great many Roma children with normal mental faculties show poor test results before starting school. The fact that tests are not suited to them, the bias that cannot be entirely excluded and ignorance of the Roma culture by the board of examination have in many cases combined, forcing Roma children to attend schools for children with special needs.

396. The reform of the education system undertaken by the Ministry of Education and Sport of the Republic of Serbia also concerns Roma affairs. International organizations with chapters in a number of countries, including large participation of Roma NGOs, have developed and implemented a number of projects for the improvement of the position of Roma in the educational system. Some of these projects have already become an integral part of the plans approved by the Ministry of Education and Sport in the Republic of Serbia.<sup>60</sup>

### **G. Position of teachers within the education system**

397. The provisions of law stipulate conditions to be fulfilled by teaching staff for each level of education to be able to teach in schools or lecture at universities. There is a uniform requirement existing in all education laws imposing on teachers the obligation to have a university degree in order to work in a school or at a university.

398. Schoolmasters or schoolmistresses teaching junior classes (grades one to four) at primary school, except for teachers of foreign languages, should be trained at the University Teachers' Training College. Before 1999, when the first university teachers' training colleges were

established, schoolmasters and schoolmistresses received training at Pedagogical Schools (academies) lasting two academic years and not being part of university. Teachers of various subjects are those who teach school subjects in senior classes of primary school (grades five to eight), at secondary schools or higher schools and university. Unlike teachers of individual subjects taught at primary, secondary or schools of higher learning who are required to have a bachelor's degree, university lecturers need also to have completed a postgraduate course.

399. The law provides that all bachelors of art or science may apply for a teaching job. Primary or secondary schoolteachers are required by law, in addition to a BA or a BSc, to take, after one or two years of work experience, an exam consisting of three segments: a methodological approach to a particular school subject, pedagogy and psychology, and school legislation. A school consultant does professional work in primary and secondary schools. Professional work in primary schools may be done by a school pedagogue, a school psychologist, a social worker, a special-education teacher (therapist), a librarian or a media librarian. In secondary schools this work may be entrusted to a psychologist, a pedagogue, a librarian, a social or health worker, an IT or adult-education specialist (if adults are students). Primary or secondary school educators in boarding schools are responsible for students' upbringing.

400. According to the information gathered by the Task Force of the Ministry of Education and Sport concerned with the training and professional development of teachers in the Republic of Serbia, 1,600,000 people of its 8.4 million population are formally integrated in the educational system. There are almost 100,000 teachers from pre-school to the university level, including consultants (pedagogues, psychologists, librarians, social workers, pedagogues dealing with special needs children). Nearly 55 per cent of these are employed in primary schools, 27 per cent in secondary schools, 10 per cent are university lecturers and approximately 8 per cent are educators. Pre-school institutions number about 18,150 employees; 48.5 per cent are educators, 16.6 per cent medical staff and 39.9 per cent administrative and other staff.<sup>61</sup>

401. One of the more important problems arising in this field is a coherent theoretical and practical preparation of teachers for class work. This question concerns the level of practical training for class work at faculties and universities, as well as regulations relating to obligatory advanced training received regularly on the job. Comparing the syllabuses of the faculties and universities in Serbia, it was established that there is no balance between academic education and pedagogical education for work in the classroom at existing faculties, except for teachers' colleges and partly teachers' training faculties.<sup>62</sup> Within the system of university-level education, teachers' training faculties are the only institutions of higher education where students (future teachers) prepare themselves theoretically and practically in a comprehensive manner for the teaching profession. The syllabuses of the other faculties ("teaching or non-teaching") are more focused on the professional skills than on teaching.

402. Teachers' university education at "teaching or non-teaching" faculties is so "syllabus-centred that there is no time for theoretical, let alone practical, familiarization with various teaching models, modern organization of classes and teaching methods encouraging active student participation. This is one of the major problems in the entire system of teachers' training.<sup>63</sup> With regard to permanent teacher training on the job, the provisions of law (article 74

of the Primary School Law and article 74 of the Secondary School Law) require teachers, school consultants and educators to train themselves permanently. The Ministry of Education and Sport of the Republic of Serbia defines the system of permanent training, programme, manner, deadlines and conditions for a specialized training exam taken as part of advanced training.

403. The above provisions have not been translated into practical organizational, staffing and material conditions beyond the normative or quasi-normative level. Nor have they defined the dynamics of advanced training that will correspond to seniority on the teaching job and aspirations for promotion, labour rights, status in the profession and financial entitlements.<sup>64</sup>

404. Amendments to the provisions on teachers' advanced training are among the more important activities of the Ministry of Education and Sport of the Republic of Serbia within the reform of education and professional development of teaching staff. Professional titles for teachers and teaching consultants were introduced by amending article 74 of the Primary School Law and article 78 of the Secondary School Law. Apart from defining professional teacher titles, the amendments have established the responsibility of the Education Minister for: programmes and ways of organizing permanent advanced training, requirements and procedure for promotion, skills acquired during the advanced training, form of certificates of attendance and possible establishment of regional centres for advancement and training towards a degree in teaching.

#### **Article 14**

##### **Compulsory primary education, free of charge**

405. In view of the fact that the Constitution of the Federal Republic of Yugoslavia guaranteed compulsory primary education, free of charge, and that the same right has been more extensively guaranteed under the Charter of Human and Minority Rights and Civil Liberties, as well as the fact that the Constitution of the Republic of Serbia also provides for the right to free education for all who are part of the system of secondary and higher education as full-time students, please refer to the comments made herein under article 13 of the Covenant.

#### **Article 15**

##### **A. Right to take part in cultural life**

##### **Legislation**

406. The cultural field is the responsibility of the constituent Republics of the Federal Republic of Yugoslavia. Unlike the other fields that, as a rule, have one or more organic laws, the cultural field has a number of the so-called "organic laws".

407. The law on the activities of general interest in the field of culture in the Republic of Serbia (*Official Journal of the Republic of Serbia*, No. 49/92) catalogued 22 items from various fields of culture that are of general interest to the Republic. It mentioned the most important cultural institutions, specific cultural activities or segments of activities whose diffusion is encouraged by the Republic, individual cultural events, ethnic cultures, international cultural cooperation, aid to young artists and publishing for the blind. Other activities are left to private

initiative, market forces and interest-based organizations (civic associations), cultural and educational organizations of minorities and ethnic groups, local self-government, sponsors, donors and endowment foundations.

### **Network of cultural institutions: major groupings**

408. The Republic of Serbia has 123 museums, including 49 memorial complexes (or 39.8 per cent). More than 3 million items have been recorded and only 115,000 (or 3.8 per cent) have been on display as exhibits. There are also 47 archives with about 18,000 separate stocks of archival material. Fifteen specialized institutions with about 400 employees are charged with the conservation of 2,787 places of cultural interest. The conservation task has been entrusted to 185 institutions having more than 2,700 employees. The focal points in this field include institutions supervising all the institutions of this type: the Belgrade National Museum, the Archive of Serbia and the Republic Institute for the Conservation of Historical Sites.

409. Another major grouping is made up of national libraries, libraries of institutions of higher learning, special and general science libraries. The Republic of Serbia has 464 libraries of this kind: 2 national libraries, 166 libraries in institutions of higher learning, 297 special libraries and 10 general science libraries. All the above libraries have 10,631,100 volumes. The general public has access to 49 libraries at higher educational institutions and to 39 special libraries. Besides these, there is a large network of public libraries, 904 in total, where more than 1,500 people work, almost 73 per cent of them are qualified library staff. They have stocks containing 14,724,000 volumes.

410. A third grouping of cultural institutions consists of professional theatres. According to information from 1994-1995, Serbia had a total of 36 professional theatres. This grouping includes children's theatres, of which there were no more than nine. Theatre productions put on throughout the Republic of Serbia are complemented by 44 amateur theatre productions. Some of these theatres have a very long tradition.

411. The Republic of Serbia also prides itself on musical companies: philharmonic and other orchestras number 16. In addition, there are many choirs, mixed or all women. About 3,003 cultural and art companies are significant, too. Their sections are multiple: folk dances (530); folk singers (290); instrumental music (197); recitation (136); drama (135), for a total of 1,724.

412. As far as cinemas are concerned, there are about 120 of them in the Republic of Serbia.

413. Among the cultural institutions a specific grouping stands out, one that is statistically classified as popular or workers' universities, but that is very diversified and comprises a modern-day institution such as a culture house or centre. The most numerous are culture houses 379 (49 per cent) followed by culture centres 133 (17 per cent) and popular universities 100 (13 per cent), totalling 761 institutions of this type.

414. Private initiative is more and more gaining ground in culture. Traditionally, there are many private art galleries. A number of private distributing and producer companies have emerged. Much of the publishing activity is due to private publishers. However, the most apparent presence of private initiative in culture are many television and radio stations that have sprung up. In the meantime, some of them have been closed down. Some other have survived and considerably improved the cultural and entertainment content of programmes in the media.

### **Cultural events**

415. Specific characteristics of cultural life in the country derive from cultural events outside institutional flows. Throughout the year there are a great many competitions, festivals, meetings and festival-like events. Judging by their character and organization, events may be classified into five big groups: international, national, Republic, provincial or local.

416. Cultural events of international importance include the Belgrade International Theatre Festival (BITEF), Belgrade Music Festivities (BEMUS), International Film Festival (FEST), Encounter of the Children of Europe known as the Joy of Europe.

### **Art and professional associations**

417. In the Republic of Serbia there are more than 60 art and professional cultural associations. There are 15 art associations alone. Among them, the most important are: the Writers' Association; the Association of Literary Translators; the Fine Arts Association; the Association of Applied Arts and Designers; the Composers' Association; the Association of Drama Artists. Furthermore, there are a great many professional and scientific associations, including the Society of Art Historians, the Andragogical Society, the Ethnological Society, the Philosophical Society, the Sociological Society, the Federation of Historians' Associations, the Association of Slavists, the Federation of Psychologists' Associations, the Museum Society, the Federation of Librarian Officers.

## **B. Cultural life and information in the languages of ethnic minorities**

### **Promotion of the cultural identity of minority communities**

418. The task of promoting the interests of minority populations in the field of creative activity and culture in the Federal Republic of Yugoslavia is entrusted to cultural institutes, associations and societies of ethnic groups. They prepare programmes and carry out activities aimed at fostering and promoting minority languages, literature, art and folklore.

419. Vojvodina is the region where the promotion of the cultural identity and conservation of the cultural heritage of minority communities are the most developed. Apart from a Hungarian professional theatre based in Novi Sad, there are also numerous amateur companies of the Slovak, Romanian and Ruthenian minorities mounting productions on as many as nine stages. Festivals of folk songs and dances, literary and other cultural events and scientific meetings in minority languages take place every year.

420. Traditional events in Hungarian include the “Szarvas Gabor” linguistic days; the “Szenteleki Days” literary meetings; “Ferenc Feher” poetry meetings; and festivals of art, song and dance companies called “Durindo” and “Gyengyesbokreta”, as well as the “Vive-Vitaki Days” and “Play the Flute, Play” festivals.
421. Ethnic Slovaks regularly hold festivals of amateur theatre companies. The “Winter Meetings of Slovakists” are devoted to the fostering and promotion of Slovak literature, while the festival “Dance, Dance” celebrates Slovak music and songs and dances.
422. Ethnic Romanians in Vojvodina hold literary meetings “Doctor Radu Flora”, festivals of song and dance companies as well as the encounters of the amateur theatres of the ethnic Romanians of Vojvodina.
423. Similar annual events getting together theatre, sing and dance companies and literary societies are organized by ethnic Ruthenians. As to the content, the meetings on Ruthenian-language schools and linguistic problems stand out.
424. The Czech cultural society “Czech Beseda” traditionally organizes the “Days of Fancy Dress Ball or Masopust” in Bela Crkva.
425. Furthermore, Hungarian, Slovak and Roma ethnic communities living in Vojvodina have a tradition of holding cultural days. A good example of multicultural coexistence is “Duzjanica”, a multi-ethnic event of Croats, Bunjevtsi (Backa Croats), Sokci (Uniates of the region) and ethnic Hungarians celebrating the end of harvest in northern Backa, Vojvodina.
426. In the other regions of Serbia inhabited by ethnic communities, the cultural societies of these communities help promote their cultural heritage.
427. In the region of Sanjak, ethnic Bosniacs, organized in several non-governmental organizations and associations, are actively pursuing conservation of the heritage of this region as part of the Oriental and European cultural heritage. The few art and scientific associations, the *Preporod* cultural society, the Sanjak Intellectual Club and the Bosniac Cultural Institute, all work for the revitalization of indigenous Bosniac values.

### **Conservation of the cultural heritage of minority communities**

428. Items of the heritage of minority communities are partly protected in national or regional museums or endowments. Nevertheless, a sizeable number of shrines and sacral establishments has remained out of reach of societal protection. Even though they are under protection, places of cultural and historic interest are not protected enough. Monuments forming an integral part of original architectural and urban core areas do not receive sufficient attention even in as big cities as Belgrade, Novi Sad and Nis or in multi-ethnic municipalities such as Subotica or Novi Pazar.

### **Publishing activity**

429. Specialized publishing companies are charged with publication in minority languages. By the mid-1990s, they published dozens of titles annually. For instance, Forum, a Hungarian

publishing company, from its beginnings in 1953 to 1995, published more than 2,000 titles. The other publishers, Culture in Slovak, Libertatea and Tibiscus in Romanian, Ruske slovo in Ruthenian, Bratstvo in Bulgarian, Romainterpress in the Roma language - have had a more modest publishing activity. In addition to these, there are also other publishers publishing specialized editions in minority languages.

430. Within the network of libraries existing in Vojvodina, books in minority languages are represented according to the ethnic composition of the population: 76.67 per cent are books in Serbian; 15.65 per cent in Hungarian; 1.12 per cent in Slovak; 1.04 per cent in Romanian, and 0.22 per cent in Ruthenian. Regarding other parts of the country, library book figures have not been updated for books published in minority languages.

431. The majority of the dailies and news magazines in minority languages come out in Vojvodina, where there are about 150 registered print media.

432. Hungarian-language newspapers include the daily *Magyar Szó*, the weekly *7 Nap*, the youth weekly *Kepes Ifjusag* and the children's papers *Jo Pajtas* and *Mezekalacs*. Periodicals range from a cultural, literary and art journal *Hid*, a scientific and social journal *Letuk* and the art and review journal *Uj Simpozion* to a bilingual literary, art and cultural review *Orbis* in Hungarian and Serbian, and the periodic professional journal *Hungarologiai kozlemenek*.

433. The Slovak-language newsweekly magazine *Hlas L'udy*, containing a farming supplement *Pol' nohospodarske rozhl'ady*, is accompanied by other publications, including the youth newspaper *Vzlet*, the children's paper *Zornicka* and *Rovina* family magazine.

434. Ruthenian-language publications are the newspaper *Ruske slovo*, the youth paper *MAK* and children's magazine *Zahradka* as well as the literary and cultural review *Svetloc*.

435. Romanian-language publishing has a range of publications from the newsweekly magazine *Libertatea*, the children's and youth newspapers *Bucuria copiilor* and *Tinrea* to the cultural and art review *Lumina* and the professional journals *Tradita* and *Ogledalo*.

436. The print media in the Roma language are not so developed. Nonetheless, the private publisher Romainterpress based in Belgrade occasionally publishes the magazine *Romano lil*, the children's newspaper *Chavrikano lil* and a professional journal called *Romologia*. The Roma Institute in Novi Sad publishes a scientific and cultural periodical *Alav e Romengo*.

437. The Bulgarian ethnic community has its own newspaper called *Bratstvo*.

438. The Bosniacs of Sanjak have the newspaper *Sandzacke novine* and *Has* periodical, the magazine *Sandzak*, and the literary review *Mak*. The Mashikhat of the Muslim Community of Sanjak publishes its own newspaper, *Glas Islama*.

### **Electronic media**

439. State-run broadcasting media also have separate sections for programmes in minority languages. The most ramified programming and staffing structure has been put in place in Radio-Television Novi Sad. This media outlet traditionally broadcasts programmes in

Hungarian, Slovakian, the Roma language, Romanian and Ruthenian. According to the plan of programming adopted for 2001 by the Programming Service and the Programme Planning and Coordination Section of Radio-Television Novi Sad, there are 865 television programmes aired in Hungarian. Their duration is 30,125 minutes on a yearly basis. Radio Novi Sad, too, has all-day programmes in Hungarian along with 22 other local radio stations.

440. Broadcasts in Slovakian, Romanian and Ruthenian take 13,260 minutes of all annual programmes each. A 15-minute news programme is broadcast daily except at weekends. There are two cultural and political programmes a week and a monthly 90-minute phone-in programme. Radio Novi Sad has four hours of daily broadcasts for the three ethnic minorities.

441. Ethnic Ukrainians have 13 annual television programmes of 650 minutes and one hour of weekly radio broadcasts.

442. The Croatian Section of RT Novi Sad, which was established in July 2001, takes a thousand minutes of programming or 20 shows a year.

443. Roma programmes are aired on all the networks of Radio-Television Serbia and via satellite. These programmes are an hour and a half monthly shows. All programmes of RT Novi Sad contain 372 Roma shows or 14,760 minutes of programmes broadcast during one year. There are 330 minutes of Roma news, science and education as well as entertainment programmes per week. In addition, there are three hours of daily radio programmes in Novi Sad. Unlike a few years ago, when there was a half-hour programme on Radio Belgrade on a daily basis, the Roma Section of this Radio, though still in existence, has not been broadcasting any programmes for some time now.

444. Bulgarian television shows are aired on the local station called "Caribrod", while radio programmes in that language include six hours of daily broadcasts.

445. Numerous regional and local radio stations also broadcast in minority languages. They bring their editorial policies and listings in conformity with the ethnic structure of the local population.

### **C. Scientific research and creative activity**

446. Pursuant to the Law on Scientific Research Activity of the Republic of Serbia (*Official Journal of the Republic of Serbia*, No. 52/93), the Government of the Republic of Serbia, in 1994, adopted the Policy of Scientific and Technological Development of the Republic of Serbia (*Official Journal of the Republic of Serbia*, No. 17/94).

447. The focus of this development policy was on research work that should primarily take advantage of the domestic, already existing and the newly acquired know-how and on a speedier transfer and diffusion of the world's scientific advances. In that context, the following main objectives of the policy have been identified: an accelerated development of science, technology and education for the purpose of promoting economic growth; maintenance of existing scientific opportunities by introducing young researchers and investments coming from a number of sources and continuously growing 20 per cent more rapidly than the GDP; international scientific

and technological cooperation, multilateral and bilateral, as an essential factor of accelerated integration in international processes; multidisciplinary and project-based coordination and management of fundamental, applied and development research focusing on complex projects; exploration and rational utilization of own natural resources; providing a scientific basis for understanding past and guiding future economic, legal, political, demographic and other social changes; raising the awareness of the need to build the quality and high moral and environmental standards into scientific results, new technologies, products and all forms of creative activity; building a society which will be innovation-oriented and which will remove discrepancies in the development of various fields and disciplines of science.

448. The policy of scientific and technological development incorporates: the programme of international technological cooperation, the implementation of which implies favourable conditions for: international cooperation conducted by the academies of arts and sciences, scientific institutes, universities, businesses, organizations or individuals; identification of countries according to the interests of the Federal Republic of Yugoslavia for scientific and technological cooperation, focusing international cooperation primarily on the implementation of national strategic projects; and diffusion of research and other results achieved in international cooperation in each area of such cooperation.

449. Within this framework, priorities have been set in respect of cooperation with the United Nations system: UNDP, UNEP, UNESCO, UNIDO, UNCTAD, ECE and FAO/WHO; with international organizations such as the World Weights and Measures Office (WMO), the International Standardization Organization (ISO), the International Electrical-engineering Commission (IEC); with regional organizations; cooperation within the Framework Community Programme of the Commission of the European Communities (COST), the OECD, and the PHARE programme of the European Union; and with the bilateral partners of the National Bank.

## **PART TWO**

### **INITIAL REPORT ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN THE REPUBLIC OF MONTENEGRO FOR THE PERIOD 1990-2002**

#### **Article 1**

##### **Paragraph 1**

450. Montenegro is a democratic, social and ecological State. Montenegro is a republic, and a member of the Union of Serbia and Montenegro.

451. Montenegro is sovereign in those functions that it has not conferred on the jurisdiction of the Union of Serbia and Montenegro. Sovereignty belongs to citizens. Citizens exercise power directly and through elected representatives. Citizens of Montenegro are free to decide about the political status of the State, its national constitution and its political, economic and cultural development. Freedom to decide on the most important issues concerning the future of the State is granted by the Constitution of Montenegro.

452. The Constitution of Montenegro (art. 2, para. 5) prescribes that only the citizens in a referendum shall decide any change of constitutional status, form of Government or borders. These constitutional provisions have been elaborated in the Referendum Law of the Republic of Montenegro that was adopted in February 2001. This law was drafted in cooperation with OSCE experts from their Office for Democratic Institutions and Human Rights (ODHIR) who made suggestions and recommendations to ensure that the law would be in accordance with international standards, most of which were incorporated into the law.

453. The Referendum Law remained the subject of heated political debate both in the Montenegrin Parliament and among political parties and political leaders because the referendum on the independence of Montenegro is expected to be organized in compliance with this law. Debate focused on two key questions: (a) whether a qualified majority is needed for a successful referendum - the February 2001 law stipulates that 50 per cent plus one of the registered voters must cast ballots and more than half of the total number of voters who cast ballots must vote for one option in order for the referendum to be declared successful; (b) who has the right to vote? i.e. whether the right to vote should be given to the citizens who do not live in Montenegro and who, therefore, do not meet the residency requirements to vote in elections.

454. These debates led to an initiative to amend the law of February 2001. On one side were suggestions to completely delete any requirement related to a qualified majority (this suggestion was given by the opposition Liberal party, strongly pro-independent-oriented). On the other side was an insistence that a larger margin is needed for a referendum to succeed - 75 per cent of all registered voters or 50 per cent of all enrolled on the register list (this was a suggestion of those political parties which were against a referendum on the independence of Montenegro - the opposition coalition "For Yugoslavia"). Again, OSCE experts were involved and they produced an "Assessment of the present Referendum Law", which recommends that any future law define a qualified majority (one of the proposals was 55 per cent of all registered voters) and that, in accordance with international standards, Montenegrins who are not registered residents should not vote in any future referendum. After several rounds of discussions in the Parliament, a decision was taken to postpone action on the adoption of a new law and now, after signing the Belgrade Agreement, the question of a referendum on independence of Montenegro has been put on hold for at least three years.

455. The Constitution of the Republic of Montenegro (art. 5) prescribes that the Government in Montenegro shall be organized in accordance with the principle of the division of power into legislative (vested in the Parliament), executive (vested in the Government) and judicial (vested in the courts of law) spheres. The same article stipulates that the President of the Republic will represent Montenegro, and that the Constitutional Court protects the constitutional order.

## **Paragraph 2**

456. With its territory of 13,812 square kilometres and 718 kilometres of inland and 218 kilometres of sea borders, Montenegro represents a specific natural and developed environment which reflects its geological foundation, tectonics, natural forces and human

activities. Montenegro's natural resources include its waters (the sea, lakes and rivers); land; mineral resources (coal, peat, sand); forests; biodiversity (flora and fauna); the beauty of its landscape; its protected areas of nature (natural reserves, national parks, natural monuments and natural parks); and its protected plant and animal species.

457. Montenegro is committed to the concept of sustainable development, which will not affect the improvement and protection of nature, and its development policy is based on this concept. The trend of increasing the exploitation of natural resources such as forests, fertile ground, fisheries, wild animal and plant species, has been continued in the past 10 years.

458. The pressure on natural values in coastal areas has been increased as well, especially by illegal constructions and maltreatment of wastewaters, which reach the sea without cleaning.

459. During the process of rapid industrialization, little attention was paid to the protection of the environment and some capital projects that could have negative impact on the environment have been announced, such as constructing a hydroelectric plant on the Tara River (protected as a world biosphere reserve), the Moraca River and Skadar Lake (protected Ramsar area). As a result, occurrences such as erosion, and eradication of plant and animal species in certain areas (forests, rivers, lakes) in the future may hinder comprehensive development of Montenegro, which in turn means that the present level of poverty will be maintained.

### **Paragraph 3**

460. Every year the Government of the Republic of Montenegro determines its economic policy on the basis of which policy of public expenditure is formulated. The total level of public expenditure in 2003 was planned to be EUR 775.61 million, which accounts for 55.4 per cent of the gross domestic product of the Republic of Montenegro. If we exclude the internal transfers between the authorities in charge of administering public expenditure (the budget and funds), then the share of public expenditure in the gross domestic product comes down to 50 per cent. In the structure of public expenditure in the Republic for 2003, the State budget's share is the biggest with its 55.61 per cent, then the Pension and Disability Insurance Fund with 22.4 per cent, the Health Insurance Fund with 20.3 per cent, municipalities (local authorities) with 7.9 per cent and the Employment Agency with 1.7 per cent.

461. The Law on the Budget of the Republic of Montenegro for the year 2003 envisaged total funds in the amount of EUR 431.45 million to be collected, which accounts for 30 per cent of the planned gross domestic product of the Republic. Within the total of the planned funds in the budget for 2003, grants without interest and social welfare allowances account for 34.64 per cent.

462. Within this position the budget earmarked funds for social welfare, funding the university, funds for the Republican Employment Agency (allowance for jobless people, funding the trainees, redundancy allowance, etc.), the Health Insurance Fund for covering the health insurance for the unemployed, to the Pension and Disability Insurance Fund, to non-profit, humanitarian and non-governmental organizations, funds for student allowances, scholarships, etc.

463. Within the funds earmarked for social welfare, special allocations have been envisaged for child allowances, disability allowance for soldiers, family support, maternity leave, allowance for help and care of others, food for inmates, food for children in kindergartens, social welfare grants, grants to disabled persons, social welfare for priests and other social welfare benefits, which caters for the total of 52,000 beneficiaries of these rights.

464. In compliance with the objectives set, budgetary spending in 2003 will rely on the following principles:

- Balancing revenue and expenditure in the budget;
- Regular servicing of the domestic and foreign liabilities stipulated in the budget;
- Rationalization of expenditures and adjusting spending to realistic (collectable) revenue;
- Reform of public administration and a more rational employment policy; and
- Further reform of the fiscal system and more efficient tax collection.

465. Other sectors of public expenditure (pension and disability insurance, health care and health insurance, employment) adopt their budgets for each year in compliance with the concrete rights of their beneficiaries.

## **Article 2**

### **Paragraph 1**

466. The problems of poverty, social marginalization and social exclusion of some of the groups in our society is a topical problem in the world in general. Naturally, this problem has been present in our country as a consequence of the events of the last decade and even longer. In December 1999, the World Bank and International Monetary Fund approved a new approach to poverty reduction in the countries with a low GDP which is based on strategies coming from these very countries. These strategies are based on two pillars: internal self-help and support of the international community. The goal of this strategy is to improve the population's welfare, involving improvement of the quality of life, through creating conditions that will enable sustainable socio-economic development of the country.

467. Basic characteristics of the Republic of Montenegro in the period when the strategy was drawn up are:

- Social product per capita, \$1,262;
- Unemployment rate, 15 per cent;

- Presence of the grey economy;
- Level of poverty - one quarter of the population lives within the poverty zone (EUR 50 is considered as the poverty line); and
- Number of refugees and displaced persons: 43,000 (7 per cent of the population).

468. To date, the following has been done: an Interim Poverty Reduction Strategy Paper (I-PRSP) was finished in July 2002 and approved by the World Bank and International Monetary Fund. This version sets forth:

- An overview of the present situation;
- A review of the existing levels of poverty;
- Key elements for the strategy for reduction of poverty:
  - Macroeconomic stability;
  - Suppression of the grey economy;
  - Developing the entrepreneurial sector and market economy; and
  - Targeting groups for social benefits.

469. Development of the strategy should proceed by means of a consultative process with the participation of all societal factors, creation of a database (the lack of relevant data and indices is an aggravating factor), supervision and progress.

470. The Government of the Republic of Montenegro appointed the Ministry of Labour and Social Welfare to lead the entire process and the minister was appointed coordinator of the project. The Government has also appointed a coordination body which will supervise the entire process. It would be composed of the ministers of: finance, health, education and science, agriculture, water supply and forestry, secretaries of development and information and the director of the Agency for Development.

471. The Ministry of Labour and Social Welfare has considered the recommendations of the World Bank and the experience of neighbouring countries in this field. On the basis of that, it has prepared an organizational schema of all participants in the process of drafting the strategy which will evolve through: an organizational process, action-related and research-oriented processes and a consultation process. The completion of the organizational matrix of this project involves the formation of working groups and operative-consultation bodies.

472. The key part of the organizational process should be administered by a new body that will work within the Ministry of Labour and Social Welfare. A so-called Managerial Unit will have sector coordinators, a translator, a PR manager and a technical secretary.

473. The council of the project comprises the representatives of all actors involved in the process of drafting the strategy: governmental agencies, experts and representatives of advisory boards.

474. The Working Group of Experts comprises the coordinators of special expert groups in line with the portfolio they are entrusted with and, apart from experts, representatives of line ministries. In accordance with the priorities concerned, the work groups for the following fields: education, health care, employment, social welfare, economic and regional development, macroeconomic policy and ecology will be set up. Each expert working group is obliged to submit the written material that will go through two consultative processes.

475. The process of strategy-drafting calls for a comprehensive contribution of various participants who have been represented through six consultative boards that will be involved in the drafting of the strategy through consultations.

476. Principles which the strategy will rely on include that:

- The strategy is a product of the entire society;
- The action plan is governed from the country, with a vision of its own development;
- It is produced by a participatory process;
- It enables integration of social-economic and ecological development;
- It pays particular attention to development of human potential; and
- The whole process is a transparent one.

Although the drafting of the strategy is a process which should be created by our own potentials, the assistance of international partner-donors is indispensable. So far we have identified: the World Bank, DFID, UNDP and other United Nations agencies as potential donors.

477. The experience we have acquired so far in drafting the strategy includes development debates which were held on the topic of institutions and poverty, new jobs and poverty, and social protection and poverty.

478. We participated in the Forum for Poverty Reduction for Albania, Bosnia and Herzegovina and Yugoslavia, whose contribution was in providing the forum for exchange of experience among the countries which have reached a certain stage of strategy-drafting.

479. This entire stage of strategy-drafting can be called the preparatory stage. After the working groups are established, we are going to embark on that stage of strategy which needs to start first by defining what poverty is, setting objectives, strategic priorities, etc.

480. According to the present timeline, it is envisaged that the entire strategy will be adopted by the middle of 2003.

## Paragraph 2

481. The obligation to adhere to the principle of non-discrimination is prescribed by article 15 of the Constitution of the Republic of Montenegro which stipulates that: "All citizens are free and equal regardless of any particularity and/or other personal attributes." This article also makes explicit the commitment and constitutional guarantee for all Montenegrins to the broadest protection from discrimination. This commitment has been further developed in national legislation. The Criminal Code of the Republic of Montenegro stipulates that the violation of equality (art. 43) is a criminal offence. It prescribes as liable to punishment any action by which any individual and any citizen is deprived, restricted, privileged or favoured in relation to the rights stipulated by the Constitution, the laws, other regulations or general acts or ratified international treaties, on the basis of difference in national or ethnic origin, race, religion, political conviction or other convictions, sex, language, education or social position. The sanction prescribed ranges from three months' to five years' imprisonment.

482. The non-discrimination provisions also apply to foreigners who reside in the territory of the Republic of Montenegro. For example, the issue of medical care is regulated by the Resolution on Terms for Using Health Care and Other Rights Related to Health Insurance for the Foreigners who Reside in the Territory of the Republic who Cannot Use Health Care Services on any Other Basis (*Official Gazette of the Republic of Montenegro*, No. 2/91). Article 2 of the resolution states that foreigners who reside in the Republic for the purpose of education or professional training, as well as any close family living with them, if they have no other medical care, shall exercise their right to health care and other rights related to health insurance at the same level as citizens of the Republic of Montenegro.

## Article 3

483. The legislation in force in the Republic of Montenegro, starting from the Constitution through laws to regulations, proclaims equitable treatment of the sexes. Thus, at the formal level, the equality of the sexes is well regulated in all fields of life. There is no special law on gender equality, but the issue is incorporated into almost all pieces of legislation.

484. With respect to education at all levels and to employment policy, every school and each employment position is equally open to both women and men who meet the prescribed requirements. However, employers most often choose men over women, particularly young women who are often rejected because the employer assumes they will become pregnant and leave the job to raise a family.

485. Thus, the law, which upholds equality, and the practice, which favours men over women, are very different. Why? The answer is to a significant degree related to the traditional structure of Montenegrin society, which is very patriarchal: children are brought up in an environment in which customs and habits inhibit women from engaging into anything other than raising children and taking care of the home. Even today, in some regions of the country, parents do not allow girls to continue going to school after they turn 11 or 12. The insufficient education of women and society as a whole limits the scope of the rights that women can enjoy.

486. Also, although it is less common now, tradition still dictates that a sister willingly renounces her inheritance in favour of her brother, although appropriate legal conditions do exist, since men and women are equal when it comes to inheriting the property of the ancestors.

487. At the Fourth World Conference of Women, held in Beijing in 1995, a platform for action was adopted (*Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995*, United Nations publication, Sales No. E.96.N.13, chap. 1, resolution 1, annex 1) which set out a comprehensive programme for strengthening the position of women in all aspects of public and private life and giving them an equal share in social, economic, cultural and political decision-making. Since that time, many countries have adopted national action plans based on the Beijing platform. However, as the Federal Republic of Yugoslavia was preoccupied by war throughout the 1990s, neither the Federal Republic of Yugoslavia nor Montenegro developed a national action plan to promote the rights of women. Only a few NGOs have thus far initiated action in this area.

488. In the newly formed Government (chosen after the elections of October 2002), two ministerial posts were given to women (which means 10 per cent of the ministerial posts). The number of women holding posts of ministerial secretaries and deputy ministers is higher, comprising 20 per cent of the overall number. However, with respect to the most responsible positions in Parliament, there are seven women MPs and there are no women who serve as presidents of working bodies in the Government or the Parliament. Prior to the last parliamentary elections, the Speaker of the Parliament of the Republic of Montenegro was a woman, and a woman was president of the Parliament's newly formed Committee for Gender Equality, established in July 2001. At present, Montenegro has three women mayors (Budva, Nikšić and Bar) out of a total of 21 municipalities.

489. Despite the unsatisfactory representation of women in the power structures, the attitude of government bodies and political parties to the gender issue has become more positive in recent years. Moreover, while the situation of women in society has not significantly changed, one increasingly hears discussions of the position of women, and of their rights in all fields of life and work, particularly their participation in decision-making structures. These issues have become more prominent in the media and, while it takes time to change attitudes, one should expect some progress in the coming years.

490. As a result of the last decade of hardships, little research has been done and consequently accurate current data does not exist concerning the position and representation of women in Montenegro. As yet, none of the government agencies has seriously addressed this problem. The statistics bulletin for 2001 of the Republican Bureau of Statistics has been able to offer only the following data:

- According to the census of 1991, out of a total population of 591,269, women comprised 50.6 per cent (299,329); out of the working age population of 145,741, 38.6 per cent (91,539) were women; out of the 74,531 persons who received salary, 35,397 (47.5 per cent) were women; and out of the 279,458 dependent persons 172,393 (61.7 per cent) were women;

- Concerning the gender of employees, the most recent data available is from 31 December 1993: at that time, there were a total number of 129,005 employees of whom 52,001 were women; of these 6,074 held graduate degrees, 4,335 were college graduates, 17,766 were secondary school graduates, and 1,495 finished elementary school; of the women employed, 868 were highly skilled workers, 10,895 skilled workers, 1,980 semi-skilled and 8,588 unskilled workers;
- During the 1999/2000 school year, there were 77,726 full-time pupils in elementary school of which 37,762 were girls; out of 30,756 students in secondary schools, 15,662 were girls.

491. In the Law on the Election of Councillors and MPs, a so-called "quota of women" was not envisaged. However, at the beginning of 2001, just before the early parliamentary elections and on the initiative of an NGO, four political parties - DPS, SDP, LSCG and DUA - signed an agreement pledging to try to ensure that women comprised 30 per cent of their candidates lists. Even before this agreement was signed, some political parties had written a "quota for women" into their party agendas. The result of this initiative was an almost 100 per cent increase in the number of women in Parliament, from about 5 per cent in the previous Parliament to 10 per cent in the new one.

492. Women are somewhat better represented in the judiciary, particularly so at the lower level (about 60 per cent in the municipal courts). In the higher courts (Podgorica and Bijelom Polje) 42 per cent of judges are women, and in the Supreme Court about 26 per cent.

493. There are about 30 NGOs in Montenegro that work on issues relevant to women - on economic or political empowerment, assistance to women in case of violence, stimulating entrepreneurship, etc. One of these NGOs publishes the magazine *Iva*, another publishes the *Bulletin*.

494. The Government allocates certain funds for projects from the civil sector, in compliance with the Law on NGOs. A certain number of projects proposed by women's NGOs were funded in this way.

495. Since the establishment in 1999 of the Working Group for Gender Equality (WGGE) of the Stability Pact for South-Eastern Europe, two representatives from the women's NGO sector in Montenegro and a governmental Coordinator for Gender Equality have participated in its work. The appointment of the Government's Coordinator for Gender Equality, Montenegro's participation in the activities of the WGGE, the Government's project proposals for establishing a governmental gender equality mechanism, and the establishing of a Parliamentary Committee for Gender Equality, illustrate the serious commitment of the Government of Montenegro to adopt and implement international standards in this field.

496. Montenegro has implemented several projects with the support of the WGGE of the Stability Pact. Two of them, "Women's Rights - Human Rights" and "Women in Politics - Women Can Do It!", were initiated by Montenegrin NGOs. The first of these, which has been completed, resulted in the motion to change the Law on Election of Councillors and MPs by introducing an obligatory 20 per cent share of women (the initial proposal had been

for 30 per cent) in Parliament at all levels of decision-making in legislative, executive and judicial power. The second project, which has been extended as “Women Can Do It II”, focuses on special training for women from the political parties in Montenegro, regardless of their different political affiliations, national or religious background, family or educational background. In implementing this project, women from NGOs and trade unions also took part. This project is important because if there is to be an increase in the quality and size of the representation of women in the political arena, women need to be educated on how to get involved into public life.

497. A third project initiated by the Government is a project to establish a Mechanism for Gender Equality on the basis of general commitment to respecting human rights, particularly those which imply more appropriate treatment of women in family and in society. A delay in receiving funding, the parliamentary elections and the formation of the new Government have meant that the implementation of this mechanism has not yet taken place but it is soon to be set up. In general, the tasks foreseen for the mechanism during the first year of its operation are as follows:

- Establish a gender-related statistical database and conduct research into the position of women in all fields of life;
- Establish a database on best international practices in the process of implementing gender equality;
- Coordinate major governmental, parliamentary and non-governmental activities for elimination of all kinds of discrimination of women and girls, violence against women and eradication of phenomenon that violate women’s human rights;
- Initiate amendments and motions for new legislation to improve the position of women in the family, the economy and political life;
- Launch a campaign to raise the general level of awareness about issues related to gender equality, publishing material in media to inform the public about the implementation of all women’s human rights and the need to organize volunteer counselling and legal assistance for urgent cases.

498. In addition to the above, Montenegro has participated in a Stability Pact project for protection of victims of sex trafficking in Montenegro, which involved not only the Government but also NGOs and international organizations under the coordination of the OSCE. The Government also adopted the National Action Plan for Combating Sex Trafficking.

499. Another regional project completed under the auspices of Stability Pact was the project on the role of women from South-Eastern Europe in prevention and resolution of conflict and in conducting dialogue after conflicts.

500. Finally, one should mention the initiative to create a women's NGO network in Montenegro and, while it has not yet fully developed, both NGOs and Government have recognized the need for such a network.

#### **Article 4**

501. The Republic of Montenegro, as a member of the Federal Republic of Yugoslavia (now the State Union of Serbia and Montenegro), ratified the International Covenant on Economic, Social and Cultural Rights.

502. In accordance with article 16, paragraph 2 of the Federal Constitution, "the international agreements which were confirmed and published in accordance with the Constitution and standards of the international law are a comprising part of the internal legal order". The rules of this Covenant represent the internal law of Montenegro and are not in opposition to relevant legislation.

#### **Article 5**

##### **Paragraphs 1 and 2**

503. The Republic of Montenegro, as a member of the Federal Republic of Yugoslavia (now the State Union of Serbia and Montenegro), ratified the International Covenant on Civil and Political Rights.

504. In accordance with article 16, paragraph 2 of the Federal Constitution, "international agreements which were confirmed and published in accordance with the Constitution and standards of international law comprise part of the internal legal order". The provisions of this Covenant represent the internal law of Montenegro and are not in opposition to relevant legislation.

#### **Article 6**

##### **Paragraph 1**

505. Relying on the principles of human society, the Republic of Montenegro has expressed its pledge in the Constitution and its laws that everyone is granted the right to work, to free selection of occupation and employment, just and human working conditions and to protection during unemployment. Disabled persons are granted special care.

506. The right to property, freedom of earning and entrepreneurship are granted. Any act or action by which a monopolist position is created or supported, or market dealings prevented, are prohibited.

507. Employees are equal in exercising their rights related to work regardless of their national origin, race, sex, language, religion, political and other affiliation, education, social background, financial status or any other personal characteristic. An employer is obliged to respect the rights and equality of employees in the protection of their rights and their privacy and dignity.

508. A foreigner in our country has freedoms, rights and obligations stipulated by the Constitution, relevant laws and international treaties. Consequently, a foreign national and any person who does not have citizenship of our country can be employed under conditions stipulated by a relevant law and international conventions.

## **Paragraph 2**

509. Our country accepted numerous conventions of the ILO, including the Employment Policy Convention No. 122 (1964) and the Discrimination (Employment and Occupation) Convention No. 111 (1958).

510. The process of socio-economic transition that started in the 1990s, through the measures adjusting the economy to market conditions, intensified through managerial and ownership-related restructuring of the economy, which by its character, scope, dynamics and intensity, brought about radical changes in overall economic and systemic and socio-economic aspect but also reflected on employment policy. Measures and activities undertaken in that period could not be adequately conducted without normative prerequisites of a reformist character.

511. In relation to this, a package of new laws in the field of labour and employment legislation was prepared. Out of them, the Employment Law was adopted in 2002 and its implementation is in progress. The draft Labour Law has been in the Parliament for review, whereas the draft Law on Strikes has reached the stage of preliminary debates with the social parties.

512. Instruments of labour market policy refer to the measures including mediation, professional counselling, vocational education and professional orientation for joining the labour market, having in mind flexible forms of employment as the incentive for job generation. Labour market policy is the point where social and market problems join together to help define active and passive employment policy.

513. The new Employment Law has clearly divided a passive employment policy from an active one and it also stipulated the right to social security during the job-search period.

514. Active employment policy implies various measures of stimulating employment, education, vocational training, retraining and additional training for the purpose of joining the labour process, particularly concerning elder workers who have been made redundant because of transformation and privatization. Similarly, there are some other measures for stimulating job-generation: participation in a new work position, professional rehabilitation of persons with reduced work ability, protection of the category of seniors who have lost their jobs and have registered in the employment agency before they find a job or qualify for pension, as well as assistance to certain economic sectors to maintain the process of work throughout the year.

515. It is necessary to point out that the implementation of the new Employment Law is rather affected, as the new Labour Law has not been adopted yet, another law that is based on reform principles.

516. However, apart from aggravated circumstances, the complexity and importance of solving the problem of unemployment in Montenegro calls for significant measures and activities to be undertaken by the Republic of Montenegro, through the Employment Agency of Montenegro, in form of programmes that will help reduce the unemployment rate. The Employment Agency registered an average of 81,468 unemployed persons for the year 2001, which was 2,597 or 3.3 per cent less, than the year before.

517. In relation to that, the focus of activities of the Employment Agency of Montenegro in the last few years has been placed on realization of the Programme for Continuous Stimulation of Job-Generation and Entrepreneurship in Montenegro.

518. The objective of this programme is to provide loans upon the request by persons who have been registered as unemployed so that they can become self-employed. Out of the total number of approved programmes, 52 per cent came from the field of agriculture, 17 per cent from crafts and services, 10 per cent from trade and 9 per cent from industry and mining trade. In such way, the programme envisaged generation of about 4,439 new jobs. Out of the total number of positively marked projects (6,353 projects), 44.2 per cent are projects submitted by women, which is important, bearing in mind that in Central and East European countries, the countries in transition, this number has been about 28 per cent.

519. Likewise, positive results have been accomplished in the field of preparation for the job, i.e. improving the quality of the workforce with regard to the demands of the labour market. Preparation for new jobs has been done mostly through various programmes (training, additional training, retraining or specialization in metal-processing, crafts, agriculture, information technologies, foreign languages, tourism and catering, etc.). In such a way, an average of 1,500 unemployed persons or redundant workers have been trained per year.

520. Pursuant to the laws on labour relations, due to the mediation of the Employment Agency, job vacancies have been advertised so as to avoid any abuse related to employment and to enable any interested person who has been registered as unemployed at the Employment Agency gets a job according to his/her qualifications and background and in such way to avoid any discrimination in certain professions.

521. Due to a big inflow of the workforce onto the registers of the Employment Agency, which is caused by transformations of industrial enterprises (so-called "bankrupters"), the balance of supply and demand of workers in the labour market has been strongly disrupted. For about 300 types of professions that employers have been looking for, the registers of the unemployed have registered a deficit, whereas about 400 professions in the register of the unemployed are not needed in the new structure of the economy.

522. If we examine different degrees of professional training, then there is a deficit of workers registered for about 115 professions. Thus, in order to strike a balance between supply and demand in the workforce, it is necessary to try to make educational institutions cooperate with the Employment Agency in specific programmes for educating young professionals and to retrain educated professionals who have been made redundant by the new needs of the labour market.

523. At the level of the Republic, regionally, and in certain fields of work there has not been thorough or comprehensive research about labour forecasts for the somewhat longer period (7-10 years), on the basis of which it would be possible to create a long-term employment policy and adjust it to future needs of the labour market. This is particularly so because, in the real situation of employment and unemployment, primarily due to the long tradition of “working without a permit”, which renders impossible any attempt to give a long-term forecast of demand and supply, deficit or surplus, of a specific profession. To that end, the Centre for Human Resources Development was founded within the Employment Agency to deal with long-term research on and projection of the labour market, along with other activities.

524. The National Observatory (Agency) was founded for the purpose of monitoring and analytical analysis of the situation in the field of labour markets, in compliance with internationally adopted standards in this field.

525. In the last several years the agency has worked intensively on professional/vocational training, i.e. on a new methodological approach through using the experience of countries with developed labour markets, particularly in streamlining and consolidating an integral information system and registration pertaining to the labour market.

526. It is necessary to point out some unfavourable circumstances and limitations relevant to solving the unemployment problem, including:

- Insecurity in relation to the intensity and dynamics of transitional changes in a relatively long-term perspective;
- Lack of long-term and strategic macroeconomic research and the lack of qualified staff who would engage in studying this set of issues, and insufficient institutional capacities for solving these issues both at the republican and regional levels;
- Underdeveloped social partnership in solving current socio-economic problems;
- Non-specific and incomplete normative underpinning to stipulate this set of issues, which has remained unchanged for a long time and which could not be applied in practice for solving the problems in this field;
- A large number of unrealistic expectations by almost all employers that the State can solve these problems as a whole and within a very short time; and
- High insolvency and the expected large number of redundancies in industry, etc.

527. A particular reference deserves to be made to “work without a permit” in the “grey economy”, which is one of topical issues and complex problems which need to be tackled as soon as possible within the Programme for Combating the Grey Economy. Although to a certain degree such jobs had existed before, their intensity, forms and consequences particularly came to

prominence in the last 10 years of transition. There is no precise data on the number of unregistered workers in Montenegro, nor about the degree to which the “work without a permit” has been present in grey economy, nor has anyone started any comprehensive research that could generate some relevant data on the presence of this phenomenon.

528. The “grey economy” employs mostly people who have not been registered either as employed or unemployed (employed people who have been on forced leave, pensioners, refugees and displaced persons) as well as some people who have been registered as unemployed but do not have a right to unemployment allowance, these being mostly young people between 20 and 30 years of age.

## **Article 7**

### **Paragraph 1 (a)**

529. One of the basic rights related to employment is right to remuneration, which is stipulated in accordance with the law and collective agreements.

530. Remuneration is appropriate if it corresponds to the value of work done. Work is valued in accordance with the law and collective agreements, in which the following elements are mostly used: price of work, work effects and time spent at work. Consequently, the cost of labour is established in compliance with the collective agreement for the work at certain jobs and the effects achieved according to certain norms, standards and other qualities and measures on the basis of which the work results are measured. The minimum cost of labour (minimum wage) for full-time work, i.e. for a certain rate of work and normal effect of work, cannot be lower than the price of work for the simplest jobs as stipulated by law.

531. The General Collective Agreement, in a way and manner set forth in the Methodology for Stipulating the Lowest Cost of Labour, which is an integral part of Collective Agreement, stipulates guidelines for conducting this complex procedure.

532. The lowest cost of labour (minimum wage) is defined on the basis of relevant elements such as: the need of the employees and their families, the general level of salaries, living expenses and the relevant level of living standard of other social groups, as well as economic factors.

533. The minimum salary for each month is negotiated by a team of negotiators on tripartite basis and comprising representatives of the Government of Montenegro, the Chamber of the Economy and the Confederation of Independent Trade Unions of Montenegro.

534. The basic price of work is determined in such way that the minimum cost of labour (minimum wage) for the simplest work is multiplied by a certain quotient, classified by groups of jobs, that have been made according to the degree of education required for the jobs. The price for a certain job is determined in a collective agreement for an employer (article 75, paragraph 1 of the Law on the Basics of Employment Relations), on the basis of the cost of labour for the simplest work and the basic price of work determined according to the degree of qualification needed and depending on the complexity of tasks, the responsibility and conditions of work involved. It cannot be lower than the price of labour prescribed by General Collective

Agreement or branch collective agreements. Exceptionally, in the case that an employer is not doing well, a collective agreement can stipulate that the price for a certain job can go 20 per cent lower than the one stipulated in a collective agreement.

535. The basic purpose behind the need to determine a minimum wage was the need to provide a minimum of social and material protection for working individuals and their families. The minimum wage is determined as set out above and it concerns all employees both in industry and in administration.

536. The level of the minimum wage primarily depends on certain economic indicators and on the capacity of an employer to pay out certain salaries which, then, depends on results achieved in industrial production in the last three months and the capacity of an employer to regularly pay out a certain level of earnings for all employees.

537. Basic prerequisites, on the basis of which the conditions are met for the minimum wage to increase, are: basic living expenses for a four-member family increased for more than 5 per cent, trends in industry must be positive, and the ability of employers to regularly pay a certain level of salaries.

538. However, if it happens that an employer is insolvent for a certain period and it cannot disburse regular salaries to employees, those employees can claim the right to receive guaranteed earnings which are 65 per cent of the lowest determined price of work for a certain month, in compliance with the Regulation on Salaries, Allowances and Other Earnings of Employees in the Republic of Montenegro.

539. The decision on disbursing guaranteed salaries is made by a competent employers' body. It can be paid as such for three months at most in one year. Once a business is disrupted and, therefore, a decision on disbursing guaranteed salaries is made, the trade unions necessarily get consulted in that procedure. In practice, it proved that the last few years were extremely difficult for enterprises operating in the economic system of the Republic (sanctions, warfare in neighbouring region, etc.). Constant insolvency has affected them so that regular payments/salaries have been overdue even for several months. Among the reasons this happens is that, if a certain employer needs to disburse guaranteed salaries for more than three months, then the employer concerned should ask for approval from a ministry competent for that sector.

540. Some employers very often were not able to disburse guaranteed salaries in compliance with the regulation, and in order that this serious problem be solved in the period from 1992 to 2002, the Government of the Republic of Montenegro allocated major funds. In 2001 and in 2002 alone, some EUR 8 million was allocated from the budget.

541. Likewise, employees are entitled to receive salary in the amount stipulated in collective agreements for days of holidays, holiday leaves, paid leaves, military training, service done at some State agencies and in other cases stipulated by law and collective agreement.

542. Employees are entitled to receiving extra payment for work over holidays, extra hours, work at night as well as in cases stipulated by the law and collective agreement.

543. Employees also have the right to receive other kinds of payment related to work, including: allowance for holiday leave, canteen allowance and transportation allowance for commuting, as well as other allowances stipulated in the law and collective agreement. Other payments include: innovation fee, rationalization fee and fees for other types of inventiveness, jubilee awards, solidarity allowances, per diems, fees for field work and pension endowment.

#### **Paragraph 1 (b)**

544. Starting from the constitutional principles prescribed in article 52 of the Constitution of the Republic of Montenegro that everyone has right to work and in article 53 which, apart from other rights, grants the right of employees to protection at work and humanization of work, employees' rights to protection at work have never been disputed even in the former system. They were based on international standards of protection at work. Harmonization of the rules of protection at work has not been either a confined or closed process, but open to further improvements. It calls for continuous monitoring of the activities of international organizations and institutions in this field. Apart from other functions, the concept of these objectives is focused on provision of healthy and safe conditions at work.

545. Employees exercise their right to protection and safety at work in compliance with the Law on Protection at Work, collective agreements, prescribed measures and norms of protection at work, an act of the employers or other legal or physical person, a head of certain government agency or local authority.

546. Protection at work is administered by an employer as well as by a competent government agency or local authority, if some other law does not stipulate otherwise. The basis of the system of protection at work lies in the imperative nature of the norms, which never relieve those who fail to provide safety at work of responsibility. Nor are those employees who wear uniforms/overalls relieved of their right and obligation, either.

547. Protection at work is an integral part of the organization of work and its process. Safe conditions at work, a healthy working environment and protection of the environment from the damage deriving from technical-technological processes is provided through the complex of measures, tools and activities focused on preventing any harm to health, injury at work and professional diseases. Apart from the law, there are numerous by-laws (regulations) which further develop particular segments of protection at work.

548. Employers who in the process of work use certain tools, depending on their basic scope of work, are obliged to examine and check them in the time frames set by the manufacturers, technical regulations and standards pertinent for protection at work.

549. Employers are obliged to keep records about safety at work, pursuant to the regulation in field of protection at work. If an employer fails to keep the prescribed record (about employees who work at particularly difficult jobs or in a particularly difficult environment for which posts periodical medical examinations need to be undertaken, about injuries at work, about professional diseases, about disabled workmen by categories of disability or by hazardous materials, etc.), there are strict legal sanctions prescribed. Control related to the protection prescribed is done by a competent inspectorate for protection at work.

550. Similarly, an employee is obliged to adhere to prescribed measures for protection at work, and if no protection has been provided, an employee is entitled to refuse to work if he/she thinks that an explicit danger is threatening life or health due to the failure to implement measures of protection at work. When an employee refuses to work because of these reasons, the employer does not have right to sanction the employees or terminate their contract.

551. A competent inspection unit for protection at work, in cooperation with the Health Insurance Fund of Montenegro, is obliged to keep prescribed records on injuries at work and about professional diseases. These records used to be kept regularly until 1990. In the beginning of transitional changes in our country, this cooperation was broken and, consequently, there are no valid annual data on the number of injuries at work or professional diseases in the last 10 years.

552. On the basis of inspection findings from the previously mentioned period, fatal injuries at work had happened in the Montenegrin Electrical Supply Enterprise and, according to the records kept for 1990-2002, there have been 10 cases in which the cause of death was electrical power, and in 3 cases there were mechanical injuries in hydro and thermal-electrical plants.

#### **Paragraph 1 (c)**

553. Bearing in mind that a free choice of occupation and employment is guaranteed and that the equality of citizens in selecting employment is guaranteed, and that forced labour is prohibited, the right is granted to everyone to decide whether they will work and what they will do under the conditions prescribed by the law. That is why employment is a voluntary right and employment cannot be imposed or forced on anyone. Employment is a two-way legal relationship, as two legal entities are taking part in it: an employee and an employer. In the market concept of labour, employment is based on a contract between an employee and an employer and thereby the employer hires an employee and uses his/her knowledge and competencies for the purpose of gaining profit. By contrast, an employee, for the purpose of gaining remuneration, puts his/her knowledge and competence at the disposal of an employer, whose contracted conditions of work cannot be less favourable than the conditions stipulated by the law and collective agreement.

554. Rights, obligations and responsibilities related to employment refer to: contracting employment, being assigned to a workplace/position that corresponds to the same degree of professional qualification for the purpose of performing the similar work, professional improvement, limited working hours, holiday leave and other leaves from work, safety in the workplace, protection in case of redundancy, salary, other reimbursements, disciplinary and financial liability, termination of employment and protection of the rights of employees.

555. Rights, obligations and responsibilities related to the employment are: health, pension and disability insurance as well as other forms of social insurance.

556. The aforementioned implies that the work itself defines the quality of employment relation between an employee and employer, and it can be improved and preserved to a definite or indefinite period of time by a work contract which is concluded between the employment-contracting parties.

557. Thus, without work there is no wage nor any other right ensuing from employment, if the law does not stipulate otherwise.

#### **Paragraph 1 (d)**

558. The Constitution of the Republic of Montenegro and the Labour Law granted to employees the right to limited work hours, 40 hours per week. Working hours can be full, incomplete, short or longer than the full working hours in cases stipulated by the law, as well as redistribution of total working annual hours in certain professions.

559. The right to breaks and leaves from work is another right pledged by law. Thus, employees are entitled to have a break from work for 30 minutes during working hours and it cannot be used at the very beginning or end of working hours, the right to a daily break from work that is used as a whole in between two working days and should last at least 12 hours continuously, the right to a weekly break from work that lasts for 24 hours continuously, and a holiday leave.

560. All kinds of breaks from work are stipulated as such that an employee cannot give up nor be deprived of by the employer.

### **Article 8**

561. Citizens are granted freedom of political, trade union and other forms of association and activity.

562. Trade unions are formed on the basis of the freedom of association granted by article 40 of the Constitution of the Republic of Montenegro, and they are established for the purpose of protecting rights and the improvement of the professional and economic interests of their members. Members of a trade union are the employees and, thus, it is their organization to which they are voluntarily associated on the basis of solidarity. The trade unions are founded on the principle of pluralism, so that there could be several parallel trade unions. Trade unions are independent organizations. Trade unions are legal entities which have their statutes, bodies and property. An association of employees is not subject to any approval, but they are obliged to register such organizations with competent authorities. Trade union freedoms and the protection of union rights, their associations and collective bargaining have been constituted by labour legislation, respecting the standards of relevant ILO conventions (Convention No. 87 (1948) on freedom of association and protection of the right to organize and Convention No. 98 (1949) on the right to organize and collective bargaining).

563. An employer is obliged to enable a trade union representative to take part in the procedure of establishing rights, obligations and liabilities of employees, which ensue from the law and collective agreement.

564. A trade union representative takes part in catering for the rights of employees made redundant, preparation of the decision on redundancy, disciplinary proceedings, procedures of concluding, amending or cancellation of a collective agreement, organization of a strike in compliance with the law, etc.

565. A trade union representative (trustee) cannot be held accountable or brought into less favourable position due to his/her trade union-related activities and if he/she acts in compliance with the law and the collective agreement. The International Labour Organization has protected trade union representatives by its Convention No. 135 (1971) on protection and benefits granted to workers' representatives in the same manner as the representatives of employees, because both represent the individual and collective interests of employees whose principles are respected in our legislation. Consequently, a trade union representative is protected only within the scope of his/her activities related to trade union.

## **Paragraph 2**

566. Starting from constitutional commitments of our country, international standards and obligations assumed through ratification of the International Covenant on Economic, Social and Cultural Rights, ILO Convention No. 87 (1948) freedom of association and protection of the right to organize, employees have right to go on strike for the purpose of protecting their professional and economic interests.

567. A trade union, as an interest organization of employees, will decide about going on strike, since the essence of their existence and activities is focused on protecting the rights and interests of the employees.

568. National legislation has treated this matter so far through the federal Law on Strikes. The Law on Strikes defines a strike as an organized cessation of work by employees for the purpose of the fulfilment of professional and economic interests related to work. This legal definition clearly distinguishes the strike, as a tool available to employees for expressing or protecting their professional or economic interests related to work, from other forms of organized protests focused on pursuing their interests in the sphere of the political system, which are also granted as citizens' rights in our Constitution.

569. Terms of exercising the right to strike include passing the decision to go on strike, setting up headquarters for the strike, the announcement of the strike, establishing a gathering venue for the strike, deciding if the strike is to be expressed by meetings of employees, an attempt to negotiate an agreement and protection of persons and property during the strike. These are general terms and refer to all kinds of strikes, if the law does not stipulate otherwise.

570. The strike of employees whose type of profession or the public interest so require, would have to provide a minimum work level, the safety of people and property and fulfilment of our country's international obligations.

571. The legal effects that a strike organized and conducted in compliance with the law can produce on employees, organizers and participants in strike have been defined. Disciplinary and financial liability of employees for participation in the strike has been excluded and the same

applies to the possibility of dismissal of employees on the same account. The employed participants in the strike shall exercise their basic rights in relation to employment, except for their right to salary, whereas their right to pension and disability insurance has been defined by other relevant legislation.

572. If the strike is organized under the conditions prescribed by the law, the employer cannot hire other persons to replace the employees who are on strike before the requests of striking workers are decided on and before the strike is over upon the agreement or decision of the strikers. Based on the fact that the right to go on strike is an inalienable constitutional right of an employee, no one can prevent employees from exercising that right freely nor, particularly, use force on them.

573. Intervention of a competent State authority can be used to protect the vital interests of the State and to prevent consequence of a strike which might directly jeopardize life and health, the security of property, or might cause direct or irrecoverable damage.

574. That is why the Constitution and law prohibit employees in public authorities, professional soldiers and policemen from enjoying the right to strike. Possible sanctions might be that they lose their job if they organize or take part in a strike.

### **Paragraph 3**

575. The Federal Republic of Yugoslavia has ratified 66 ILO conventions and, of these, 65 have entered into force. They are now obligatory for the State Union of Serbia and Montenegro. The Republic of Montenegro is obliged to comply with the obligations ensuing from these conventions.

### **Article 9**

576. There are the following categories of social insurance in our country: old-age pension, disability pension, pension for dependent family members in case of death (family pension), and allowances for injuries at work.

#### **Old-age allowance**

577. Pursuant to the provisions of the Law on the Basics of Pension and Disability Insurance (*Official Gazette*, No. 30/96), the right to an old-age pension shall be awarded to an insured person who has cumulatively met the requirements in terms of age and the length of pension insurance.

578. The right to an old-age pension is acquired when a person turns 60 (for men) or 55 (for women) and has at least 20 years of pension insurance.

579. In compliance with the ILO Convention No. 102 (1952) concerning the minimum standards of social security coverage for insured persons who have fewer than 20 years of pension insurance, the right to an old-age pension was established after one turns 65 (for men) or 60 (for

women) and at least 15 years of pension insurance covered. It was also prescribed that insurees can claim old-age pension once they have 40 years (men) or 35 (women) of insurance coverage and turn 50 years of age.

580. A pension is determined on the basis of the average salary per month or the insurance base that an employee had in any of 10 subsequent years that are most favourable to him/her.

581. The basis for paying a contribution for pension and disability insurance for this category of insurees is the salary or other form of earnings that an insuree would receive for working with reduced ability under terms and in the amount stipulated in the law and collective agreement or insurance.

582. The basis for contribution payment for insurees who are agricultural workers is calculated as 50 per cent of the average net salary in the Republic in a month the payment is made.

583. For an insuree who is engaged in private business (crafts), the pension base is taken according to the data established and registers in relevant commercial records as a monthly insurance base. This is calculated from the income on which he/she pays taxes and in compliance with the income tax regulations. The base for contribution payment for this category of insurees cannot be lower than triple the minimum net salary in the Republic for the months for which insurance contribution is paid, nor bigger than 15 times this amount.

### **Disability pension**

584. Conditions for claiming the right to a disability pension are a bit different, depending on the cause of disability. In cases where disability was caused by an injury at the workplace or a professional ailment, an insuree claims the right to disability pension regardless of the length of pension insurance paid. If a disability was caused by an injury outside the workplace or by some disease, the right to disability pension is acquired only if an insurer has had one third of his working life covered by pension insurance.

585. For the purpose of protecting young insurees who have been rendered disabled due to an injury outside the workplace or by illness before the age of 30, the right to a disability pension has been made rather beneficial in terms of the length of insurance coverage.

586. Disability pension is calculated out of a pension base stipulated in a manner that is the same as for old-age pension. In case of disability caused by injury at work or professional disease, disability pension amounts to 85 per cent of the base pension.

587. If disability was caused as a consequence of an injury outside workplace or an illness, the disability pension is determined depending on insuree's sex, age at the time when disability occurred, length of pension insurance paid and the percentage of insurance coverage in relation to years in service required for retiring. Disability pension, like old-age pension, can amount to 85 per cent at most of the base pension.

### **Pension for dependent family members in case of death (family pension)**

588. In case of death of an insuree i.e. the beneficiary of this right, members of the family can claim the right to receiving it if they comply with the conditions set by law. The Law on Pension and Disability Insurance (*Official Gazette of the Federal Republic of Yugoslavia*, No. 30/96) stipulate so-called general conditions for acquiring the right to a family pension, i.e. the conditions related to a deceased insuree and beneficiaries of the pension and disability insurance.

589. In compliance with the commitment set out in ILO Convention No. 102 (1952) on minimum standards of social security, the minimum service length of a deceased employee is prescribed as a requirement (a minimum five years of insurance contribution and a minimum 10 years of pension contribution to have met the requirements for claiming old-age or disability pension).

590. Members of the family who, under the conditions set by law, are entitled to the right to family pension are:

- A spouse, children born out of that marriage, children born out of an extramarital relationship, adopted children, stepchildren, grandchildren, brothers, sisters and parents; and
- An ex-spouse, provided that a court judgement granted that person right to be maintained by the deceased.

591. Family pension is calculated as an old-age or disability pension that an insuree could have claimed at the moment of death and in the percentage that is calculated on the basis of number of the family members who can claim that right.

### **Allowance for injuries at work**

592. When an insuree sustains a grave injury caused by work at the workplace or some professional disease and the damage to health is assessed to be at least 30 per cent disability, that person can claim the right to an allowance.

593. The amount of the allowance for bodily harm is calculated out of an average net salary of the employees in the Republic for the previous year and by the percentage of injury harm, in compliance with the law.

594. The principle in the system of pension and disability insurance is such that the rights related to this insurance are acquired under more favourable terms and with bigger amounts concerned if the disability was caused by an injury at the workplace or by a professional ailment. The right to a family pension in such case is given to family members regardless of the length of pension record of a deceased insuree. Also, if a disability was caused by an injury at work or by disease, disability pension is calculated up to 85 per cent.

595. In Montenegro, pension and disability insurance functions as a system based on inter-generational solidarity, which means that one generation of employees works, and by paying contribution, they provide funds for paying out the pensions.

## Article 10

### Paragraphs 1, 2 and 3

596. In the Republic of Montenegro, legal protection of the family falls within the competence of the Ministry of Labour and Social Welfare and it is regulated by the Family Law (*Official Gazette of the Republic of Montenegro*, No. 7/89) and the Law on Social and Child Protection (*Official Gazette of the Republic of Montenegro*, No. 48/93, 16/95 and 47/2001), and also by the regulations pertaining to other fields (criminal legislation, labour legislation, etc.)

597. The Family Law regulates the legal category of marriage and marital relations, relationship between parents and children, adoption, guardianship, alimony, property relations within the family, special court proceedings in litigations concerning marital and family relations as well as certain forms of social and legal protection of the family.

598. The family, pursuant to the provisions of this law, is the union of the parents, children and other relations who have rights and obligations in relation to each other.

599. Conditions for good parenting are provided through measures of social protection, health care and legal protection, the system of upbringing, education, information, the policy of employment, tax policy and other activities that contribute to the welfare of family and its members.

600. The Family Law sets out the rights that protect the interests of family and family members. Guardianship is one form of such protection and provides particular protection to under-age children who do not enjoy parental care and to those who have come of age but who cannot look after themselves, their rights and interests.

601. Adoption is the process in which the relationship is formed between the adoptive parents and adopted child with a view to providing conditions for living for the adopted child in the same way as children normally have when they live in a family.

602. The obligation of maintenance between parents and other relatives as well as between spouses and extramarital companions is also an expression of family solidarity. Maintenance is calculated on the basis of the need of the maintained person but also on the maintenance-provider's capacity.

603. Property relations in a family are established on the principles of equality, reciprocity and solidarity as well as on the principle of serving the best interest of children. Extramarital union is accorded equal treatment in terms of rights to maintenance and other legal and property relations.

604. The law defines marriage as a union between a man and a woman bound by law. The marriage is not legal if any of the spouses entered into this relation under coercion, threat or misguidance. The marriage cannot be registered if one of the spouses is under age of 18. Exceptionally, a court can allow a minor to get married if he/she is over 16.

605. Family protection is provided by means of competent social care authorities (centres of social work) and competent courts (divorces, alimonies, loss of working capacity, deprivation of parental rights). Financial support to families is funded by the budget of the Republic of Montenegro in compliance with legal provisions.

## **Article 11**

### **Paragraph 1**

606. There is no national programme on nutrition and housing issues in the Republic of Montenegro. Activities related to these issues are to be carried out in compliance with regulations governing the protection of the most vulnerable category of the population.

607. The Law on Social and Child Welfare regulates the rights to social and child protection aimed at ensuring that the most vulnerable categories of population are protected.

608. Rights under the social welfare programme include financial provisions for the family, the right to obtaining qualifications for work, residence in a social welfare institution or with another family, allowance for care and assistance of other persons, health care, funeral costs, and single disbursement support.

609. Rights under the child protection programme include the child benefit, the newly born child benefit, the benefit for child recreation, and the student restaurant.

### **Characteristics of some rights**

610. Financial provisions for the family (hereinafter "MFP"): MFP is a benefit for persons or families in a condition of need, provided that they fulfil requirements defined by the law. The right to MFP can be granted to a family or family members provided that they:

- Have no capacity to work and either have no relative with the legal obligation to sustain them or have relatives unable to sustain them;
- Have the capacity to work, on condition that they include: parents supporting minor children, or children who have come of age but have no capacity to work and earn money, on condition that such incapacity for work was caused before the age of 18;
- Persons who have been suspended of their right to live in an institution for children without parental care or right to staying with other family, for the maximum period of two years following the date such accommodation was cancelled;
- Persons who have completed their education in school for children with special needs or such classes within regular schools; and
- The basis for the calculation of benefits under MFP is an average salary in the Republic of Montenegro in the previous quarter, the percentage of benefit depending on the number of family members.

611. In addition to income earned by the family as a criterion in determining the amount of benefit under MFP, the amount is also affected by movable and immovable property, if any, owned by the family. Parameters of property ownership are also defined by the law and depend on the number of family members.

612. It is first established whether an individual person or a family meets the criteria under the MFP programme, and the amount of benefits is then determined depending on the average salary in the Republic of Montenegro for the previous month.

613. Persons and families who are acknowledged their rights under MFP but already have some income are entitled to the difference, depending on the number of family members.

614. With the new modifications and amendments (October 2001), discretionary right has been introduced. Discretionary right means that a right can be granted even if one of the requirements are not met. This right is granted at the proposal of the social worker against the verification of the Social Welfare Centre ("SWC") board for a limited period of time, with the possibility of a renewal. The amount to be granted comes to 50 per cent of the amount envisaged, depending on the number of family members. Discretionary right can also be used to reject a claim or suspend a right if that proves to be justified (e.g., a family earns income sufficient for self-support, but has no official record of it because of work on the grey market).

615. In August 2002, in the Republic of Montenegro, the right to MFP was granted to 9,843 families with 27,960 members. Of that number, 12,695 users are children under the age of 16; users over the age of 16 include 7,574 women and 10,633 men. Monthly expenses are around EUR 621.

616. Child benefit: In accordance with the law, the right to a child benefit is granted to:

- The first three children in families using MFP, at 30 per cent of the lowest labour rate in the Republic of Montenegro;
- Children with light development challenges attending schools for children with special needs or special classes in regular schools, regardless of financial conditions or the number of children in family, at 40 per cent of the lowest labour rate in the Republic of Montenegro;
- Children with physical and mental impediments who are unable to work and who live with no assistance, regardless of financial conditions and number of children in the family, at 50 per cent of the lowest labour rate in the Republic of Montenegro.

617. According to the data of the Ministry of Labour and Social Welfare, in August 2002 6,240 families with 11,847 children, or 7 per cent of the total number of children, were eligible for child benefits. The amount allocated is EUR 193,555. Pre-school children are 4,073 of the said number, elementary school children, 7,157, and high school children made up 643.

618. Allowance for care and assistance of other persons: The right to the allowance for assistance of other persons is granted to persons with a mild, severe or grave impediment in their mental development, persons suffering from autism, dystrophy, persons with multiple impediments, blind persons and persons with severe impediments who are in condition requiring assistance and care of third persons, regardless of family income.

619. The amount of this benefit is 60 per cent of the lowest labour rate. According to data of the Ministry of Labour and Social Welfare, 5,147 persons are eligible for this support. If these persons are also beneficiaries of the MFP programme, the amount of benefit is set at 100 per cent of the labour rate. Eligible for this benefit are 976 persons, the total amount allocated being EUR 203,807.

620. Single disbursement support: This right aims at providing help to families found in a specific situation regardless of whether they have already used one of the benefits under social welfare programmes. The amount granted depends on the situation and current funds available.

621. Accommodation in social welfare institutions or another family: The right to this accommodation is granted to:

- Children with no parental care and children whose development has been impeded due to family circumstances, children with physical and mental impediments and children with behavioural disorders; and
- Pensioners and other aged persons who are unable to live without assistance, adult disabled persons with severe forms of chronic diseases and mentally ill persons who need everyday support.

622. In the Republic of Montenegro, in all forms of institutions, there are about 900 persons altogether, and an additional 200 persons are staying with families.

623. In the Republic of Montenegro, housing issues were regulated depending on labour status. This means that those who were employed regulated this issue in the company where they worked; pensioners through the Republican Pension Fund; and persons on social welfare support through local government authorities, depending on their financial status.

624. With privatization, an ever-greater number of people is losing the chance to solve their housing problem through their companies, which means that there is an urgent need to create a national housing plan for this issue at the level of the Republic.

## **Paragraph 2**

625. The Republic of Montenegro does not have a national food programme. These activities are realized through social welfare programmes, i.e. by improving the living standard of the most vulnerable categories of population. Also, the living standard of families is improved through a number of activities conducted in the area of employment and tax policies.

## Article 12

### Paragraph 1

626. The Constitution of the Republic of Montenegro, article 57, guarantees each individual the right to health care, as well as the right of children, pregnant women and senior citizens to health care from public revenues, provided they do not exercise this right under a different programme.

627. The national health policy defines the objectives for the promotion of health care, as well as measures and activities for its implementation. The Law on Health Care defines health care as the organized overall activity of society aimed at the protection and improvement of health, as well as prevention, limitation and early detection of diseases, injuries, and other health disorders, and timely and efficient treatment and rehabilitation. In accordance with the Law on Health Care and Health Insurance and by-laws, the Health Care Programme is a process defining health problems in the community, identifying needs and finding sources to meet these needs, defining priority objectives that are realistic and achievable, and planning administrative action by which to achieve these goals. The health-care policy of Montenegro is based on the Law on Health Care and Health Insurance, the decision on the foundation of public health-care institutions and other by-laws that define kinds and scopes of health care in greater detail.

628. The health-care policy adopted in the Republic of Montenegro through to 2020 is based on two documents of the Assembly of World Health Organization, "World Health Care Declaration" and "Health for All in XXI century".

629. Health-care policy in the Republic of Montenegro to 2020 includes a framework for legislative, programme and other concrete activities aimed at making health care more efficient and improving its quality, as well as integrating the health-care system of the Republic into European and worldwide process of health-care development.

630. Health-care policy objectives: Health-care policy in the Republic of Montenegro to 2020 defines the following as its general guidelines:

- Greater life expectancy;
- Improvement of quality of life through health care;
- Reduction of differences in health care;
- Insurance from financial risk;
- Development of primary health care; and
- Development of an information system.

631. Positive indicators of the health situation of the population include the following: the birth rate, natural growth of the population and the vitality index. Given the reduction of the number of live-born babies over recent years and the increase of the number of deaths in Montenegro, the natural growth of the population index fell (from 9.10 to 5.3) and so did the vitality index (from 242 to 163.3). All positive indicators indicate that the age structure changed in 1999, too.

632. With the increase of life expectancy rate from 75.16 years (71.5 for men and 78.7 for women) and 8.3 per cent of citizens over 65 years of age and 28.6 per cent under 19, the gradual ageing of the population in Montenegro has been noticed. However, the population of Montenegro, with an average age of slightly above 30, is still regarded as relatively young.

633. Negative indicators include the infant mortality rate and the total mortality rate. In the given period, there was an increase in the number of dead infants (from 107 in 1991 to 118 in 1999) and in the mortality rate of infants (in 1999 it was 13.4 per cent).

**Table 1**

**Basic vital indicators of the population in the Republic of Montenegro  
in 1991 and 1999**

Indicator	1991		2000	
	No.	Rate	No.	Rate
Live-born	9 606	15.50	8 807	13.5
Total deaths	3 970	6.40	5 393	8.2
Dead infants	107	11.14	118	13.4
Natural growth	5 636	9.10	3 414	5.3
Vitality index	9 606/3 970		8 807/5 393	
		242		163.3

634. As a very sensitive indicator of the general living standard of the population, economic power of the society and the work of health-care services, the mortality rate of newborns is below the one envisaged in the programme "Health for all to 2000" (14 per cent) and very close to the rate determined in the Programme of Health protection of citizens of Montenegro (13 per cent). The general mortality rate of the population, 8.2 per cent for 1999, is higher than that in 1991 (6.4 per cent) and is at the level of those for previous years. The average age of the deceased is 67.44 years (64.43 for men and 70.74 for women). Most of them died in the over-65 age group (81.81 per cent), then in 44-65 age group (8.21 per cent) and 25-44 age group (5.64 per cent).

635. As for the group of diseases as listed in MKB-10, most deaths in the Republic of Montenegro in 1999 were caused by the diseases listed in table 2.

**Table 2**  
**Deaths in the Republic of Montenegro according to groups of diseases in 1999**

No.	Groups of diseases		No.	%
1.	IX	Diseases of vascular system (I00-I99)	2 438	45.21
2.	II	Tumours (C00-D48)	1 097	20.34
3.	XIV II	Symptoms, signs, lab and path. screening (R00-R99)	820	15.20
4.	XIX	Injuries, poisoning, consequences of external factors (S00-T98)	304	5.64
5.	X	Diseases of respiratory system (J00-J99)	183	3.39
Total deaths			5 393	100.00

636. The programme of compulsory immunizations for persons of a certain age in the territory of the Republic of Montenegro is being carried out continuously and with relatively good coverage. In 1999, most municipalities achieved a satisfactory coverage in immunization (over 95 per cent).

637. The war brought a large number of refugees and IDPs to Montenegro, which had caused the spreading of infectious diseases. During 1999, 10,107 people with infectious diseases were reported in Montenegro, which is 0.31 per 100,000 inhabitants and equals the average for the period of the last 10 years.

638. Analysing them by groups of infectious diseases, most were in the group of infectious respiratory diseases (41.6 per cent), intestinal infectious diseases (36.17 per cent), and parasitic and mycotic diseases (19.48 per cent). Of the infectious diseases reported in 1999, most suffered from chickenpox (28.54 per cent), acute enterocolitis (23.94 per cent), scabiesa (8.6 per cent), parotitis (8.3 per cent), and pedicucosis (8.40 per cent).

639. From 1989, when the first case of HIV was registered, to the end of 2000, there were 29 persons infected (7 newly infected and no HIV-positive person in 2000). Out of the total number of registered persons, 16 died (one person in 2000), and 14 is HIV-positive.

640. In terms of social medicine, the most significant of all diseases is tuberculosis. In 1999, 144 people reported active tuberculosis, which is a mortality rate of 22 per 100,000 inhabitants.

641. The environment is the most important factor that, directly or indirectly, affects the health condition of the population. All other elements (health-care services, economy, culture, etc.) affect it to a lesser degree. The influence of environment on the health condition of the population is continually monitored by controlling drinking water, foodstuffs and general purpose objects.

### Network and capacity of health-care institutions

642. The network of health-care institutions on the territory of Montenegro is composed of 18 outpatient clinics, 7 general hospitals, 3 specialist hospitals, the Clinical Centre of Montenegro in Podgorica, the Institute of Health of Montenegro, the Public Pharmaceutical Institution of Montenegro, the Institute "Dr. Simo Milosevic" Igalo and private surgeries.

643. The capacity of hospitals for 2020 is planned on the basis of the by-law on hospital capacity in the Republic of Montenegro, at the rate of 4 beds per 1,000 inhabitants.

644. After the medical school was founded, new diagnostic methods introduced and all modern medical equipment obtained, there was a need to change the structure of capacity in specialist hospitals and make it highly specialized, since some institutions have now obtained highly qualified personnel thanks to the fact that the medical school is a basis for scientific research and training. This results in the reduction of the number of users receiving treatment outside the Republic.

### Medical staff

645. The medical-staff development programme is aiming at a greater participation of health-care workers in the general structure of employees in the health-care sector, re-qualification of health-care workers in accordance with the curriculum of the medical school and further education programmes for their work in primary health care.

**Table 3**  
**Number and structure of health-care workers and assistants**  
**in Montenegro in 2002**

Medical staff	No.
Doctors total	1 033
Health-care workers	88
Dentists	285
Pharmacists	148
Other health workers with secondary and two-year post-secondary education	3 643
Total	5 197

646. One of the key parameters for the monitoring of health-care services and a prerequisite for the improvement of health condition of the population is its coverage by health-care personnel. Indicators for coverage by medical staff include the following statistics:

- 632.6 persons for each doctor;
- 1,162.8 persons for each doctor in primary health care;

- 2,269.2 persons for each doctor in secondary health care;
- 3,571.2 persons for each doctor in specialist and sub-specialist health care;
- 2,293.1 persons for each pharmacist; and
- 181.2 persons for each health-care worker with secondary and post-secondary education.

647. The review of medical staff is regulated in accordance with existing standards following the size of the population and the number of beds. The review shows that the number of staff did not follow the increase in the number of inhabitants or beds since it was found that hospital capacity and number of services do not meet the envisaged criteria.

648. Since over the last couple of years there has been a much greater focus on monitoring and on the introduction of modern trends in medicine and technology through the provision of modern equipment, development of information system and training of medical staff, it was considered necessary to start drafting modifications and amendments to all regulations governing activities in the health-care sector. In this case, the number of health-care workers would find support in relevant regulations. The current total number of workers in the health-care sector is 7,696, of whom 5,570 are medical staff and 2,126 non-medical staff. The Institute of Health started work on this task in 2001.

649. The work on drafting regulations on services and personnel for primary health care was completed in the first quarter of 2002. Part of the regulations related to the secondary and tertiary levels of health care was finalized at the end of June 2002.

**Paragraph 2 (a)**

650. The only data on child mortality at our disposal is that found in general data on vital statistics for 2001, according to which:

- The general birth rate is 13.3 per cent (13.9 per cent in 2000);
- The general mortality rate is 8.2 per cent (the same as in 2000);
- The natural population growth rate is 5.1 per cent (5.7 per cent in 2000);
- The infant mortality rate is 12.9 per cent (10.9 per cent in 2000); and
- The vitality index is 162.4 (169.9 in 2000).

651. Data on death causes has been prepared by the Federal Department of Statistics for the needs of the Republican Department of Statistics. Data are given by age, sex, causes of death,

and by individual municipalities, that is towns, villages, etc. That has not been done yet for 2001 for either Federal Republic of Yugoslavia or the two republics, Serbia and Montenegro, and we cannot meet the requirements in this regard.

652. On the basis of the available data, the conclusions are as follows:

(a) Of the total number of deaths (5,412), the number of children by age is as follows:

- 0-14, 130 deaths, or 2.4 per cent (m-2.78 per cent; f-1.99 per cent);
- 15-19, 22 deaths, or 0.41 per cent (m-0.54 per cent; f-0.27 per cent); and
- 0-19, 152 deaths, or 2.81 per cent (m-3.32 per cent; f-2.26 per cent).

(b) As for the structure of deaths, the number of child deaths by groups of diseases is as follows:

- Tumour, 6 deaths, or 0.68 per cent (m-1.14 per cent; m-0.00 per cent);
- Blood-vessel diseases, 14 deaths, or 0.48 per cent (m-0.35 per cent; f-0.60 per cent);
- Conditions in the perinatal period, 12 deaths;
- Inborn deformities and abnormalities, 12 deaths;
- Symptoms, signs and pathological clinical and laboratory findings, 14 deaths, or 2.06 per cent (m-2.48 per cent; f-1.68 per cent);
- Nervous-system diseases, 3 deaths, or 11.11 per cent (m-27.27 per cent; f-0.00 per cent);
- Diseases of the respiratory system, 2 deaths, or 0.91 per cent (m-0.76 per cent; f-1.15 per cent);
- Infectious and parasitic diseases, 2 deaths, or 16.67 per cent (m-25 per cent; f-0.00 per cent);
- Injuries, poisoning and consequences of external factors, 4 deaths, or 1.63 per cent (m-1.70 per cent; F-1.40 per cent); and
- One child each died of a digestive-system disease and endocrinal gland diseases.

653. Deaths in the 15-19 year age group, of which there were 22, belong to the 15-24 age group, with 59 deaths. Since, of the 51 deaths, 11 persons died of a vascular disease, 11 died of symptoms, signs and pathological, clinical and laboratory findings, and 29 died of injuries, poisoning and consequences of external factors, one can assume that the majority of deaths is in the 15-19 age group, of whom 22 died of one of the three listed causes.

654. As a demographic forecast for 2000 (Programme of Health Care in Montenegro for 2000), there were 188,000 children in the 0-18 age group. One can make an estimate of corresponding death rates by individual diseases for the whole of the population of this age group.

655. The health-care programme for 2001 in Montenegro includes health care of infants and pre-school children as one form of health protection. The basis for the definition of objectives for this segment was the strategy of the World Health Organization in its "21 objectives for the 21st century", in accordance with planned indicators of progress with the defined objectives in programme implementation. This programme included 64,509 children from 0 to 7 years (9.74 per cent of the total the population) as there were in Montenegro in 2001.

#### *Major programme objectives*

656. Montenegro's plan aimed to decrease the infant death rate to under 13 per 1,000. Indicators for evaluation of progress towards this objective were the infant death rate (number of infant deaths per 1,000 live births, the rate of neonatal deaths (number of infant deaths in the period up to 28 days of life per 1,000 live infants), the post-neonatal death rate (number of infant deaths from the 29th day of life up to their first birthday on 1,000 live infants), as well as the total mortality rate of infants.

657. It also tried to decrease the number of low birth-weight babies to levels under 10 per cent. The indicator for monitoring the progress toward this objective was the percentage of live infants with weight under 2,500 g.

658. Another objective was to continue the baby-friendly programme, with the aim of encouraging women to breastfeed their children and educate them about the importance of healthy food for the development of children. In view of this objective, hospitals that had not already implemented the programme accepted the obligation to introduce it as compulsory during 2001.

659. Other goals were to decrease death rates among children under the age of 5 (by 15 per cent compared to previous values), to decrease deaths by one third for acute respiratory infections, and to decrease by 50 per cent deaths from diarrhoeal diseases and by 25 per cent for diarrhoea in these children.

660. For the vaccination of children, according to the programme of compulsory vaccination against infectious diseases, it is necessary to include 95 per cent of infants from rural areas and at least 90 per cent from the whole of Montenegro. The overall goal is to eliminate child paralysis by 2001, the number of patients suffering from measles by 90 per cent, and deaths caused by this by 95 per cent.

661. Other goals are to decrease frequency of acute respiratory diseases and diarrhoea among children under the age of 5, and to fight diseases resulting from deficiency of chemical substances (iodine, vitamins A and D, and serum-iron).

662. As part of dental health care for this population, it is necessary to decrease the circulatory caries and reach the levels of 70 per cent of children at the age of 3 and 50 per cent at the age of 6 with healthy teeth.

663. The programme aims to ensure continuous monitoring of growth and development of this population by growth graphs, which should become a component of the health record. This would allow health-care workers and mothers to regularly monitor the growth and development of children.

664. Finally, monitoring the development of at-risk children and handicapped children by organizing and spreading a network of counselling centres, where the health care of children in difficult situations would be ensured and major reasons leading to such situations removed.

*Measures for the realization of these objectives*

665. The basic measure for the realization of these objectives was health education that included organized and systematic education of parents, children, and workers at education institutions to protect and improve the health of the youngest. These measures were implemented at home, health-care institutions, pre-school institutions and elsewhere.

666. Monitoring infant death rates with professional analysis of each individual case with forensic findings, where possible, is essential. Another key is regular check-ups, with the aim of monitoring growth, development, nourishment and health conditions, as well as early detection of health disorders at birth, infants in the third, sixth, ninth and twelfth months of life, as well as at the ages of 2, 4 and 6. Systematic check-ups cover 98 per cent of children at birth and infants, and 92 per cent at the ages of 2 and 4, as well as at least 98 per cent of children before they start attending school.

667. Control check-ups are necessary, at least three during the first year of life and once at the ages of 3 and 5, with the aim of monitoring growth and development, as well as insight into the level of sanitation found at systematic and other check-ups. Vaccinations should be given according to the prescribed programme of compulsory immunization, as part of a systematic, i.e. control check-up.

668. Screening of all children is necessary for the detection of metabolism disorders (phenylketonuria and hypothyroidism) four and five days following birth: in-born dislocation of hip, clinical examination after birth and ultrasound examination, between two and three months; anaemia in the sixth month; sight and hearing disorders during the first year and before school; and speech and sound disorders, examination by a speech therapist at the age of 4 or 5.

669. Measures should treat detected disorders of health condition through therapeutic and rehabilitation procedures that are taken immediately after the detection, with monitoring of effects. The classification of children by impediments in mental and physical development should be undertaken to prevent serious complications and consequences.

670. Improvement and protection of the health of mouth and teeth can be achieved by organized implementation of modern prophylactic measures. Systematic dental check-up is conducted every three years. In dental care, 75 per cent of the population gets systematic check-ups, with cleaning needed in at least 40 per cent of cases.

671. Targeted medical check-ups are needed before children are sent to pre-school institutions, and youth camps, including a bacteriological check-up and the issuance of a certificate for vaccinations. Control of general health condition of children in pre-school institutions should occur four times a year.

672. Sanitary-hygiene supervision should be carried out in all pre-school institutions, at least once a month. Home visits by nurses help realize health objectives, as does the development of all forms of alternatives to hospital treatment (treatment at home, polyclinical-specialist and consultative activity).

673. Health care of this age group of the population of Montenegro is also conducted in out-patient departments for the protection of infants and small children at clinics, as well as in the children's ward of the seven general hospitals and Clinical Centre of Montenegro in Podgorica.

## **Paragraph 2 (b)**

674. All big industrial facilities in Montenegro are situated in the vicinity of urban areas and threaten the environment. Activities include heavy industry, iron works, metal industry, production of beer, glass, paper, soap and washing powder. The number of small and medium-sized companies is on the increase.

675. The privatization process started in 1989. In the middle of 1996 the first phase of privatization was completed, whereby 86 per cent of companies were already transformed and privatized and moved from the State to the private sector.

676. A relatively low level of industrial technology and the lack of ecological awareness means that the majority of industries in Montenegro threaten the environment. This implies the absence of adequate environment management and absence of training and waste management.

677. The biggest industrial polluter is the Aluminium Combine Podgorica, with 4,000 employees; 96 per cent of its production is exported, and 53 per cent of the economy in the Republic depends on the Combine. It is situated in the vicinity of Podgorica and the natural preserve of Skadar Lake, which has a negative effect on the environment.

678. The production of aluminium is carried out without effective anti-pollution measures. The electrolysis and the production of anodes pollute the air with fluorides, phenols and PAH. So-called "red mud" is created in this process, which also has a negative effect on underground waters due to its composition. When the aluminium works operates at full capacity, the quantity of red mud produced is from 350,000 to 420,000 tons. An additional effect is that the waste-water collector empties directly into the Skadar Lake.

679. In 1993, the Government of the Republic of Montenegro adopted the action plan for the protection of Zeta Valley. The action plan for the Aluminium Combine includes 51 protection measures. The Aluminium Combine was supposed to implement 34 measures, and the Government of the Republic of Montenegro and the municipality of Podgorica, the remaining ones.

680. Since the Combine had failed to implement the said measures, the situation in surrounding villages worsened. In 2000 an incident took place in the village of Botun, hamlet Velji Brijeg, due to faulty sprayers preventing the spreading of red-mud dust. The Government of Montenegro adopted the decision to move some 20 households from the affected area, draft a plan on the expropriation of land and build a protective forest belt.

681. When fuel oil was spilled into the Morača River, the republican environment protection inspector ordered the Combine to observe the prescribed production process and prevent such spilling into the river. As the management of the Combine failed to observe this measure, petty crime proceedings were initiated against both the legal entity and the manager in charge.

682. Another black spot in Montenegro is the Pljevlja Valley, due to Pljevlja thermal power plant, a coal mine, the Velimir Jakić furniture factory, the Šuplja stijena mine, and a large number of boiler plants. Ever since the thermal power plant started operation in 1981, about 3.5 million tons of ash and dross have been deposited. The area covered by this landfill occupies 15 hectares. Polluters include gaseous, solid, and liquid dangerous substances that influence in one way or another the quality of certain vital components of the environment. Similarly, destruction and degradation from negative activities in the observed area are manifested in damages, disorders or changes of the environment, primarily land, climate and noise.

683. The Government of the Republic of Montenegro adopted the Operational Programme for integral protection of the Pljevlja Valley. This programme identifies 57 measures to be implemented over the 1997-2007 period by the said polluters, central and local government authorities.

684. The Boris Kidrič steelworks in Nikšić is another plant with a considerable effect on the environment. The works have almost no filters, and it emits from time to time heavy metals, gases and other harmful substances. The quality of air in its surrounding is below all standards.

685. In the vicinity of Mojkovac, there was a lead and zinc mine, "Brskovo". During its exploitation, colliery waste was deposited next to the Tara River. A couple of years ago, there was a danger of a dam being pulled down and tip water spilled into the river. After this event, a concrete dam was built and part of the colliery waste covered with ballast.

686. A common problem with all industries in Montenegro is the lack of adequate waste-water treatment and adequate collectors. It was estimated in 1998 that the capacity of at least 27 million cubic metres of city waste waters is discharged into the rivers and the sea annually, while an unknown quantity is drained directly into the ground.

687. In Montenegro, there are about 20 registered landfills for solid waste, but none of them has been built according to sanitary landfill regulations. The quantity of waste deposited in these registered landfills is about 35,000 cubic metres a month. The biggest landfills are the ones in Podgorica and Nikšić. In Podgorica, around 8,000-9,000 cubic metres of waste is deposited from Podgorica and Danilovgrad (no landfill) each month, and in Nikšić, some 7,000 cubic metres/month. Other big landfills are those used in Herceg Novi, Tivat and Budva (2,500 cubic metres/month or more).

688. There is no organized collection and treatment of dangerous waste. Part of such waste is deposited in unprotected landfills, which directly affects the environment.

689. It must also be mentioned that the hygiene of premises in industry is at a very low level as is the awareness of the need to improve it. There is a difference, however, in the attitude to this issue in private and public sectors, with much better conditions in the private sector. Such insanitary conditions can cause a series of infectious diseases.

690. It is of great importance to mention that, during the 1999 NATO air strikes, about 400 uranium missiles were fired. An area of 60,000 square metres on Arza cape, Luštica peninsula in Boka Bay, was then contaminated. During the last year, a team of experts cleaned some 20,000 square metres of 130 uranium missiles and their fragments, which were then collected and sent to the "Vinča" research institute in Belgrade. Two tons of contaminated land and other material was deposited in the bunker on Arza cape itself. The continuation of decontamination was planned for March this year, but as the funds for this project had not been provided in time, the decontamination was continued in early September.

691. With the aim of organizing good cooperation and overcoming this problem, a report on the environment was prepared by the Government of Denmark that collected data from Montenegro.

692. Another important document was adopted in Geneva on 5 November 2002, the review of environmental performances in Yugoslavia. After two missions to Montenegro and Serbia, this report was made by the expert team from the United Nations Economic Commission for Europe in cooperation with our experts. In chapter 15 of this report all information on the environment in Montenegro and Serbia was presented, as well as suggestions as to how to overcome the problems.

693. Among international organizations that we cooperate with in the improvement and promotion of protection efforts, are: the World Bank with whom we cooperate on the project of solving the problem of utility waste water in the municipalities of Kotor, Tivat and Budva, as well as the construction of a water-supply system for the Upper Zeta Valley, with a grant of 2 million dollars, as well as the integral management project of Skadar Lake ecosystem; the Regional Environment Centre (REC), with several projects under way on strengthening national environment-protection agencies and their inspections in South-East Europe through the founding of the regional "Balkan network for coordination and implementation of environment protection regulations" (BERCEN); and the United Nations Development Programme (UNDP), the implementation agency for several projects (climatic changes and biodiversity projects).

694. Every year, the Government of the Republic of Montenegro adopts its report on environment protection, which monitors the condition of basic environment segments such as air, water, land and biodiversity. The following programmes are realized as part of this report:

- An air-quality control programme;
- The underground and surface-waters quality and quantity examination programme;
- The radionuclide content systematic control programme;
- A programme of controlling dangerous and harmful substances found in soil; and
- A biodiversity monitoring programme.

695. On the basis of conclusions presented in this report, the Government proposes measures to be taken depending on the conditions found during monitoring.

696. Budgetary funds allocated for the environment protection in 2002 are as follows:

- For laboratory equipment (Ecotoxicological Centre), DM 50,000;
- For the programme National Parks of Montenegro, DM 200,000;
- For the regional water supply system for the Montenegrin coast, DM 390,000;
- The funds planned for monitoring were EUR 340,000, of which only EUR 191,000 was allocated by late November.

**Paragraph 2 (c)**

697. Observing the highest United Nations standards, primarily the principle that “the right to health includes a series of socio-economic factors promoting conditions in which people can live healthy lives, and includes such factors as food and healthy nourishment, housing, access to safe drinking water and adequate sanitary facilities, safe and healthy working conditions and healthy environment” (article 12 of the International Covenant on Economic, Social and Cultural Rights), Montenegro organizes a system of health protection with the aim of ensuring conditions for a healthy individual and healthy society, i.e. to ensure this fundamental right of humans - their health.

698. The national health-care strategy and programme of measures in Montenegro are based on medically and scientifically processed data that refer to the whole population and epidemiological records and other data collected, monitored and published by public health institutions.

699. In order to have an overview of the health condition of the population as a whole, various indicators are collected by the health statistics department and later analysed. Such data are recorded, collected and analysed in both primary health-care institutions and specialized health-care units.

700. In addition to monitoring demographic indicators (population, birth rate, natural population growth, death rate, record of marriages), there is also a transparent overview of medical staff, health-care workers and assistants, as well as an overview of medical institutions: representation of staff by service departments, their work, health care in hospitals and outpatient clinics.

701. As an important segment affecting the health condition of citizens, data on environment are collected and processed. Parameters include quality of food, sanitary status of drinking water, and all other parameters included in the evaluation of defined health condition criteria.

702. The most important medical indicators include data on immunization-programme implementation as well as records and reports on trends in the development of infectious diseases, i.e. the evaluation of sanitary and epidemiological situation. In the majority of municipalities, a satisfactory level of immunization has been achieved over the past couple of years. The coverage of certain infectious diseases - tuberculosis, diphtheria, tetanus, pertussis, child paralysis, measles, red measles and mumps - is at a satisfactory level in both primary vaccinations and repeat (booster) vaccinations.

703. A direct insight into the manner and procedure in reporting infectious diseases has led us to believe that the actual number of affected individuals is bigger than that reported. Ineffectiveness of health-care services in reporting and recording infectious diseases is one of the weakest points in the overall process of monitoring infectious diseases.

**Table 4**

**Infectious diseases (excluding influenza and AIDS) in Montenegro, 1992-2001**

Year	No. of affected persons	Incidence per 100 000	No. of deaths	Mt/100 000
1992	13 563	2 166.6	1	0.16
1993	9 559	1 514.9	3	0.48
1994	13 450	2 118.1	8	1.25
1995	12 863	2 026.4	11	1.73
1996	9 035	1 427.8	2	0.31
1997	9 049	1 430.0	1	0.16
1998	8 408	1 328.7	4	0.63
1999	10 107	1 579.2	2	0.31
2000	9 583	1 455.4	0	0.0
2001	7 610	1 073	2	0.28

**Acute infectious diseases in the Republic of Montenegro in 2001**

704. On the subject of infectious diseases subject to compulsory reporting under existing legislation in the Federal Republic of Yugoslavia (*Official Gazette of the Federal Republic of Yugoslavia*, No. 46/96), the number of reported cases of infectious diseases is affected by a number of factors: the actual epidemiological situation in the field; the occurrence of an epidemic with a large number of affected individuals; the development of health-care services; the habit of using laboratory diagnostics as a way of confirming diagnoses; timeliness of health-care services in terms of creating records of contracting infectious diseases; health awareness among the citizens, i.e. their habit of seeing a doctor in case of an illness; and the number of infectious diseases that must be reported by law.

**Table 5**

**Reporting of infectious diseases by months and municipalities in Montenegro, excluding data on influenza (extracts from monthly reports for 2001)**

Municipalities	Months											
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Andrijevica	1	4	2	2	0	0	0	0	0	1	6	5
Bar	33	14	19	11	21	16	237	105	214	46	30	9
Berane	19	11	14	18	19	16	13	48	22	32	25	26/1
Bijelo polje	53	43	30	34	18	19	22	29	69	66	67	46
Budva	2	4	4	5	20	59	130	127	55	10	70	3
Danilovgrad	23	6	6	3	13	15	17	4	14	83	166	134
Žabljak	-	-	-	-	-	3	-	1	-	-	1	136
Kolašin	5	-	2	2	-	-	2	-	2	2	-	-
Kotor	28	12	20	12	9	7	17	29	45	15	21	11
Mojkovac	10	4	7	4	3	4	-	-	5	6	1	-
Nikšić	52	21	30	9	20	13	-	4	8	7	23	27
Plav	41	32	27	24	21	11	42	93	30	33	28	25
Plužine	3	7	2	-	-	10	4	12	10	5	4	9
Pljevlja	16	3	14	20	43	17	42	25	1	7	27	46

**Table 5 (continued)**

Municipalities	Months											
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov	Dec.
Podgorica	177	130	119	105	108	139	110	106	120	130/1	191	287
Rožaje	45	33	29	26	21	21	29	95	83	64	39	40
Tivat	26	4	15	8	4	12	61	191	22	5	6	11
Ulcinj	9	8	3	6	5	7	8	41	30	9	13	9
Herceg Novi	29	8	10	11	10	21	44	276	156	26	53	133
Cetinje	8	4	12	1	13	16	13	35	35	14	30	10
Šavnik	-	-	-	-	-	-	-	-	-	-	-	-
Ukupno u CG	580	348	365	301	348	406	791	1 221	921	561	801	967

705. In such circumstances, there are no conditions for taking the required measures in time. It is also more difficult to make an epidemiological forecast in the given areas. In spite of the fact that data on infectious diseases obtained from report cards do not include the actual number of persons affected by diseases that are subject to compulsory reporting, the trend and dynamics of certain infectious diseases can still be determined with relative reliability. The procedure for reporting infectious diseases is regulated by the Decision on the reporting of infectious diseases (*Official Gazette of the Federal Republic of Yugoslavia*, No. 27/97).

706. It must also be noted here that last year was marked by a number of IDPs leaving Montenegro and better accommodation for those IDPs who have stayed here. A plan to improve their general living standard is now under way which may achieve a higher level of personal and general hygiene, with food of a better quality and improvement of sanitary conditions, which certainly results in the decrease of the number of incidents of acute infectious diseases.

707. During 2001, there were 16 incidents in Montenegro of reporting infectious diseases in epidemic form. The problem is that epidemics are not registered officially (the Institute does not receive official reports on epidemics from health-care services). Instead, after it receives a report card (they are usually several months late), it evaluates whether that was an incidence of an infectious disease. We are aware that the overview of epidemics that follows has a lot of weaknesses (since there are no official reports on most listed epidemics) and that it must be taken with some reserve. However, we believe that it is better to present it as it is rather than state that there are no epidemics at all, which is not realistic.

**Table 6**  
**Types of epidemics (by frequency) in Montenegro**  
**in 2001**

Type of epidemics	No. of epidemics	%	No. of affected persons
Respiratory	5	47.8	740
Alimentary	6	11.2	174
Contact	1	0.3	5
Mixed	4	40.7	627
Total	16	100.0	1 546

**Table 7**  
**Epidemics in Montenegro in 2000**

No.	Disease	Duration of epidemics	Place	No. of affected	Cause	Source of infection and transmission
1	Angina streptococcus	April-May 2001	Pljevlja - school age	50	Streptococcus $\beta$ haemol. gr A	Respiratory
2	Salmonellosis	May-June 2001	Budva - adolescents and adults	22	Salmonella enteritidis	Alimentary
3	Salmonellosis	June 2001	Podgorica - family	3	Salmonella enteritidis	Alimentary
4	Toxoinfectio alimentaris	June 2001	Podgorica - adults Aluminium Works	47	nepoznat	Alimentary
5	Enterocolitis ac.	July 2001	Bar - all ages	175	nepoznat	Contact and alimentary
6	Enterocolitis ac.	August 2001	H. Novi - all ages	250	nepoznat	Contact and alimentary
7	Enterocolitis ac.	August 2001	Tivat - all ages	180	nepoznat	Contact and alimentary
8	Toxoinfectio alimentaris	September 2001	Podgorica - family	8	Salmonella enteritidis	Alimentary
9	Toxoinfectio alimentaris	September 2001	Podgorica - family	13	Salmonella enteritidis	Alimentary
10	Toxoinfectio alimentaris	September 2001	H. Novi - adolescents excursion	81	Salmonella enteritidis	Alimentary
11	Hepatitis C	September-October 2001	Nikšić - adolescents I.V. drug-addicted persons	5	HCV	Contact - intravenous
12	Varicella	October-December 2001	Danilovgrad - school age	370	Humani herpes virus 3	Respiratory
13	Enterocolitis ac.	September 2001	Podgorica - all ages	22	E. Coli	Contact and alimentary
14	Angina streptococcica	November-December 2001	Pljevlja -school age	65	Streptococcus $\beta$ haemol. gr A	Respiratory
15	Varicella	December 2001	Žabljak - school age	136	Humani herpes virus 3	Respiratory
16	Varicella	December 2001	H. Novi - school age	119	Humani herpes virus 3	Respiratory

708. In these epidemics (2001), a total of 1,546 were affected. Compared to the previous year, the number has slightly decreased, mostly due to the fact that there was no influenza in the given period. Epidemics of the “hydric” type were not registered either last or this year. The most frequent manner of spreading is respiratory, followed by mixed and alimentary.

709. In 2000 there were no reported cases of deaths caused by infectious diseases. During 2001 there were two deaths caused by such a disease (apart from AIDS, which is not included in this report, and influenza, which is included in the separate report), with a mortality rate of 0.28 per 100,000 in acute infectious diseases. One individual has died of tuberculous meningitis, and the other of staphylococcus sepsis. In 2001, 16 cases of epidemics of acute infectious diseases were registered, with 1,546 persons affected. The majority of them suffered from the epidemics of enterocolitis (627) and varicella (625).

710. Viewing by groups of infectious disease, the number of registered cases in 2001 is the biggest in the group of respiratory infectious diseases, making up 44.3 per cent of the total number of reported cases of infectious diseases. This means that this group has kept its first position, just like the previous year, with almost the same percentage.

711. Intestinal infectious diseases occupy the second position with 41.3 per cent of the total number of affected persons, and the third position by parasitic diseases with 11.96 per cent. Other groups of infectious diseases (anthropozoses, sexually-transmitted illnesses, transmissible, germ-transmissible, and other diseases) have a very low rate, all together below 3 per cent of the total number of affected persons.

712. Among the 10 most frequent infectious diseases in 2001, enterocolitis replaced varicella in the first position according to the number of affected persons. This is probably the result of better reporting during the summer months and certain epidemics with a larger number of affected persons. An increased number of those affected by herpes zoster is a consequence of better registration procedures, and not so much of greater frequency. Acute undifferentiated hepatitis, together with hepatitis A (ninth position) are the consequence of endemic manifestation of this disease in this Republic. The tenth position is held by infectious mononucleosis that is always in the first 10 positions in the list of infectious diseases.

713. The first five most often reported infectious diseases make 85.7 per cent of the total registered infectious diseases, and the first 10 participate in the acute infectious diseases with 92.2 per cent at the level of the previous year.

**Table 8**

**Share of certain groups of infectious diseases in  
the overall structure from 1997-2001**

Group of infectious diseases	1997	1998	1999	2000	2001
	No. and percentage reported				
Respiratory diseases	5 706 63.05	4 173 49.63	4 204 41.60	4 309 44.96	3 373 44.31
Intestinal diseases	2 124 23.47	3 018 35.89	3 655 36.17	3 482 36.36	3 143 41.30
Parasitic diseases	1 079 11.92	1 028 12.22	1 968 19.48	1 560 16.27	907 11.96

**Table 8 (continued)**

Group of infectious diseases	1997	1998	1999	2000	2001
	No. and percentage reported				
Anthropozoc diseases	33 0.36	71 0.88	120 1.19	66 0.68	5 0.06
Sexually transmitted diseases	8 0.09	10 0.12	14 0.13	14 0.14	11 0.14
Transmissible diseases	4 0.04	3 0.03	8 0.07	5 0.05	15 0.19
Other diseases	80 0.88	99 1.17	134 1.33	147 1.54	155 2.03
Germ transmissible	14 0.15	6 0.07	4 0.03	0 0.00	1 0.01
Total	9 048 100.00	8 408 100.00	10 107 100.00	9 583 100.00	7 610 100.00

**Table 9**

**Number of affected persons and incidents in 10 most frequent infectious diseases in 2001**

No.	Diseases	No. of incidents	Incidence per 100 000
1.	Enterocolitis acuta	2 323	327.6
2.	Varicella	2 311	325.9
3.	Scabies	765	107.8
4.	Angina streptococcica	644	90.8
5.	Toxiinfectio alimentaris	479	67.5
6.	Salmonellosis	166	23.4
7.	Parotitis epidemica	95	13.4
8.	Herpes zoster	86	12.1
9.	Hepatitis virosa acuta N.I. + "A"	78	11.0
10.	Mononucleosis infectiva	76	10.7

**Influenza**

714. Since the number of those contracting influenza oscillates from one year to another, and still has a significant influence on the total number of affected persons (84.9 per cent of the total number of registered infectious diseases that are subject to compulsory registration in certain years), this disease has been viewed separately from other diseases.

**Table 10**  
**Influenza trends in Montenegro, 1992-2001**

Year	No. of persons affected	Incidence per 100 000	Participation in total infectious disease registration %
1992	17 021	2 719.0	55.4
1993	6 415	1 016.8	39.9
1994	4 825	759.8	26.3
1995	3 661	576.7	21.9
1996	21 496	3 397.1	70.4
1997	39 817	6 292.4	81.5
1998	15 294	2 415.6	64.5
1999	10 191	1 602.3	50.2
2000	53 754	8 163.7	84.9
2001	3 411	481.1	31.0

715. The number of persons affected by influenza is 15 times lower compared to the last year primarily thanks to well-implemented immunization and more moderate mutation in the influenza virus itself than that of the previous year. The fact that there are no deaths registered as a consequence of this disease this year is probably due to insufficient registration procedures. This year, epidemics have a small number of affected persons and more favourable clinical condition.

**Paragraph 2 (d)**

716. Health insurance is regulated by the Law on Health Care and Insurance and functions following the principles of solidarity, equality and accessibility. It provides health care and financial benefits in the event of an illness and temporary incapacity to work due to a disease or injury.

717. Health insurance is compulsory. However, there is a tendency both in this country and worldwide to develop voluntary insurance to the detriment of compulsory health insurance, that is, to limit the rights under compulsory insurance and establish a broad scope of rights in voluntary insurance. The public interest imposes a view that compulsory insurance should grant basic rights to a certain extent and that voluntary insurance, as additional insurance, should grant supplementary rights and a higher standard (of health services, for example).

718. Basic rights granted under health care and health insurance include: health care; paid leave during temporary incapacity for work; and a travel allowance (related to expenses regarding health care).

### **Insurance users**

719. The Law on Health Care and Insurance defines insurance users, or categories of population that are granted rights to insurance. Insurance users are granted rights under health insurance regulations in the event of such risks as illness, temporary disability, redundancies, etc.

### **Financing**

720. The purpose of health insurance is to remove consequences created by risk situations such as illness, injury and inability to earn income due to temporary incapacity for work. The key source of funding for health insurance are contributions paid by employees, other insurance users and employers.

721. All beneficiaries must pay contributions for health insurance. No one can be insured unless he/she personally pays the contribution, or a third party does it for him/her. Every category of insurance users is a category of contributors, since these are active insurance users having income sources and being capable of paying the contributions (for example, employed insurance users, retired insurance users, farmer insurance users, etc.).

722. All citizens pay contributions for health insurance. For those employed, 50 per cent of contributions are paid by the employer, and 50 per cent by citizens; pensioners are covered by the Pension Fund and the unemployed by the State budget.

723. In accordance with the health-care package determined by the Health Care Fund, citizens are provided health care free of charge and the fund compensates health-care institutions.

724. Rights to health care and health insurance are provided through the fund in accordance with this law and by-laws of the fund. The council of the fund: adopts the statute of the fund; adopts the work programme of the fund; and, in accordance with the law, defines the procedure in which health care and insurance rights are realized.

725. The fund also adopts the annual health-care programme; prepares the regulations on personnel, standards and rules for health services and other criteria and measures for the evaluation of work of health-care institutions as well as for prices of health-care services; and adopts the decision on contracts concluded with health-care institutions, humanitarian organizations, and associations for the provision of health-care services.

726. The fund defines the single system of procurement for health-care institutions for medical supplies and equipment, medicines and other medical material and sees to its implementation. It also defines the criteria and measures for the procurement and allocation of funds for health-care institutions, and adopts the annual financial plan and annual balance of accounts. It reports to the Parliament of its work and activities, and performs other activities in accordance with the law and the statute of the fund.

727. Financial sources for the fund are provided from the following:

- Contributions from employees' salaries;
- Contributions from salaries in private small businesses;
- Contributions from salaries in agriculture;
- Cadastre revenue and a determined fee of each farmer paying health insurance;
- Contributions from pensions;
- Contributions from royalties, patents, technical improvements and intellectual services; and
- Republican budget revenue and other sources.

728. All forms of health care that cannot be provided in the Republic are provided outside the Republic, or abroad. Montenegro implements the International Covenant of Health Insurance ratified by former Socialist Federal Republic of Yugoslavia.

### **Articles 13, 14 and 15**

#### **Pre-school, elementary and secondary education**

729. The Constitution and other relevant laws in Montenegro prescribe compulsory and free primary education for children from the age of 7 to 15, regardless of sex, race, religion or other characteristics. For failure to follow this provision, parents or custodians are subject to sanctions under the law. Thanks to the sanctions imposed by the ministry on parents, the number of school-age children outside schools has been reduced, which is shown by the following facts: in 1997, there were 89 sanctions; in 1998, 8; in 1999, 111 (an increased number due to changes of regulations due to which a number of cases is undergoing a repeated procedure); in 2000, 50; and in 2001, 11. Parents usually withdraw children from school after the fourth grade. These are usually girls, who also tend to get married rather early. Most of them are children living in the north of the Republic, predominantly in municipalities with a majority Muslim population.

730. The network of elementary schools (167 eight-grade schools and 340 four-grade schools) makes it possible for all children in Montenegro to attend school, so that 98 per cent of children are covered by elementary education. The ongoing reform of education includes plans to rationalize the school network, since in some rural areas of Montenegro the number of children is too small. On the other hand, migrations toward the capital and other urban centres make their schools overcrowded. In some primary schools in northern municipalities the number of children has even decreased (e.g., in Pljevlja, "Boško Buha" elementary school has 200 fewer students than in 1999/2000). This situation is illustrated by the data that 18.4 per cent of school buildings are in urban areas, and 81.6 per cent in villages, while 73.5 per cent of students live in urban areas, and 26.5 per cent in villages.

731. Refugee children and/or internally displaced children are entitled to the same rights to education as indigenous children. Children from deprived families, as well as children who walk long miles to their schools are provided accommodation in student boarding schools, free textbooks, and other materials, as well as clothing and footwear.

732. There are 20 pre-school institutions in the Republic (in all municipalities except Žabljak). Their services are provided for all children regardless of their sex, race, religion, or any other characteristic. Parents need to cover part of food expenses. The coverage of pre-schoolers is relatively low - about 20 per cent.

733. Montenegro has three institutions for children with special needs (for children with speech and hearing disabilities; for children with sight impairments; for children and youths with physical disabilities; for mentally disabled children and youth). They are financed by the State. Two of the institutions also provide accommodation for their students. In addition to these institutions, 15 primary schools have classrooms for children with special needs. There is a project under way which includes the construction of a plant that will employ disabled persons. It is jointly implemented by the employment agency of Montenegro, the Ministry of Education and Science and the NGO "Falcon".

734. In regions with a majority Albanian population, students are allowed to attend classes in their mother tongue. There are primary schools in Albanian, seven schools in Albanian and Serbian combined and three high schools in Albanian and Serbian combined. Public documents issued by these schools, as well as school records and files, are kept in both languages. Textbooks are in Albanian. They are either prepared by the school materials department of Podgorica or obtained by the department of textbooks and other materials in Belgrade.

735. There are no special classes for Roma children, with the exception of a school in Podgorica, or special lessons in Roma. They are included in classes of regular schools since they have access to all schools, just like all other children. There is a noticeable tendency, however, of the number of Roma students to diminish in higher grades. For example, if there are two classes in the first grade, there is just one in the second grade, and in seventh or eighth grades, there are just two or three Roma students.

736. With the assistance of UNICEF, pre-school education of Roma children is organized with the aim of preparing them for inclusion in regular classes. The Ministry of Education and Science has supported the publication of the first Roma reader printed by a Roma NGO.

737. The Government founded all educational institutions, with the exception of a school for musical talents that was jointly founded by the State and a physical person. According to earlier regulations, management bodies were appointed by the ministry at the proposal of institutions. According to the new law, managing bodies are composed of representatives of employees, students, the ministry, local government, social partners and parents. The new laws also provide for the possibility of founding private educational institutions at all levels, by domestic and foreign legal and physical persons, with the exception of elementary schools, which foreign persons are not allowed to found.

738. During the period covered in the report, there have been no significant changes in State policy, laws or practice, with a negative effect on the right to education defined in article 13. The new set of laws promotes even further the right to education and the obligations of the State and other entities to create better conditions for its realization.

739. The international community has provided and still provides support through the international organizations for the improvement of working conditions in educational institutions (construction, renovation and purchasing equipment for educational institutions). Assistance is also planned in the implementation of the new laws with the aim to reform the education system at all levels (e.g., professional development of teachers, reformed curricula and syllabuses, etc.).

740. The Government of the Republic of Montenegro and the Ministry of Justice are also striving to improve the working conditions and increase salaries of workers in the education sectors, although budgetary funds are a serious limiting factor. Due to the shortage of budget funds in 2002, there was a strike of teachers in the school year 2001/02 that continued up to the beginning of school year 2002/03 and lasted for nine months altogether (including summer holiday). Major requirements of the strike board were to increase the coefficients for the calculation of salaries by 30 per cent and payment of food and travel allowances in arrears. Allowances were paid but the coefficients were not increased to the extent required. There was an arrangement to increase salaries by 18 per cent (8 per cent through the increase of the minimum labour price and 10 per cent through coefficients) for the following budget year. In order to improve the financial position of workers in the education sector, the Government of the Republic of Montenegro accepted to participate in the financing of the housing fund for the education sector. Almost a third of workers have not resolved their housing issue.

741. The right to strike of workers in the education sector has never been questioned. However, a long strike threatened the right of children to regular and unimpeded education, since lessons were shortened during the strike. The curriculum was shortened and the school year prolonged, so that the school year was completed within regular time limits.

742. In Montenegro, there are two schools for the primary education of adults as part of workers' universities, in Podgorica and Nikšić. All regular schools can organize primary education for adults, depending on the needs of the community.

743. High school education, including secondary technical education, is accessible to all under equal conditions and is free of charge. The students have to purchase books and other material themselves.

744. In Montenegro, there are comprehensive secondary schools, technical schools, and mixed schools. Qualification levels acquired are fourth level in comprehensive schools, and third and fourth levels in technical and mixed schools. Students completing fourth-level education can enrol in corresponding faculties and those completing comprehensive secondary school can enrol in all faculties.

745. All children meeting requirements, independently of their religion or nationality, can enrol in high schools under equal conditions. They are entitled to equal rights to education, with no discriminatory measures.

746. Around 97 per cent of primary school-leavers enrol in high schools, the percentage being higher in urban communities. Around 95 per cent of high school students complete their education. There are no evening classes organized for the education of adults in high schools. Yet, there is a possibility of taking exams in high schools.

747. Albanian children in the high schools of Tuzi, Plav, Ulcinj are taught in Albanian and Serbian and are also provided textbooks and other materials.

748. All high schools in Montenegro were founded by the Government, and just one jointly by the Government and a physical person (the school for musical talents), while the management bodies are composed of representatives of school workers, local government, students, also including, with the latest regulations, social partners and parents.

749. The State provides scholarships and allowances for outstanding students and those coming from socially vulnerable families. In Montenegro, there are eight student dormitories with organized accommodation and restaurants for elementary and secondary schoolchildren meeting the prescribed requirements. Users pay 20 per cent of the total cost. Students who are given a credit can afford to cover these expenses as well as travel expenses that the State participates in, covering 40 per cent.

750. In elementary and secondary schools many projects are implemented with the aim of preventing drug addiction, infectious diseases and violence, as well as non-conflict problem resolution (the anti-addictive diseases State programme; information and education campaigns related to AIDS, trafficking, the Project "Education for civil society").

#### **New legislation (reformed)**

751. On 22 November 2002, the Parliament of the Republic of Montenegro adopted a set of reform laws in the education sector, namely:

- The Core Law on Education;
- The Law on Pre-school Education;
- The Law on Primary School Education;
- The Law on Comprehensive Secondary Schools;
- The Law on Technical Education; and
- The Law on Education of Adults.

752. These laws have been prepared with the assistance of international experts and include European standards adapted to circumstances in Montenegro, following the principles of democracy, autonomy, decentralization, deregulation, depoliticization, flexibility, equal opportunities and transparency of quality in education. In accordance with the listed principles, some 50 by-laws are to be adopted, new institutions founded and a more rational network of educational institutions defined in Montenegro.

753. New curricula are being prepared for all fields, qualifications and professions, also including European standards in this area so as to create conditions for the compatibility of curricula with corresponding curricula in European countries as well as to ensure recognition of Montenegrin school certificates and diplomas in foreign countries.

754. The adoption of the following laws is planned for the next year:

- The Law on Higher Education;
- The Law on Research Work;
- The Law on Education of Children with Special Needs; and
- The Law on the Certificate System.

755. Also planned is the adoption of 56 by-laws to support the implementation of the six laws in the education sector.

### **Higher education**

756. Rights and duties in higher education are governed by the University Act of Montenegro (adopted in 1992, modified and amended in 1996), and financed from the Budget of the Republic of Montenegro (article 8 of the law).

757. There are no private higher education institutions, though that is made possible by article 13 of the law. Higher education is acquired at the State university.

758. There is no discrimination in terms of access to higher education. It is accessible to all, regardless of sex, nationality, religion and socio-economic status of the family.

759. According to the current law, the decision on the number of students to be enrolled in the university is adopted by the Government upon the proposal of the university. Expenses are covered from the budget of the Republic for all students.

760. Faculties are allowed to enrol a larger number of students than the number prescribed by the Government. Such a decision is made by the university, with prior consent of the Government. These students bear the expenses themselves. The statute of university (art. 51) says that students who cover expenses themselves shall be exempted from the duty to pay university fees if they enrol in the next academic year as full-time students.

761. The enrolment in the first year of studies is made following the call for applications published by the university. Enrolment is done on the basis of the list of students made after checking such criteria as their previous success at high school and their success in entrance examinations, as regulated by university rules of procedure.

762. All students who are citizens of Montenegro, and who have completed their studies with an average grade above 8.5 have their postgraduate studies financed from the budget of the Republic of Montenegro.

763. The reform of the education sector is under way. It involves a thorough reform of curricula, management and financing, introduction of quality assessment in education and the principles of the Bologna Declaration and other documents, with the aim of harmonizing our system with that of other European countries.

764. A new law on higher education is being prepared in accordance with European standards. The Ministry of Education and the University of Montenegro have been provided expert support by programmes and institutions of the international community such as TEMPUS (the trans-European mobility scheme for university studies of the European Commission), EUA (the European University Association), UNESCO-CEPES, the Stability Pact, WUS-Austria and partner universities from European Union countries and the United States of America. The University of Montenegro has signed memoranda of cooperation with universities of Bari, Skadar, Moscow (Lomonosov and international independent ecology and political science university), Tur, Mostar, Oslo and Warsaw.

### **Financing**

765. Around 30 per cent of the Republican budget is allocated for the education sector. In spite of difficult conditions during the past 10 years, Montenegro has invested major funds into the education sector. For example, in 1999, Montenegro invested 5.21 per cent of GDP in education, and, in 1998, 7.17 per cent of GDP, which is much more than other countries in the region. Financing education is governed by positive regulations for each individual education level (laws and collective agreements).

766. The State finances 20 pre-school institutions and 168 elementary schools, with 303 regional departments occupying 483 school buildings, 44 high schools and eight student dormitories. The school network is spread out, due to demographic, climatic, and geographical factors specific to Montenegro.

767. Common characteristics of school buildings include that urban schools are short of space due to the increase of the number of students, while in rural areas it is on the decrease, resulting in a partially irrational school network. However, closing down some schools or regional departments is a complex social issue, where financial, social, political and cultural aspects must all be taken into consideration.

768. School facilities are rather old and in very poor condition; they need significant investment, since they do not meet modern requirements and standards. Depending on capacity, certain funds are invested every year in the maintenance of school facilities, but they are mainly used for urgent interventions on roof structures and heating systems.

769. The construction of new school buildings is conducted through the Department of Public Works. In spite of large investments, ever-greater needs are not yet satisfied, in urban areas in particular. International organizations also support the reconstruction of school facilities, although that is not sufficient. The European Agency for Reconstruction is building a school in Podgorica and conducting a substantial renovation project on a school in Bijelo Polje.

770. The state of school equipment is uneven and insufficient. Some new schools, particularly those in central and southern parts of Montenegro have modern equipment, while other schools have either insufficient or very old equipment.

771. Salaries of employees in education are calculated on the basis of current collective agreements (for all levels of education there are special collective agreements). When collective agreements are signed, after consent and signatures are provided by trade unions, great efforts are made to bring their salaries in line with salaries of other civil servants financed by the Republican budget. Due to a large number of employees, the biggest portion of funds allocated for education is spent on workers' salaries, which means that funds for capital investments and equipment are insufficient for such a large network. Such a large number of employees is in part the result of irrational network, and in part of inadequate division of classes among teachers and internal organization in schools.

### Notes

<sup>1</sup> Federal Statistical Institute, Belgrade, 2002.

<sup>2</sup> Ibid.

<sup>3</sup> The monograph "Persons with Disability and Their Environment", Centre for Alternatives Study and Handicap International, Belgrade, 2001.

<sup>4</sup> Convention No. 105 was ratified in December 2002, but it has not yet entered into force.

<sup>5</sup> Job safety means safety and protection of the health of a worker on the job, i.e. industrial safety, the term used in the Covenant, although it also implies appropriate sanitation regulations.

<sup>6</sup> Graphs and tables in annex.

<sup>7</sup> Graph 3, Enclosure 1; see annex.

<sup>8</sup> Table 1.

<sup>9</sup> Table 1, Enclosure 2.

<sup>10</sup> Table 2, Enclosure 2; see annex.

<sup>11</sup> Graph 1, Enclosure 3; see annex.

<sup>12</sup> Graph 9, Enclosure 6; see annex.

<sup>13</sup> Graph 10, Enclosure 6; see annex.

<sup>14</sup> Graph 11, Enclosure 6; see annex.

<sup>15</sup> Graph 12, Enclosure 7; see annex.

<sup>16</sup> Graph 13, Enclosure 7; see annex.

<sup>17</sup> Graph 14, Enclosure 7; see annex.

<sup>18</sup> Table 1, Enclosure 3; see annex.

<sup>19</sup> Chart 2, Enclosure 3; see annex.

<sup>20</sup> Chart 3, Enclosure 4; see annex.

<sup>21</sup> Chart 4, Enclosure 4; see annex.

<sup>22</sup> Chart 5, Enclosure 4; see annex.

<sup>23</sup> Chart 6, Enclosure 5; see annex.

<sup>24</sup> Chart 7, Enclosure 5; see annex.

<sup>25</sup> Chart 8, Enclosure 5; see annex.

<sup>26</sup> Under article 40 of the Law on Primary Education, the competent municipal authorities are obliged to report a parent who has not enrolled his/her child in time or a child who does not attend school regularly within 15 days of being informed about it. Article 44 thereof envisages that a school may, by the decision of its principal, decide to enable a pupil, who turned 15 but who has not completed his/her primary schooling and education, to attend school until he/she is 17 years old, if so requested either by the pupil or his/her parent. The same article provides that a mentally handicapped student may complete his/her primary education and schooling even after he/she is 19 years of age.

<sup>27</sup> Statistical data used were compiled by the Federal Statistical Office (FSO). Since the school year 1991-1992 there are no available data on the coverage of various groups of schoolchildren in Kosovo and Metohija, thus affecting the overall coverage at the level of the Republic in terms of percentages.

<sup>28</sup> “In-depth analysis of primary education in the Federal Republic of Yugoslavia”, UNICEF, Belgrade, 2001.

<sup>29</sup> According to the 1991 census, nearly two thirds of Roma did not complete primary school and Roma children represented the largest group of children of school age who did not enrol in grade one. Moreover, Roma children have the highest dropout rate (especially in senior classes of primary school). The second-ranking ethnic group not realizing their right to education were the Vlachs. (One per cent of Roma declare themselves as Vlachs. Accurate figures are not available.) The 1991 census indicates that close to 70 per cent of Vlachs have not finished primary school, “In-depth analysis of primary education in the Federal Republic of Yugoslavia”, UNICEF, Belgrade, 2001, p. 131.

<sup>30</sup> Law on Secondary Schools of the Republic of Serbia, *Official Journal of the Republic of Serbia*, No. 50/1992.

<sup>31</sup> A Quality Education for All: the Road to a Developed Society, Ministry of Education and Sport of the Republic of Serbia, Belgrade, 2002, p. 261.

<sup>32</sup> The Economic Cost of Secondary Education in Serbia, School of Economics Research Centre, Belgrade, 2002, pp. 21-81.

<sup>33</sup> “Entrance procedure is not centralized: each institution of higher education has its own examining board charged with entrance exams. The exams consist of one or two written tests or essays written on the subjects relevant for the field of study concerned. They are eliminatory in nature, meaning that eligible candidates must score more than 30 per cent of all points required in order to qualify as paying their own way and more than 50 per cent of points to be admitted as freshmen whose university and tuition fees are funded by the State. Entrance is based on ranking lists compiled by combining 60 per cent of the result at the entrance exam and 40 per cent of the average grades in all the four years of secondary education.” (Quality Education for All: the Road to a Developed Society, Ministry of Education and Sport of the Republic of Serbia, Belgrade, 2002, p. 294).

<sup>34</sup> Ibid.

<sup>35</sup> Ibid., pp. 300-301.

<sup>36</sup> Ibid., p. 297.

<sup>37</sup> Ibid., p. 324.

<sup>38</sup> Ibid., p. 242.

<sup>39</sup> Ibid., p. 32.

<sup>40</sup> Table 1, see annex.

<sup>41</sup> In-depth Analysis of Primary Education in the Federal Republic of Yugoslavia, UNICEF, Belgrade, 2001, p. 37.

<sup>42</sup> Table 2, see annex.

<sup>43</sup> Ibid., p. 67.

<sup>44</sup> According to UNICEF's analysis of the education system in the Federal Republic of Yugoslavia, the average proportion of completion of grade five was 95 per cent in 1990/91, while the average proportion of completion of the other grades was more than 97 per cent. In 1995/96 the proportion was more than 96 per cent at the time when the proportion of completion of the other grades was more than 98 per cent. In 1998/99 this proportion was over 98 per cent and the completion of the other grades was over 99 per cent ("Analysis of the primary education system", UNICEF, Belgrade, 2001, p. 102).

<sup>45</sup> Ibid., p. 67.

<sup>46</sup> These categories include refugee and displaced children placed in collective centres. A survey conducted by the Multiple Indicator Cluster Survey (MICS) 2000 revealed, for instance, that the overall rate of attendance of classes by these children was 92.3 per cent (compared to a national average of 97.4 per cent). Until June 2001 there were 28,900 refugees and 16,900 IDPs living in collective accommodations. Considering that the age structure of this group is similar to the national one, in that case there are close to 5,000 children of school age in collective centres; of these as many as 400 probably do not attend school. (In-depth analysis of primary education in the Federal Republic of Yugoslavia, UNICEF, Belgrade, 2001, p. 103).

<sup>47</sup> Table 17, annex.

<sup>48</sup> Economic cost of secondary education in Serbia, School of Economics, Research Centre, Belgrade, 2002, p. 7.

<sup>49</sup> Table 18, annex.

<sup>50</sup> Table 19, annex.

<sup>51</sup> "A brave new generation; young people in the Federal Republic of Yugoslavia, Facts and Recommendations", Belgrade UNICEF Office, Belgrade, 2002, p. 49.

<sup>52</sup> "In-depth analysis of primary education in the Federal Republic of Yugoslavia", UNICEF, Belgrade, 2001.

<sup>53</sup> The results of the in-depth analysis of primary education in the Federal Republic of Yugoslavia (by UNICEF) revealed that "very many Roma children attend special schools.

There are no available official statistics on the subject, but some of them indicate that Roma make up 50-80 per cent of these children. Even Roma children enrolled in regular schools are often later redirected to attend special schools because they have difficulty in fulfilling the necessary conditions for staying on in regular school ...”, *ibid.*, p. 95.

<sup>54</sup> *Ibid.*, p. 95.

<sup>55</sup> *Ibid.*, p. 96.

<sup>56</sup> Table 20, annex.

<sup>57</sup> Some subjects (like a group of national subjects) are taught in the mother tongue and some in Serbian.

<sup>58</sup> Since 2002, Roma and Vlachs have been accorded the status of ethnic minority.

<sup>59</sup> The rights guaranteed by the Constitution and applicable laws are most consistently implemented in Vojvodina. Besides the Serbian language, in this province, for instance, the Hungarian, Slovak, Romanian, Ruthenian and Czech languages are equally in official use. In 31 out of 45 municipalities of Vojvodina, Hungarian is used for official purposes alongside Serbian; in 12 municipalities Slovak; in 10 Romanian; in 6 Ruthenian; and in one municipality the Czech language. Persons belonging to Hungarian, Slovak, Romanian or Ruthenian ethnic minorities may receive education in their own language from primary to university level, and meet their needs in the field of information and culture (Minorities of Serbia, Helsinki Committee for Human Rights, Belgrade, 2000, p. 17).

<sup>60</sup> *Source*: “Draft Strategy for the Integration and Empowerment of Roma”.

<sup>61</sup> Quality Education for All: the Road to a Developed Society, Ministry of Education and Sport of the Republic of Serbia, Belgrade, 2002, p. 208.

<sup>62</sup> Teachers trained to teach individual subjects in primary or secondary schools receive their education at the appropriate departments of the faculties of philology, philosophy or natural sciences or at the faculties of physical education, music, fine and applied arts. The above-mentioned faculty departments or chairs are often commonly referred to as “teachers’ faculties”, which, judging by their study programmes, share of theory and practical training for work as educators, is only partially true (In-depth Analysis of Primary Education in the Federal Republic of Yugoslavia, UNICEF, Belgrade, 2001, p. 71).

<sup>63</sup> In-depth Analysis of Primary Education in the Federal Republic of Yugoslavia, UNICEF, Belgrade, 2001, p. 73.

<sup>64</sup> *Ibid.*, p. 73.