



January 2014

European Social Charter (revised)

European Committee of Social Rights

Conclusions 2013

(SERBIA)

Articles 3, 11, 12, 13, 14, 23 and 30
of the Revised Charter

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts conclusions; in respect of collective complaints, it adopts decisions.

Information on the Charter and the Committee as well as statements of interpretation and general questions formulated by the Committee appear in the General Introduction to the Conclusions.¹

The European Social Charter (revised) was ratified by Serbia on 14 September 2009. The time limit for submitting the 2nd report on the application of this treaty to the Council of Europe was 31 October 2012 and Serbia submitted it on 5 November 2012. On 3 April 2013, a letter was addressed to the Government requesting supplementary information regarding Article 23. The Government submitted its reply on 20 May 2013. Comments on the report from the Serbian Gayten-LGBT, Transgender Europe and ILGA-Europe were registered on 29 January 2013.

This report concerned the accepted provisions of the following articles belonging to the thematic group "Health, social security and social protection":

- the right to safe and healthy working conditions (Article 3),
- the right to protection of health (Article 11),
- the right to social security (Article 12),
- the right to social and medical assistance (Article 13),
- the right to benefit from social welfare services (Article 14),
- the right of elderly persons to social protection (Article 23),
- the right to protection against poverty and social exclusion (Article 30).

Serbia has accepted all of the Articles from this group.

The reference period was 1 January 2008 to 31 December 2011.

The present chapter on Serbia concerns 19 situations and contains:

- 4 conclusions of conformity: Articles 12§4, 13§2, 13§3 and 30;
- 3 conclusions of non-conformity: Articles 12§1, 13§1 and 23.

In respect of the other 12 situations concerning Articles 3§1, 3§2, 3§3, 3§4, 11§1, 11§2, 11§3, 12§2, 12§3, 13§4, 14§1 and 14§2, the Committee needs further information in order to assess the situation.

The next report from Serbia deals with the accepted provisions of the following articles belonging to the thematic group "Labour rights":

- the right to just conditions of work (Article 2),
- the right to a fair remuneration (Article 4),
- the right to organise (Article 5),
- the right to bargain collectively (Article 6),
- the right to information and consultation (Article 21),
- the right to take part in the determination and improvement of the working conditions and working environment (Article 22),

- the right to dignity at work (Article 26),
- the right of workers' representatives to protection in the undertaking and facilities to be accorded to them (Article 28),
- the right to information and consultation in collective redundancy procedures (Article 29).

The deadline for the report was 31 October 2013.

¹*The conclusions as well as state reports can be consulted on the Council of Europe's Internet site (www.coe.int/socialcharter).*

Article 3 - Right to safe and healthy working conditions

Paragraph 1 - Safety and health regulations

The Committee takes note of the information contained in the report submitted by Serbia.

This is the first time the Committee examines Serbia's occupational safety and health policy.

General objective of the policy

The report states that the National Policy for the Republic of Serbia (National Policy) of 20 April 2006 aims to ensure compliance with ILO Convention no. 155 (1981) on Occupational Safety and Health, ILO Recommendation No. 164 on Safety and Health at Work in the Workplace (1981), the UN Convention on the Elimination of Discrimination against Women (CEDAW) and Article 3 of the Revised Charter. Based on the National Policy and on the Resolution No. 112/2004 on the Accession of the Republic of Serbia to the EU, a Strategy for Health and Safety at Work for 2009-2012 (Strategy) was adopted on 23 April 2009 to assess the situation in the matter, to define measures for improvement, and to reduce occupational risks. The Strategy sets objectives on prevention, inclusion of all stakeholders, employer responsibility for the workplace and employee responsibility for actions in the workplace, as well as on feasibility. The Action Plan sets measures (insurance against occupational accidents and diseases, occupational health services) and determines the public authorities to implement the Strategy.

Act of 14 November 2005 on safety and health at work (Official Gazette No. 101/2005), which incorporates the Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, establishes the framework legislation in the field. According to another source,¹ the European Commission monitors the implementation and enforcement of EU standards in the matter, including of the Community Strategy 2007-2012 on safety and health at work,² in candidate countries including Serbia. ILO Convention No. 187 on the Promotional Framework for Occupational Safety and Health (2006) was ratified on 16 September 2009.

The Committee takes note of this information. It considers that there is a policy, the objective of which is to foster and preserve a culture of prevention in respect of occupational health and safety. It asks that the next report indicate, whether the policy is regularly assessed in light of the changing risks.

Organisation of occupational risk prevention

The report states that the Action Plan provides for the setting up of an information system for statistics on occupational accidents and diseases, as well as a training centre aimed at training employers, workers, labour inspectors and the public at large on occupational health and safety. In 2011, the Labor Inspectorate held monthly meetings with the social partners to strengthen the social dialogue, and the inspectors actively participated in conferences, workshops and seminars organised by the Confederation of Autonomous Trade Unions of Serbia, UGS Independence, and the Serbian Association of Employers.

The Committee takes note of this information. It considers that the labour inspectors participate, as part of preventive activities, in the development of a culture of occupational health and safety among employers and workers, and share their knowledge about risks and risk prevention acquired during inspection activities. It asks that the next report provide information on the preventive measures, which are to be prescribed at national level by the Ministry of Labour and Social Policy under section 7 of the Act of 14 November 2005. It also asks for information on how the obligations to conduct workplace risk assessments, to provide information and training

to workers under sections 8 et seq., 18 et seq. and 27 et seq. of the Act of 14 November 2005 are implemented in practice.

Improvement of occupational safety and health

The report states that the Action Plan provides for the setting up of reference laboratories to control the quality of the services provided in the field, as well as of test equipment and work environments, and testing methods. The Ministry of Labour and Social Policy (the Labour Inspectorate in co-operation with the Health and Safety at Work Council and the Department of international cooperation) prepared the project "Improvement of the safety and health at work in the Republic of Serbia" (Project). In 2011, under the first phase of the Project, several agreements and protocols were signed; the bodies involved in the project were set up; workshops were held on the occupational health and safety in construction, wood processing and the chemical industries; and experts were trained on the risk assessment in the workplace in accordance with current methodologies.

The Committee takes note of this information. It asks that the next report provide concrete examples on the involvement of the public authorities in the research (scientific and technical knowledge) on occupational health and safety; on institutions (public bodies, universities, research institutes) involved in that research; and on activities (analyse sectorial risks, elaborate standards, issue recommendations, publications, hold seminars). It also asks for more detailed information on the involvement of public authorities in the training of qualified professionals; in the design of training modules; and on any existing schemes for training (how to work, how to minimise risks for oneself or others) and on certification (of equipment, gear, machines, workplaces).

Consultation with employers' and workers' organisations

The report states that the Strategy and the Project have contributed to strengthen the cooperation of the public authorities with the social partners, as well as improved the application of the occupational health and safety laws and regulations.

The Committee takes note of this information. It asks that the next report contain information on the regular consultation with employers' and workers' organisations in matters of occupational health and safety at the national, sectoral and company levels. It also asks for information on the activities of the health and safety representatives elected in accordance with Section 44 et Seq. of the Act of 14 November 2005 in practice.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

¹European Commission, *Evaluation of the European Strategy 2007-2012 on health and safety at work*, Doc. SWD(2013)202final, 31 May 2013 (p. 32).

²*Improving quality and productivity at work: Community strategy 2007-2012 on health and safety at work, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions*, Doc. COM(2007) 62 final, 21 February 2007.

Article 3 - Right to safe and healthy working conditions

Paragraph 2 - Safety and health regulations

The Committee takes note of the information contained in the report submitted by Serbia.

This is the first time the Committee examines Serbia's laws and regulations on occupational safety and health.

Risks covered by the regulations

The report states that, pursuant to the Strategy for Health and Safety at Work for 2009-2012 (Strategy) and the Action Plan to implement it, regulatory measures have been adopted during the reference period to incorporate the Community *acquis*, specifically covering various occupational risks. It also lists the regulations to implement the Act of 14 November 2005 on safety and health at work (Official Gazette No. 101/2005) on the conformity with health and safety requirements, the test of equipment and work environment, and the use of personal protective equipment. ILO Conventions No. 136 on Benzene (1971) and No. 148 on Working Environment (Air Pollution, Noise and Vibration) (1977) are in force. ILO Convention No. 167 on Safety and Health in Construction (1988) was ratified on 16 September 2009.

The Committee takes note of this information. It notes that efforts have been undertaken to incorporate international standards on exposure to occupational risks into specific national laws and regulations. In order to determine whether the majority of the risks listed in Conclusions XIV-2 (pp. 36-42) are covered and the level set by international reference standards reached,⁴ it asks whether Serbia has undertaken to incorporate more of the Community *acquis*, such as Council Directive 92/104/EEC of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries; Council Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling; Council Directive 93/103/EEC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels; Council Directive 96/82/EEC of 9 December 1996 on the control of major-accident hazards involving dangerous substances, as amended by Directive 2003/105/EC of the European Parliament and of the Council of 16 December 2003; Directive 97/23/EC of the European Parliament and of the Council of 29 May 1997 on the approximation of laws of the Member States concerning pressure equipment; Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to biological agents at work; or Directive 2006/25/EC of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation), into national law. It also asks, given the low level of ratification of the technical ILO Conventions, for information on the Government's intentions in that respect.

Levels of prevention and protection

The Committee examines the levels of prevention and protection provided for by the legislation and regulations in relation to certain risks.

Establishment, alteration and upkeep of workplaces

The report lists various regulations, which incorporate the Community *acquis* on the establishment, alteration and upkeep of workplaces: the Rule book on preventive measures for

safe and healthy work in the workplace (Official Gazette No. 21/2009) to incorporate Council Directive 89/654/EEC of 30 November 1989 on minimum safety and health requirements for the workplace; the Rule book on preventive measures for safe and healthy work in the use of work equipment (Official Gazette No. 23/2009) to incorporate Directive 2001/45/EC of the European Parliament and of the Council of 27 June 2001 amending Council Directive 89/655/EC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work; and the Regulation on preventive measures for safe and healthy work in the use of equipment for work with displays (Official Gazette No. 106/2009) to implement Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment. ILO Convention No. 119 on Guarding of Machinery (1963) is in force, whereas ILO Convention No. 120 on Hygiene (Commerce and Offices) (1964) is not.

The Committee takes note of this information. In order to determine, whether the level set by the international reference standards has been reached, it asks whether Serbia has undertaken to incorporate more of the Community *acquis* on the subject, such as Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace, and Directive 2009/104/EC of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work, into national law. It also asks for information on the requirements set out in Regulations on the procedure for conducting risk-assessment in the workplace (Official Gazette No. 72/2006), and whether a schedule to remedy the identified risks is applicable.

Protection against hazardous substances and agents

The report indicates that the reduction and limitation of exposure to asbestos is implemented by the Regulation on preventive measures for safe and healthy work when exposed to asbestos (Official Gazette No. 106/2009), which incorporates Council Directive 83/477/EEC of 19 September 1983 on the protection of workers the risks related to exposure to asbestos at work, as amended by Council Directive 91/382/EEC of 25 June 1991 and Directive 2003/18/EC of the European Parliament and of the Council of 27 March 2003; as well as the Regulation on preventive measures for safe and healthy work exposure to carcinogens or mutagens (Official Gazette No. 96/2011), which incorporates Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work. ILO Conventions No. 139 on Professional Cancer (1974) and No. 162 on Asbestos (1986) are in force.

The report provides no information on the protection of workers against ionising radiation. ILO Convention No. 115 on Radiation Protection (1960) is not in force.

The Committee takes note of this information. It asks that the next report indicate whether measures are planned to incorporate the exposure limit value of 0.1 fibres/cm³ introduced by the Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work. It also asks whether the Act of 2009 on protection from ionising radiation incorporates either incorporates Recommendation (1990) of the International Commission on Radiological Protection (ICRP Publication No. 60) or Council Directive 96/29/EURATOM of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation. It also asks whether Serbia has undertaken to incorporate the Council Directive 97/43/EURATOM of 30 June 1997 on health protection of

individuals against the dangers of ionising radiation in relation to medical exposure; Council Directive 2003/122/EURATOM of 22 December 2003 on the control of high-activity sealed radioactive sources and orphan sources; and Directive 2006/117/EURATOM of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel, into national law.

Personal scope of the regulations

The Committee examines the personal scope of laws and regulations with regard to workers in insecure employment.

The report provides information neither on the protection of workers in fixed-term employment, agency and temporary workers; nor on the protection of self-employed, home and domestic workers.

Recalling that all workers, all workplaces and all sectors of activity must be covered by the regulations on occupational health and safety,⁴ the Committee asks that the next report provide information on how the above categories of workers are protected effectively and without discrimination, including against risks related to successive periods of exposure to dangerous substances when working for different employers, and through the prohibition of the use of non-permanent and temporary workers for some particularly dangerous tasks, is implemented in the laws and regulations. It asks for details about the access of the above categories of workers to information and training regarding occupational safety and health, as well as to medical surveillance and representation at work.

Consultation with employers' and workers' organisations

The report states that the Strategy and the Project have contributed to strengthen the cooperation of public authorities with the social partners and improved the application of occupational health and safety laws and regulations.

The Committee takes note of this information. It asks that the next report contain information on the regular consultation with employers' and workers' organisations in matters of occupational health and safety at the national, sectoral and company levels. It also asks for information on the activities of health and safety representatives elected in accordance with Section 44 et Seq. of the Act of 14 November 2005 in practice.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 3 - Right to safe and healthy working conditions

Paragraph 3 - Enforcement of safety and health regulations

The Committee takes note of the information contained in the report submitted by Serbia.

This is the first time the Committee examines the enforcement of safety and health regulations in Serbia.

Occupational accidents and diseases

The report provides few statistics on occupational accidents and diseases. According to the Labour Inspectorate Annual Report for 2010 (Annual Report 2010) (pp. 77-78)¹, the number of occupational accidents (inspected; more than three days' absence from work) remained stable during the reference period (from 1 034 in 2008 to 1 026 in 2010), in line with the previous trend. The number of fatal accidents (inspected) decreased (from 42 in 2008 to 35 in 2010). The report indicates an average incidence rate for fatal injuries per 100 000 employees, which was stable overall (1.99 in 2009 and 1.98 in 2010) and most prevalent in construction and industry.

According to the Decent Work Report (pp. 6 and 13),² there are problems with the reporting of occupational accidents. There were only 57 cases of occupational diseases in 2008 and 30 in 2010, which seems to show that the reporting of such cases does not function effectively and the reliability of statistics should be improved.

The Committee takes note of this information. It recalls that the States Parties have a duty to provide precise information on developments in respect of occupational accidents and that, in examining the respect for the right enshrined in Article 3§3 of the Charter, the number and frequency of occupational accidents and their trends are decisive factors.³ It asks that the next reports provide, for each year of the reference period, figures on occurrences of occupational accidents and diseases; occurrences with a fatal issue; and corresponding rates of incidences per 100 000 workers. It also asks for information on the measures taken to counter potential concealment of occupational accidents and cases of occupational disease, as well as sanctions applied to employers who fail to meet their reporting obligations.

Activities of the Labour Inspectorate

The report states that, in accordance with the provisions of section 61 of Act of 14 November 2005 on Safety and Health at Work (Official Gazette No. 101/2005), the Labour Inspectorate supervises the implementation of the Act of 14 November 2005 and of the corresponding regulations, as well as the implementation of occupational safety and health obligations under collective agreements and employment contracts. According to the Annual Report 2010 (pp. 4-5), the Labour Inspectorate prepared a Work Plan for the Labour Inspectorate for 2010-2014 to build an inspection system adjusted to the ILO and EU standards, based on an integrated structure and standardised working methods. ILO Conventions No. 81 on Labour Inspection (1947) and No. 129 on Labour Inspection (Agriculture) (1969) are in force.

According to the Annual Report 2010 (pp. 76-78 and 82-83), employers must report severe injuries (more than three days' absence from work), as well as collective and fatal accidents within 24 hours, which the Labour Inspectorate must investigate. In 2010 the Labour Inspectorate investigated 1 322 such severe, collective and fatal injuries, conducted 15 814 inspection visits in the field of occupational health and safety, including 606 visits upon request to determine compliance with the legal prescriptions. This activity covered 346 024 workers, which, in accordance with the figures published by ILOSTAT,⁴ represents 11.67% of the labour force (excluding institutional workers and armed forces). The Labour Inspectorate is organised

in sections for each of the 28 administrative districts, and had a multidisciplinary team of 262 labour inspectors in 2010.

According to the Annual Report 2010 (pp. 82-83), the Labour Inspectorate issued 5 400 notices to eliminate infringements in 2010, ordered 498 suspensions from work, filed criminal charges for causing danger to life and health by infringement of safety requirements against 29 managers and 1 266 legal persons, self-employed workers and employees, filed 687 charges for infringements of the Act of 14 November 2005 against legal persons and their representatives, 382 such charges against self-employed workers, and 57 such charges against workers' safety representatives, as well as licensed occupational health services and safety engineers.

The Committee takes note of this information. It notes that the Labour Inspectorate must investigate all severe occupational accidents. It also notes, however, that the coverage of the labour force by inspection visits is relatively low. Recalling that the report must provide full, updated information on changes occurred during the reference period, it asks that the next report provide statistics for each year of the reference period; on any other bodies than the Labour Inspectorate vested with inspection powers (competence, activities, number of staff, enforcement powers, penalties imposed); on the outcome of criminal charges filed; and on the individual amount and overall volume of fines imposed.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

¹Labour Inspectorate, *Report on work of the Labour Inspectorate for 2010*, Belgrade: Ministry of Labour and Social Policy 2011, available at <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/89466/102790/F-644947659/Report%20on%20Work%20of%20the%20Labour%20Inspectorate%202010.pdf>

²International Labour Organization, *Employment Injury Protection in Serbia: Issues and Options*, Geneva: ILO 2012, available at http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---secsoc/documents/publication/wcms_secsoc_29968.pdf

³See for example, *Conclusions 2009*, Slovenia, p. 7.

⁴http://www.ilo.org/ilostat/faces/home/statisticaldata/data_by_country/country-details/indicator-details?country=SRB&subject=EAP&indicator=EAP_TEAP_SEX_AGE_NB&datasetCode=YI&collectionCode=YI&_afzLoop=7562496274867004#%40%3Findicator%3DEAP_TEAP_SEX_AGE_NB%26subject%3DEAP%26_afzLoop%3D7562496274867004%26datasetCode%3DYI%26collectionCode%3DYI%26country%3DSRB%26_adf.ctrl-state%3D1576bsp4mc_250

Article 3 - Right to safe and healthy working conditions

Paragraph 4 - Occupational health services

The Committee takes note of the information contained in the report submitted by Serbia.

This is the first time the Committee examines Serbia's framework on occupational health services.

The report states that Sections 41 et seq. of the Act of 14 November 2005 on safety and health at work (Official Gazette No. 101/2005) sets out the list of occupations, for which the employer must provide its employees with occupational health services. Regulations on a specific occupational risk exposure (carcinogens or mutagens; loads; noise; vibration; asbestos; chemicals; display screens) also require medical examination. The Dr. Dragomir Karajović National Institute of Occupational Health and the Institutes of Occupational Health at Novi Sad, Kragujevac, and Niš Universities offer specialised training on the matter. Occupational health care is provided in-house, through trade unions, by private health services, and at local health centres. ILO Convention No. 161 on Occupational Health Services (1985) is in force.

The Committee takes note of this information. Recalling that, in accepting Article 3§4 of the Charter, States Parties undertake to ensure that all workers have access to occupational health services in all sectors of activity and in all business enterprises,¹ it asks that the next report provide more detailed information on the legal requirements to provide access to occupational health services (legislation, procedures, institutions); as well as on whether, if not all undertakings feature occupational health services, a strategy is set up to provide access to such services. It also asks for statistics on the number of workers under care with occupational health services; on the proportion of undertakings, which provide or share an occupational health service with other undertakings; and on the number of occupational physicians in relation to the labour force.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

¹*Conclusions 2003, Bulgaria, p. 23.*

Article 11 - Right to protection of health

Paragraph 1 - Removal of the causes of ill-health

The Committee notes that the report of Serbia does not contain any information on Article 11§1.

The Committee asks that this matter be duly addressed in the next report of Serbia.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 11 - Right to protection of health

Paragraph 2 - Advisory and educational facilities

The Committee notes that the report of Serbia does not contain any information on Article 11§2.

The Committee asks that this matter be duly addressed in the next report of Serbia.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 11 - Right to protection of health*Paragraph 3 - Prevention of diseases and accidents*

The Committee notes that the report of Serbia does not contain any information on Article 11§3.

The Committee asks that this matter be duly addressed in the next report of Serbia.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 12 - Right to social security

Paragraph 1 - Existence of a social security system

The Committee takes note of the information contained in the report submitted by Serbia.

Risks covered, financing of benefits and personal coverage

Under Article 12 of the Charter, the right to social security encompasses the right to access and maintain benefits without discrimination in order to secure:

- affordable health care;
- benefits in case of loss of earnings caused by sickness, unemployment, old age, employment injury, disability, and maternity;
- family support, particularly for children and adult dependents.

The Committee recalls that under Article 12§1 of the Charter, the social security system must protect a significant proportion of the population in the following branches: health care, sickness, unemployment, old age, employment injury, family and maternity (Conclusions 2006, Bulgaria). The principle of collective funding is a fundamental feature of a social security system as foreseen by Article 12 of the Charter, as it ensures that the burden of risks is spread among the members of the community, including employers, in an equitable and economically appropriate manner and contributes to avoiding the discrimination of vulnerable categories of workers (Conclusions 2006, the Netherlands).

The Committee notes from the report that the social security system in Serbia is regulated by the Health Insurance Act, the Pension and Disability Insurance Act, the Employment and Unemployment Insurance Act and the Social Insurance Contributions Act. The social security system covers the following branches: healthcare, pensions and benefits for care and support (invalidity, age and family), unemployment benefit, sickness benefit, invalidity, survivor's, employment injury and maternity benefits.

These benefits are paid by the Pension and Invalidity Insurance Fund, the Health Insurance Fund and the National Employment Agency. The basic principle of financing is pay-as-you-go. According to the report, in 2011, a total of 2 600 115 persons, including employees, the self-employed and farmers, were insured under the compulsory insurance. It also notes that 77% of the population above 65 years of age receives pension.

The Committee notes that the system of social security covers an adequate number of branches and is based on collective funding. Below the Committee examines each branch of personal coverage.

Healthcare

The Compulsory Social Insurance Act and the Health Insurance Act establish a system of compulsory health insurance and define the categories of ensured persons. The health insurance system is based on mandatory and voluntary insurance. Under the mandatory scheme, employees and other citizens are covered by compulsory health insurance, which guarantees the right to health care and the right to compensation in case of a temporary incapacity.

The compulsory health insurance is organised and based on the principles of reciprocity and solidarity.

The Committee further notes from the Mutual Information System on Social Protection (MISSCEO) and the report that the health care system is based on the insurance principle and is financed on the basis of contributions paid by employees, employers, self-employed people and farmers. The directly insured persons are employees, the self-employed and farmers, as well as their dependants. The following specific groups are also covered: children under 15 years of age (the children in education and students up to 26 years), the persons whose income is under a specified level, unemployed persons receiving the unemployment benefit, persons older than 65 years, women during pregnancy and 12 months after giving birth, mentally and physically disabled persons, as well as the beneficiaries of material assistance, etc.

The voluntary health insurance is for those who are not insured under the compulsory system. Formally, a possibility of voluntarily accessing insurance exists for all citizens, to allow access to health insurance for persons not covered by the compulsory system (e.g. students older than 26 years, not-registered unemployed persons).

The Committee notes that the personal coverage of the healthcare extends beyond employment relationships and covers unemployed persons. It asks, however, what percentage of the total population is covered.

Sickness benefit

The Committee notes from MISSCEO that the compensation is financed by employers (for the first 30 days of incapacity) and by the Health Insurance Fund after the 30th day. After six months of temporary incapacity, a committee of specialists assesses the work incapacity to establish whether the person meets the criteria for entitlement to invalidity pension. Once the person is being declared invalid, the benefit is replaced by the invalidity pension.

The Committee asks what a percentage of the total active population is ensured against sickness.

Old-age

The Committee notes from the report that the pension system includes a public mandatory pension (based on contributions and financed on a pay-as-you-go basis) for employees, insured self-employed persons, as well as a system of voluntary pension funds and pension plans. It notes from MISSCEO that the old-age benefit is governed by the Pension and Disability Insurance Act, Labour Act, the Employment Act, as well as by Compulsory Social Insurance Contributions Act. The system is financed by contributions (pay as you go), with any deficit covered from the state budget. The laws define the conditions relating to age and the minimum period of contributions. The level of benefits depends on the previous salary.

The insured persons include all persons performing an economic activity (employees, self-employed workers and farmers), all persons on income replacement benefits (including the beneficiaries of unemployment benefits), and the voluntarily insured people.

Unemployment

The entitlement to unemployment benefit requires a period of at least 12 months continuous contributions made over the past 18 months. The entitlement starts from the first day of the termination of the insurance if the person concerned is registered at the National Employment Agency and makes an application within 30 days from the date of termination of the employment relationship.

In order to be able to assess the efficiency of the coverage, the Committee asks the next report to provide figures, for the period of reference, for every branch of social security. For the medical care, the report should indicate the percentage of persons insured out of the entire population. For pension, sickness, maternity and unemployment benefits, information should be provided on the percentage of persons insured out of the total active population.

The Committee requests that the next report provide this information. It holds that if this information is not provided, there will be nothing to establish that the situation regarding the coverage of social security risks is in conformity with the Charter.

Adequacy of the benefits

The Committee recalls that Article 12§1 of the Charter requires that social security benefits be adequate, which means that when they are income-replacement benefits, their level should be fixed as such as to stand in a reasonable proportion to the previous income, and it should never fall below the poverty threshold defined as 50% of the median equivalised income and as calculated on the basis of the Eurostat at-risk-of-poverty threshold value (Conclusions 2006, Bulgaria).

In the absence of the Eurostat at-risk-of-poverty indicator, the Committee requests that each report provide information about the poverty threshold indicator from national statistics. In this respect, the Committee refers to its conclusion under Article 13 of the Charter, where it notes from several sources (SETimes, June 2011; BalkanInsight April 2011) that the poverty line was considered to be at €80 monthly in 2011. According to the official data based on the 2008 Household Budget Survey, the poverty line stood in 2008 at RSD7 937 (€92.50 at 1st January 2008, €82 at 31 December 2008). Another source (Poverty in Serbia, by Vuk Stojkovic, November 2012) confirms that the poverty line oscillated between €85 and €90 between 2008 and 2010.

The Committee asks the next report to provide the poverty line indicator for the reference period.

Sickness benefit

The Committee notes from MISSCEO that the sickness compensation cannot be lower than the national minimum salary. The amount of compensation can be up to 65% of the worker's average salary in the last three months, if the temporary incapacity is not related to work, and 100%, if it is caused by an injury at work, an occupational disease or in case of a tissue or organ donation.

The Committee notes from another source¹ that the minimum monthly wage in Serbia stood at €176.80 in 2011. Thus, it understands that the minimum level of the sickness benefit did not fall below €176.80 in 2011, and asks the next report to confirm that this is the case and to provide information for the reference period.

Old age benefit

According to the report, there is no universal part of the pension system to cover the population who do not have the right to mandatory pension on the basis of pension contributions. Protecting the elderly without income is conducted through the welfare system, which provides minimum security to the entire population below the poverty line.

According to MISSCEO, the minimum pension paid in January 2012 was RSD12 222 (€107) for retired employees or self-employed workers, and RSD9 609 (€84) for retired farmers.

The Committee also notes from the report that as part of the measures to reform the state pension system, an unique minimum pension amount was introduced. The Committee wishes to be informed about the minimum levels of both contributory and non-contributory (social) pensions applicable during the reference period.

Unemployment benefit

According to the report, the basis for determining the amount of a pecuniary benefit is the average wage or salary of the unemployed over the six months preceding the month in which the employment relationship was terminated. The benefit amounts to 50% of the base, but may not fall below 80% of the minimum wage.

The Committee understands that the minimum level of the unemployment benefit did not fall below €140 in 2011, and asks the next report to confirm that this is the case and to provide information regarding the minimum wage applicable during the reference period.

Concerning the duration of the unemployment benefit, the Committee notes from the report that it shall be three months in case of an insurance period of one to five years, and six months in case of the insurance period of five to 15 years. The Committee holds that the duration of three months is short and the situation is therefore not in conformity with the Charter.

Concerning the unemployment benefit, the Committee recalls that the adequacy of this benefit is, *inter alia*, also established by considering whether there is a reasonable initial period during which an unemployed person may refuse a job or a training offer not matching his/her previous skills without losing his/her unemployment benefits. The Committee asks whether the legislation provides for such a reasonable period.

The Committee notes from the report that the unemployment benefit will be withdrawn if, among others, the worker is erased from the register in the event he/she rejects an offered mediation for suitable employment.

Concerning the adequacy of the income-replacement benefits, the Committee requests that the next report provide information on the minimum wage, the poverty line and the minimum levels of benefits (sickness and unemployment), as well as in case of the old-age benefit, both the minimum level of the contributory and non-contributory (social) pension. If this information is not provided in the next report, there will be nothing to establish that the situation is in conformity with the Charter.

Conclusion

The Committee concludes that the situation in Serbia is not in conformity with Article 12§1 of the Charter on the ground that the duration of the unemployment benefit is too short.

¹http://www.eurofound.europa.eu/eiro/country/serbia_5.htm

Article 12 - Right to social security

Paragraph 2 - Maintenance of a social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security

The Committee takes note of the information contained in the report submitted by Serbia.

The Committee notes that Serbia has not ratified the European Code of Social Security. Therefore, the Committee cannot take into consideration other sources, such as the resolutions of the Committee of Ministers on the compliance of the States Parties to the European Code of Social Security.

The Committee recalls that Article 12§2 of the Charter requires States parties to establish and maintain a social security system, which is at least equal to that required for the ratification of the European Code of Social Security. The European Code of Social Security requires the acceptance of a higher number of parts than ILO Convention No. 102 on Social Security (1952), i.e. six of the nine contingencies must be accepted, although certain branches count for more than one part (medical care counting for two and old-age counting for three).

The Committee notes that Serbia accepted Parts II to VI, VIII and X of ILO Convention No. 102. Part VI is no longer applicable as a result of the ratification of ILO Convention No. 121 on Employment Benefits (1964).

The Committee notes that the ILO Committee of experts on the application of conventions and recommendations (CEACR) raised several direct requests published in 2013 (102nd session of the International Labour Conference) concerning the lack of information with regard to Parts IV and VIII, as well as other requests of information concerning the unemployment benefit branch. It wishes to be informed of the answers to these requests.

The Committee recalls that, in order to examine whether the social security system stands at a level at least equal to that necessary for the ratification of the Code, it has to be provided with thorough information regarding the branches covered, the personal scope and the level of benefits offered. The Committee refers to its conclusion under Article 12§1 of the Charter, where it noted that the social security system of Serbia covers an adequate number of branches and, however, reserved its position as regards the personal coverage of certain branches, as well as the level of benefits.

The Committee therefore asks the next report to provide this information and in the meantime it reserves its position as to whether Serbia maintains a social security system at a level at least equal to that necessary for the ratification of the European Code of Social Security.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 12 - Right to social security

Paragraph 3 - Development of the social security system

The Committee takes note of the information contained in the report submitted by Serbia.

The Committee takes note of the reforms implemented in the pension system. It notes that a points system was introduced, which is based on the calculation of personal points to be determined on the basis of the length of service and the payment of contributions by each insured person. A unique minimum pension amount has been introduced, the disability definition changed, a pension administration reform started and a system of voluntary pension funds and pension plans set up.

As regards the pension administration reform, the three former pension funds were merged into a single Pension and Disability Insurance Fund. A system of voluntary pension funds and pension plans was introduced for those who want to save additional funds for their retirement. The central registry of a compulsory social insurance was set up to improve the recording and collection of the social security contributions.

The main objective of the reform was to establish a financially sustainable system of pension and disability insurance and to ensure the regular payment of pensions. The Committee takes note of the implementation of a project "Consolidated collection and pension administration reform in Serbia", which aimed at an institutional strengthening of the pay-as-you-go (PAYG) pension funds. One of the expected results of the project was to improve the social security and the access to public services.

The Committee wishes to be informed on how these reforms of the pension system affect the overall personal coverage of the branch – i.e. the percentage of the persons insured out of the total active population, as well as the minimum level of the pension benefit.

As regards the other branches of social security – i.e. healthcare, sickness, unemployment, maternity and invalidity, the Committee wishes to be informed of any changes implemented during the reference period, as well as on their impact on the personal coverage and the minimum levels of the benefits in case of income-replacement benefits.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 12 - Right to social security

Paragraph 4 - Social security of persons moving between States

The Committee takes note of the information contained in the report submitted by Serbia.

Equality of treatment and retention of accrued benefits (Article 12§4)

Right to equal treatment

Equal treatment between nationals and the nationals of the other States Parties in respect of social security rights shall be ensured through the conclusion of bilateral or multilateral agreements or through unilateral measures.

The Committee notes from the report that Serbia has concluded bilateral social security agreements guaranteeing the principle of equal treatment with Austria, Slovak Republic, Czech Republic, Poland, United Kingdom, France, Belgium, the Netherlands, Denmark, Sweden, Germany, Romania, Bulgaria, Norway, Italy, Bosnia and Herzegovina, Slovenia, Montenegro, "the former Yugoslav Republic of Macedonia", Luxembourg, Hungary, Cyprus and Turkey. It notes the efforts made by Serbia to conclude agreements with the other States Parties to the Charter. However, no such bilateral agreements exist with Albania, Andorra, Armenia, Azerbaijan, Croatia, Estonia, Finland, Georgia, Greece, Iceland, Ireland, Latvia, Lithuania, Malta, the Republic of Moldova, Portugal, Russian Federation, Spain and Ukraine. The Committee therefore asks if and how equal treatment is guaranteed for nationals of States Parties legally residing or working in Serbia and not covered by the bilateral agreements. It also asks if negotiations are underway with the State Parties concerned to conclude such agreements.

In respect of the payment of family benefits, the Committee previously considered that, under Article 12§4 of the Charter, any child resident in a State Party is entitled to these benefits on the same basis as the citizens of the State party concerned. Whoever the beneficiary may be under the social security scheme – the worker or the child – the States Parties are required to guarantee, through unilateral measures, effective payment of family benefits to all children resident on their territory. In other words, the requirement for the child to reside on the territory of the State party is compatible with Article 12§4 of the Charter and with its Appendix. However, as not all the countries apply such a system, the States Parties which impose a child residence requirement are under an obligation, in order to secure equal treatment within the meaning of Article 12§4 of the Charter, to conclude within a reasonable period of time bilateral or multilateral agreements with those States Parties which apply a different entitlement principle. Given that the social security system is based on the principle of *lex loci laboris*, according to which benefits are provided irrespective of the place of residence of the beneficiary or his/her family members, Serbia is not required to conclude a bilateral or multilateral agreement with States Parties which apply a different entitlement principle. The Committee therefore concludes that, with respect to family benefits, Serbia is in conformity with Article 12§4 of the Charter.

Right to retain accrued benefits

The Committee recalls that invalidity benefit, old age benefit, survivor's benefit and occupational accident or disease benefit acquired under the legislation of one State Party according to the eligibility criteria laid down under that legislation are maintained irrespective of whether the beneficiary moves to another State Party. With respect to the retention of benefits (exportability), the obligations entered into by States Parties must be fulfilled irrespective of any other multilateral social security agreement that might be applicable. In order to ensure the

exportability of benefits, States Parties may choose between bilateral agreements or any other means such as unilateral, legislative or administrative measures.

The Committee notes from the report that Serbia has concluded bilateral social security agreements guaranteeing the right to retain accrued benefits with Austria, Slovak Republic, Czech Republic, Poland, United Kingdom, France, Belgium, the Netherlands, Denmark, Sweden, Germany, Romania, Bulgaria, Norway, Italy, Bosnia and Herzegovina, Slovenia, Montenegro, "the former Yugoslav Republic of Macedonia", Luxembourg, Hungary, Cyprus and Turkey. It notes the efforts made by Serbia to conclude agreements with the other States Parties to the Charter. However, no such bilateral agreements exist with Albania, Andorra, Armenia, Azerbaijan, Croatia, Estonia, Finland, Georgia, Greece, Iceland, Ireland, Latvia, Lithuania, Malta, the Republic of Moldova, Portugal, Russian Federation, Spain and Ukraine.

Accordingly, the Committee asks, whether the right to retain the benefits accrued in Serbia by the nationals of States Parties not bound by a bilateral agreement with Serbia is secured by unilateral measures and if so, how. It also requests that the next report explain why there are no agreements with some States Parties and provide information on the planned agreements and when these might be signed.

Right to maintenance of accruing rights (Article 12§4b)

The Committee recalls that there should be no disadvantage for a person who changes his/her country of employment, where he/she has not completed the period of employment or insurance necessary under the national legislation to be entitled to certain benefits. This requires, where necessary, the aggregation of the employment or insurance periods completed in another territory and, in case of long-term benefits, a *pro-rata* approach to the conferral of entitlement, the calculation and payment of benefit.

States Parties may choose between the following means in order to ensure the maintenance of accruing rights: multilateral conventions, bilateral agreements or, unilateral, legislative or administrative measures. States Parties that have ratified the European Convention on Social Security are presumed to have made sufficient efforts to guarantee the retention of accruing rights. As Serbia has not signed this Convention, it cannot rely on it to show that it has taken sufficient steps to guarantee the maintenance of accruing rights. The Committee notes that the above-mentioned bilateral agreements include the right to retain accruing rights. It therefore asks if and how the right to accumulate insurance and employment periods is secured for the nationals of the States Parties not bound by a bilateral agreement with Serbia by unilateral measures. It also asks that the next report explain why there are no agreements with some States Parties and provide information on the planned agreements and when these might be signed.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Serbia is in conformity with Article 12§4 of the Charter.

Article 13 - Right to social and medical assistance

Paragraph 1 - Adequate assistance for every person in need

The Committee takes note of the information contained in the report submitted by Serbia.

Types of benefits and eligibility criteria

Social assistance was reformed in Serbia in 2011 with the adoption of a new Social Welfare Act (Official Gazette No. 24/2011). Under section 4 of the Act, every individual and family in need of help and support to overcome their social and life's difficulties and create the conditions for satisfying basic human needs have the right to social security, in accordance with the law. Rights to social welfare are provided with social protection and financial support. Beneficiaries receive financial support in the form of cash welfare assistance, allowances for people needing care and assistance by other persons (not means-tested), allowances for vocational training, one-time assistance, assistance in kind and other forms of material support.

Individuals and families, whose income is below the amount set by law, are entitled to cash welfare assistance. The average income of a claimant is assessed with reference to the past three months before the request (Regulation on income and revenues that affect eligibility for financial social assistance, Official Gazette No. 36/2011). If the beneficiary is able to work, the entitlement to assistance is subject to the condition of being registered as unemployed, not refusing an offer for employment or training and not being responsible of the loss of employment during the previous year (i.e. in case the employment ended at the will of the applicant, with their consent or because of their fault). The benefit is payable for as long as the claimant meets the requirements set by law, except in the case of an individual able to work, or of a family, where the majority of the members are able to work: they are entitled to assistance up to nine months in a calendar year. Persons who are not in a position to work (those older than the standard retirement age, children up to 15 years old or up to 26 years old, if they are pupils/students, people with disabilities, pregnant women or parents on maternity leave or on leave for child care, unemployed persons taking care of a family member receiving long-term care benefits), households whose members are all unable to work, as well as single-parent families are all entitled to an increased amount of cash benefits. The cash welfare assistance may be cumulated with some other social protection allowances (family benefits, old age benefits etc.). According to the report, in April 2012 (outside the reference period) 215 490 people (corresponding to 83 470 households) received cash welfare assistance, for a budget of RSD 825 559 696 (€7 374 780).

One-time assistance can be provided by the local authorities to people suddenly finding themselves in a situation of need, and can take the form of financial assistance or assistance in kind. There are also means-tested child benefits aimed at supporting the education costs of children up to 19 years old, who are full-time students in elementary or high school. The benefit is granted for a period of one year (Financial Support to Families with Children Act, Official Gazette Nos. 16/02, 115/05 and 107/09).

Health care in Serbia is based on compulsory health insurance and voluntary health insurance (Compulsory Social Insurance Act, Official Gazette Nos. 84/04, 61/05 and 62/06 and Health Insurance Act, Official Gazette Nos. 107/05, 109/05 and 57/11). The compulsory health insurance is managed by the Republic Fund of Health Insurance, a national, public and non-profit organisation. Serbian citizens exercise their health insurance rights on the basis of a valid health card. The Fund is funded through the payment of health insurance contributions. All citizens who have an income (salaries, pensions, fees...) are legally bound to pay health

insurance contributions. The health insurance contributions for citizens who do not have an income or a family with an income are paid from the state budget.

Compulsory health insurance covers, *inter alia*, children and students up to 26 years old, pensioners, the beneficiaries of unemployment benefits, people with disabilities or suffering from certain contagious or chronic diseases but also the beneficiaries of social assistance, vulnerable people whose income is below the legal threshold, the victims of domestic violence or human trafficking and "people who due to their traditional ways of life do not have a permanent or temporary residence" (the Roma). The family members of the insured people are also insured. As of 31 December 2011, 6 852 820 Serbian citizens were covered by the compulsory health insurance, including 18.52% persons covered from the state budget (i.e. 1 268 995 persons).

Medical assistance includes emergency care, primary care, certain diagnostical means, reasonable and medically necessary specialist treatment and care in a hospital or at home. The insured people are entitled to free medical assistance for certain types of treatments (emergency care, preventive measures, medical assistance related to childbirth and children, certain dental treatments, treatment of contagious or chronic diseases etc.), while other types of treatments are reimbursed respectively at 65%, 80% or 95% (see the report for details). The reimbursement of certain treatments is subject to a prior consent of a First Instance Medical Commission.

The Committee notes that the establishment of a link between the social assistance and the willingness to seek employment or to receive vocational training is in conformity with the Charter, insofar as such conditions are reasonable and consistent with the aim pursued, that is to say finding a lasting solution to the individual's difficulties. Reducing or suspending social assistance benefits can only be in conformity with the Charter if it does not deprive the person concerned of his/her means of subsistence. In this respect, the Committee asks whether a person should accept any employment offer or whether there are exceptions or criteria applicable, what forms of social assistance may be reduced if the person does not comply with the requirement to accept an offer of employment or training and whether the withdrawal of such assistance may amount to the deprivation of all means of subsistence for the person concerned. The Committee furthermore notes that those able to work are entitled to social assistance for the maximum period of nine months and recalls that under Article 13, social assistance must be provided for as long as the situation of need persists. It therefore asks the next report to clarify, whether all social assistance can be withdrawn after the statutory period, even if the person continues to be in a situation of need and whether the law covers the situation of employed people, whose income is not sufficient to guarantee them and their family a decent life. In the meantime, it reserves its position on this issue.

Level of benefits

To assess the level of the social assistance during the reference period, the Committee takes the following information into account:

- Basic benefits: the level of social assistance is determined on the basis of the consumer price index over the past six months and updated twice a year (in April and October). According to the Mutual Information System on Social Protection of the Council of Europe (MISSCEO), in April 2011 it was RSD6 050 (€58) monthly for an individual. Every other adult and minor in the family gets respectively 50% and 30% of the basic amount. An individual unable to work, a family whose members are all unable to work or a single-parent family are entitled to a 20% supplement.

- Additional benefits: the Committee notes from MISSCEO that cash benefits' beneficiaries, depending on the size of the household, are entitled to reduced electricity, water and other utility bills (the reductions ranging between 10% and 40%). This reduction falls within the responsibility of the city or municipality governments.
- Medical assistance: see above.
- The poverty threshold: the Committee notes from several sources (SETimes, June 2011; BalkanInsight April 2011) that the poverty line was considered to be at €80 monthly in 2011. According to the official data based on the 2008 Household Budget Survey, the poverty line stood in 2008 at RSD7 937 (€92.5 at 1 January 2008, €82 at 31 December 2008). Another source (Poverty in Serbia, by Vuk Stojkovic, November 2012) confirms that the poverty line oscillated between €85 and €90 between 2008 and 2010.

The Committee recalls that it considers the assistance to be appropriate where the monthly amount of the assistance benefits – basic and/or additional – paid to a person living alone is not manifestly below the poverty threshold (which is set at 50% of the median equivalised income). In light of the information above, the Committee concludes that the level of social assistance is manifestly inadequate.

Right of appeal and legal aid

The eligibility to the social assistance benefits is assessed by the local Centre for Social Work. Appeals against its decisions can be filed with the Ministry of Labour and Social Protection and with the local administrative authorities as regards specifically the territory of the Autonomous Province of Vojvodina and Belgrade. Final decisions can be appealed before the administrative tribunals.

Decisions concerning the compulsory health insurance can also be appealed before the medical review board at first instance and then, within three days from the notification of a decision, before the Medical Commission and the Medical Appeals Commission.

The Committee takes note of this information and asks the next report to indicate whether legal aid can be provided as necessary and whether an effective right of appeal exists against decisions concerning the medical assistance, i.e. whether the review bodies are independent of the executive and of the parties, whether all decisions concerning the granting and maintaining of the assistance can be appealed and whether the review bodies have the power to judge the cases on their merits. In the meantime, it reserves its position on this issue.

Personal scope

The Committee notes from the Venice Commission's opinion on the Constitution (opinion No. 405/2006, CDL-AD(2007)004, adopted on 17-18 March 2007) that, under Article 69 of the Constitution, only Serbian citizens and families in need are explicitly entitled to social protection. This is also reflected in the Social Welfare Act of 2011, which, under section 6, designates only Serbian citizens and families as the beneficiaries of social protection. According to the report and MISSCEO, however, foreign nationals with permanent residence in Serbia and stateless persons may be entitled to social assistance in accordance with the law and international agreements. In particular, the report indicates that emergency assistance can be provided in situations that threaten life, health and development to unaccompanied foreign minors, as well

as to adults victims of human trafficking or, in general, to foreign nationals and stateless persons in need of social protection.

The Committee also notes from other sources (Belgrade Centre for Human Rights, Report on Human Rights in Serbia 2011; European Commission against Racism and Intolerance [ECRI], Report 2011) that some 6 500 undocumented people live in Serbia and that the Serbian authorities have been urged by ECRI, as well as by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the UNHCR (<http://www.refworld.org/pdfid/4ffd33e32.pdf>), to solve the problem and issue documents allowing these people to get access to health, housing and social protection.

The Committee recalls that foreigners who are nationals of the States Parties lawfully residing in the territory of another State Party and lacking adequate resources, must enjoy an individual right to appropriate assistance on an equal footing with nationals, without the need for reciprocity. It accordingly asks the next report explicitly to indicate what forms of social and medical assistance are available for foreign nationals of States Parties with temporary or permanent resident status in Serbia, as well as to refugees and stateless persons, including people that are de facto stateless because of the lack of documents. It reserves in the meantime its position on this issue.

Conclusion

The Committee concludes that the situation in Serbia is not in conformity with Article 13§1 of the Charter on the ground that the level of social assistance is manifestly inadequate.

Article 13 - Right to social and medical assistance

Paragraph 2 - Non-discrimination in the exercise of social and political rights

The Committee takes note of the information contained in the report submitted by Serbia.

Article 21 of the Constitution prohibits any direct or indirect discrimination on any grounds. The Anti-Discrimination Act of 2009 generally prohibits discrimination (*inter alia* in the public services) and establishes an independent authority, the Commissioner for the Protection of Equality, who may examine complaints related to discrimination.

With respect to political rights, the Constitution proclaims the sovereignty of the people, and that suffrage is universal and equal (Articles 2 and 52). Every adult citizen able to work shall be entitled to vote and to be elected (Article 52§1). The Constitution guarantees all citizens the right to participate in the administration of public affairs, to employment in public services and to hold public office under equal conditions (Article 53).

As regards the exercise of social rights more specifically, section 25 of the Social Welfare Act prohibits all discrimination on grounds of race, gender, age, nationality, social origin, sexual orientation, religion, political, trade union or other opinion, property, culture, language, disability, nature of social exclusion or any other personal characteristics. Under section 35 of the Act, beneficiaries have, *inter alia*, the right to participate in the assessment of their situation and needs, as well as to decide whether to accept the services or not. Section 37 establishes the confidentiality of all private information concerning social welfare, which can be waived only in accordance with the law. Section 38 provides for the social assistance beneficiaries' right to privacy.

The people registered as residents are entitled to exercise their political and social rights. In order to take account of people who, by their traditional way of life, are not registered either as permanent or temporary residents (mostly Roma people), the Permanent and Temporary Residence Act allows to register the residence at the address of the social work centres covering the area, in which these people live. This provision allows people living in informal settlements and the homeless to obtain identification documents and thus exercise a number of welfare rights.

The Committee recalls that under Article 13§2, persons receiving assistance must not suffer any diminution of their political or social rights, and that any discrimination against persons receiving assistance that might result from an express provision must be eradicated. It asks the next report to confirm explicitly that people in need do not suffer, not only in law but also in practice, from any discrimination in the exercise of their political and/or social rights on account of being beneficiaries of social or medical assistance. In this respect, it notes that under the Constitution, only citizens "with working capacity" are allowed to vote and be elected. The Committee asks the next report to clarify how this requirement is interpreted and applied. As regards the matter of unregistered people, it asks to be kept informed of the measures taken to guarantee they have access to social and political rights in practice.

Conclusion

Pending receipt of the requested information, the Committee concludes that the situation in Serbia is in conformity with Article 13§2 of the Charter.

Article 13 - Right to social and medical assistance

Paragraph 3 - Prevention, abolition or alleviation of need

The Committee takes note of the information contained in the report submitted by Serbia.

Section 3 of the Social Welfare Act states that the objectives of the social protection are:

- to allow individuals and families to achieve or maintain minimum financial security and independence in meeting their basic needs;
- to provide services in view of exercising the right to social security;
- to create equal opportunities for independent living and to promote social inclusion;
- to preserve and improve family relationships as well as family, gender and inter-generational solidarity;
- to prevent abuse, neglect or exploitation, or to eliminate their effects.

According to the report, these objectives are attained by providing social services and other activities aimed at preventing, reducing or eliminating individuals' and families' state of need. Under section 5 of the Social Welfare Act, the social services are defined as social protection services, activities and support to help individuals and families to improve and preserve their quality of life, eliminate or mitigate the risk of adverse life circumstances, as well as creating opportunities to live independently in the community. The various types of financial support aim at ensuring the subsistence level of the user and his/her social inclusion. Under section 4 of the Social Welfare Act, the social services pursue the objective of ensuring social security.

The beneficiaries of social protection, including the social services, are the citizens of Serbia, as well as foreign nationals and stateless persons in accordance with the law and international agreements.

Social protection is based on the principles of non-discrimination and of respect for the integrity and dignity of the beneficiaries. The services must be provided in a timely manner and in accordance with the best interest of the beneficiaries, directly, in the least restrictive environment and in a coherent manner, so as to provide comprehensive protection to people of all ages. They must ensure the best possible results in relation to available funds, in a transparent way, and in quality. Also, under section 33 of the Act, the provision of social services must be organised in a way that ensures their physical, geographical and economic accessibility. In this respect, the report indicates that there are over 420 social service activities funded at the local level and over 140 centres for social work, which assess the needs of individuals and families in order to direct them to the appropriate type of assistance, where necessary. The municipalities and cities that do not have the adequate resources to run the social services may get specific funding from the state budget, in accordance with the law: the Ministry of Labour and Social Affairs supported the development of strategic activities in the field of social protection in 122 local communities.

The Committee asks the next report to clarify whether and to what extent nationals of the other States Parties legally resident in Serbia are provided equal access with Serbian citizens to the services concerned; whether and to what extent stateless people, including the people living in Serbia without documents, have access to these services; and whether these services are provided free of charge and are adequately distributed on a geographical basis. It furthermore asks the next report to provide updated statistical data on the budget for social services and the number of beneficiaries.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Serbia is in conformity with Article 13§3 of the Charter.

Article 13 - Right to social and medical assistance

Paragraph 4 - Specific emergency assistance for non-residents

The Committee takes note of the information contained in the report submitted by Serbia.

The report states that, although section 6 of the Social Welfare Act designates citizens of Serbia as beneficiaries of social protection, foreign nationals and stateless persons may nevertheless be entitled to social welfare in accordance with the law and international agreements. In this respect, the report indicates that, whenever their life, health or development is under threat, emergency assistance can be provided to unaccompanied foreign minors, as well as to adults victims of human trafficking or, in general, to foreign nationals and stateless persons in need of social protection. The Committee notes from another source (Belgrade Centre for Human Rights, Report on Human Rights in Serbia 2011) that, under section 28§5 of the Aliens Act of 2008, if an alien does not have enough money to support him/herself, s/he shall be provided with adequate accommodation, nutrition and basic living conditions.

The Committee recalls that Article 13§4 grants foreign nationals entitlement to emergency social and medical assistance. States Parties are required to provide appropriate short-term assistance to fend off immediate and urgent need (provision of emergency medical care, accommodation, food and clothing). The beneficiaries of this right to emergency social and medical assistance include foreign nationals who are lawfully present in the territory but do not have resident status, as well as foreign nationals who are irregularly present in the territory. In light of this, the Committee asks the next report to confirm that any foreign national in a situation of need is entitled, in law and in practice, to receive emergency medical care free of charge, as well as emergency social assistance (accommodation, food, clothing etc.). It also asks for information and statistic data, if available, on the type and extent of the assistance provided to nationals of the States Parties legally present but not resident, as well as to migrants in an irregular situation and to the undocumented people living in Serbia.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 14 - Right to benefit from social services

Paragraph 1 - Promotion or provision of social services

The Committee takes note of the information contained in the report submitted by Serbia.

Organisation of the social services

Article 14§1 guarantees the right to the general social welfare services. The right to benefit from the social welfare services must potentially apply to the whole population, which distinguishes the right guaranteed by Article 14 from the various articles of the Charter, which require the States Parties to provide social welfare services with a narrowly specialised objective.

The Social Protection Act governs general social welfare services, which may be divided into the following groups: assessment and planning services, daily services at community level, support services for independent living, counseling and therapy services, social and educational services, and accommodation. These services are provided on a temporary or continuous basis according to the needs and best interests of the beneficiaries. They may be provided by public entities, natural or legal persons, associations, companies, as well as by other forms of organisations established by law.

At the local level, the local governments are in charge of developing the social services and prioritising the objectives according to the needs of the citizens in the community.

Effective and equal access

The Committee recalls that social services may be provided subject to fees, either fixed or variable, but which must not be so high as to prevent the effective access to these services. For persons lacking the adequate financial resources within the meaning of Article 13§1, such services must be provided free of charge. In this regard, the Social Protection Act provides that the payment of the services depends on the socio-economic status of the users: the user or his/her relatives may have to pay the fees entirely, partially or not at all.

The Committee further recalls that users must have legal remedies and a right to appeal to an independent body in urgent cases of discrimination and violations against human dignity. Given that the report is silent on the subject, the Committee asks the next report to indicate which remedies are available.

The Committee asks that the next report indicate, whether nationals of other States Parties lawfully resident or regularly working in Serbia have the same entitlement of access to social services as citizens of Serbia, and if not, what restrictions are applied.

Quality of services

The Committee recalls that the providers of the social services must have resources matching their responsibilities and the changing needs of users. This implies that:

- the staff shall be qualified and in sufficient numbers;
- decision-making shall take place as close to the users as possible;
- there must be mechanisms for supervising the adequacy of the services, public as well as private.

The Committee notes that the Social Protection Act introduced a quality system that consists of the defining of basic standards, their application, as well as of the introduction of a system of

accreditation for the training and licensing of service providers, whether public or private. The licenses are issued by the Ministry of Social Protection. The Social Welfare Development Strategy, which was begun in 2007, focused on improving the competences of the social service providers through a large-scale training programme. In 2011, there were 110 accredited programs. The Committee asks the next report to indicate the total number of staff providing social services, as well as to demonstrate that this number is sufficient in relation to the number of users.

The Committee also wishes to be informed of the total amount of the public spending on the social protection services.

The Committee asks whether there is any legislation on personal data protection.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 14 - Right to benefit from social services

Paragraph 2 - Public participation in the establishment and maintenance of social services

The Committee takes note of the information contained in the report submitted by Serbia.

The Committee recalls that Article 14§2 requires the States Parties to provide support for voluntary associations seeking to establish social welfare services. This does not imply a uniform model, and the States Parties may achieve this goal in different ways: they may promote the establishment of social services run jointly by public bodies, private groups and voluntary associations, or may leave the provision of some services entirely to the voluntary sector. The "individuals and voluntary or other organisations" referred to in Article 14§2 include the voluntary sector (non-governmental organisations and other associations), private individuals and private firms. The Committee requests the next report to provide statistic data on any subsidies paid by the Government and the local authorities to voluntary organisations, which provide social services. It also requests that the next report describe any other types of support that may exist for the voluntary organisations, such as tax incentives.

The Committee points out that a supervisory machinery must be put in place to monitor the quality of services provided by individuals and voluntary or other organisations, while safeguarding the users' rights and ensuring the respect for human dignity and fundamental freedoms. In addition to the information provided under Article 14§1, the report indicates that the work done by the social service providers is controlled by inspectors. These inspectors fall themselves under the monitoring of an inspectorate within the Ministry of Social Welfare.

The Committee recalls that the States Parties shall encourage individuals and organisations to play a part in maintaining the services, for example by taking action to strengthen the dialogue with the civil society in the areas of welfare policy affecting the social welfare services. The Committee therefore asks if and how the dialogue with the civil society in respect of the social welfare services is ensured.

In the absence of information concerning the issue of discrimination, the Committee wishes to know, whether and how the Government ensures that the services managed by the private sector are effective and accessible on an equal footing to all, without discrimination at least on grounds of race, ethnic origin, religion, disability, age, sexual orientation and political opinion.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 23 - Right of the elderly to social protection

The Committee takes note of the information contained in the report submitted by Serbia.

Legislative framework

Serbia has adopted a National Strategy on Ageing for 2006-2015, which covers areas such as the mainstreaming of ageing, integration, health etc.

The Committee recalls that the focus of Article 23 of the Charter is on social protection of elderly persons outside employment. Discrimination on grounds of age in employment is primarily examined under Article 1§2 (non-discrimination in employment) and 24 (the right to protection in cases of termination of employment).

As regards the protection of elderly persons from discrimination outside employment, the Committee recalls that Article 23 requires States Parties to combat age discrimination in a range of areas beyond employment, namely in the access to goods, facilities and services. The European Older People's Platform and other sources point to the existence of pervasive age discrimination in many areas of the society throughout Europe (health care, education, insurance and banking products, participation in policy making and civil dialogue, allocation of resources and facilities), which leads the Committee to consider that an adequate legal framework is a fundamental measure to combat age-discrimination in these areas.

The report mentions legislation, passed in 2009, which prohibits discrimination, *inter alia* on grounds of age, and more specifically discrimination in access to health care and to the public services. The Committee asks whether the legislation also prohibits age discrimination in the provision of goods, services and facilities provided by private bodies.

The Committee also asks for information on the legal framework related to the assisted decision-making for the elderly, and, in particular, whether there are safeguards to prevent the arbitrary deprivation of the autonomous decision-making by elderly persons. In this respect, the Committee refers to its statement of interpretation in the General Introduction.

Adequate resources

When examining the adequacy of resources of elderly persons under Article 23, the Committee takes into account all the social protection measures guaranteed to the elderly and aimed at maintaining an income level allowing them to lead a decent life, as well as to actively participate in public, social and cultural life. In particular, the Committee examines pensions, contributory or non-contributory, and other complementary cash benefits available to elderly persons. These resources will then be compared with the median equalised income. However, the Committee recalls that its task is to assess not only the law, but also the compliance of the practice with the obligations arising from the Charter. For this purpose, the Committee will also take into consideration relevant indicators relating to the at-risk-of-poverty rates for persons aged 65 and over.

The report provides information on the pension system, which is contributory, and specifies the rate of the lowest pension, which in 2013 (outside the reference period) was RSD12 898 (€113.52). The beneficiaries of this minimum pension are entitled to a cash supplement of RSD4 000 (€35) four times a year. According to the report, the beneficiaries of the lowest pensions may also be entitled to other benefits. The report provides no information on these benefits, with the exception of the cash social assistance and the long-term benefits available to

those taking care of persons requiring assistance for the tasks of everyday life or who are highly dependent.

However, it appears to the Committee that the beneficiaries of the lowest pensions would not be eligible for the cash social assistance, as this assistance is available only to those persons whose income is below the amount of that assistance (currently RSD7 275 (€64). The Committee therefore asks for further information on the additional benefits that those in receipt of the lowest pensions may be entitled to.

The report mentions the introduction of social pensions. The Committee asks for information on these.

According to HelpAge International, 27% of people above the age of 65 receive no pension. The Committee notes that such persons will be eligible for the cash social assistance. It noted in its conclusion under Article 13 that, according to the Mutual Information system on Social Protection of the Council of Europe (MISSCEO), in April 2011, the said assistance amounted to RSD6 050 (€58) monthly for an individual. The Committee notes that the share of persons without an entitlement to a pension is high and asks what the reasons for this are.

The Committee also asks what benefits or assistance such persons are entitled to, in addition to the cash social assistance mentioned above.

The Committee however recalls having found under Article 13§1 the situation not to be in conformity with the Charter due to the manifestly inadequate level of the social assistance. It noted that the basic benefit was RSD6 050 (€58) monthly for an individual (in April 2011) (currently RSD7 275 i.e. €64), and notes from several sources (SETimes, June 2011; BalkanInsight, April 2011) that the poverty line was considered to be at €80 monthly in 2011. According to the official data based on the 2008 Household Budget Survey, the poverty line stood at RSD7 937 (€92.50 at 1st January 2008 and €82 at 31 December 2008). Another source (Poverty in Serbia, by Vuk Stojkovic, November 2012) confirms that the poverty line oscillated between €85 and €90 between 2008 and 2010.

The Committee recalls that it considers pensions and social assistance levels to be appropriate where the monthly amount of benefits – basic and/or additional – paid to a person living alone is not manifestly below the poverty threshold (set between 40-50% of the median equivalised income). In light of the information above, the Committee concludes that the level of the social assistance is manifestly inadequate, given in particular the large number of elderly persons who must rely on it. It therefore concludes that adequate resources are not guaranteed.

In the absence of the Eurostat at-risk-of-poverty indicator, the Committee requests that each report provide information about the poverty threshold indicator established by national statistics.

Prevention of elder abuse

The Committee recalls that elder abuse is defined in the Toronto Declaration on the Global Prevention of Elder Abuse (2002) as "a single or repeated act or lack of appropriate action occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person". It can take various forms: physical, psychological or emotional, sexual, financial or simply reflect intentional or unintentional neglect. The World Health Organization (WHO) and the International Network of the Prevention of Elder Abuse (INPEA) have recognised the abuse of older people as a significant global problem. Hundreds of thousands of older people in Europe encounter a form of elder abuse each year. They are

pressed to change their will, their bank account is plundered, they are pinched or beaten, called names, threatened and insulted and sometimes they are raped or otherwise sexually abused.

According to the report, in the period 2007-2010 the social services were made aware of approximately 800 elderly persons, who had been the victims of domestic violence.

The Committee wishes to know, what the public authorities are doing to evaluate the extent of the problem in Serbia, to raise awareness on the need to eradicate elder abuse and neglect, and if any legislative or other measures have been taken or are envisaged in this area.

Services and facilities

The Social Protection Act of 2011 provides the legal basis for the establishment of community-based social services. The provision of such services is on the responsibility of the local governments. Such services include financial assistance, assistance at home and “elderly clubs”; certain municipalities provide transport subsidies or free transport, as well as subsidies for medicine and meals in public kitchens.

The Fund for Social Innovation established by the Ministry for Labour and Social Protection provides subsidies to the local governments to fund social services for elderly persons, such as day care, home help etc.

NGOs and private bodies also play a significant role in the provision of social services. The Red Cross launched a project in 2010, "Caring for the Elderly in the Local Community", which aims to enable elderly persons to remain in their homes and communities, thereby avoiding placement with institutional homes. the Red Cross established day care centres in three municipalities, and provides some other services.

The Committee notes that, according to the report, there are waiting lists for many of the services offered by the municipalities, that demand outstrips supply, especially in the rural areas, and that there are disparities between the municipalities with regard to the services provided. The Committee asks whether any progress was made in ensuring that all requiring community-based services have access to them.

The Committee asks how the quality of services is monitored, and if there is a possibility for elderly persons to complain about the services (as provided by public services and by private providers, including NGOs).

It also asks whether some of these services are subject to fees and if so, how the fees are calculated.

The Committee also asks for information on any possible services or facilities (such as respite care) which families caring for elderly persons, in particular highly dependent persons, may request, as well as on any particular services for those suffering from dementia or the Alzheimer’s disease. Finally, it also enquires on the cultural, leisure and educational facilities available to elderly persons.

Housing

The Committee notes that social housing is available for elderly persons, but requests more detailed information on whether the needs of these persons are taken into account in the national or local housing policies, whether sheltered or supported housing is provided, and whether the supply of such a housing is sufficient.

The Committee recalls that appropriate housing conditions are very important for an elderly person's well-being. However, it is also aware that the improvement of the housing conditions of the senior citizens is not an easy task. First, it requires considerable public funding, as the average elderly person usually cannot afford the costs of modernisation of his apartment or purchasing a new apartment of a higher standard. Second, the improvement of housing conditions by moving elsewhere is often not a viable option in that it uproots the elderly person from his/her "natural" environment. Bearing in mind these constraints, the Committee wishes to be kept informed of any public policies providing financial assistance for the adaptation of housing.

Health care

The Committee notes that special information centres have been established to, *inter alia*, provide information to elderly persons on health care.

The Committee recalls the importance of establishing health care programmes and services (in particular primary health care services) specifically aimed at the elderly, as well as guidelines on health care for elderly persons. In particular, there should be mental health programmes for any psychological problems of the elderly, adequate palliative care services, as well as special training for individuals caring for elderly persons. The report provides no information on these questions. The Committee therefore asks for information on these matters in the next report. Information should also be provided on any measures taken to improve the accessibility and quality of the geriatric and long-term care, or on the coordination of the social and healthcare services in respect of the elderly.

Institutional care

The Committee notes that there are a number of institutional care facilities in Serbia and that, despite a move towards community-based services, there is still a demand for places in institutional care. It further notes that the number of privately run institutional care facilities has increased substantially in the recent years.

The Committee asks how these facilities are licensed and inspected, and whether procedures exist for complaining about the standard of care and services or about possible ill-treatment. It also asks which is the competent authority or body responsible for the inspection of the homes and residencies (both public and private). It recalls the importance of ensuring that any inspection system regarding the standards of the care and services provided in institutions and residential facilities be entirely independent of the body managing the facility.

Conclusion

The Committee concludes that the situation in Serbia is not in conformity with Article 23 of the Charter on the grounds that the level of social assistance for elderly persons with no pension is manifestly inadequate.

Article 30 - Right to be protected against poverty and social exclusion

The Committee takes note of the information in the report submitted by Serbia.

The Committee refers to its statement of interpretation on Article 30 in the General Introduction to these Conclusions and invites the Government to take it into account when drawing up the next report.

Measuring poverty and social exclusion

According to the "First national report on Social Inclusion and Poverty Reduction in Serbia – Overview and status of social exclusion and poverty for the period 2008 – 2010 with priorities for the next period", the principal sources of data for calculating the indicators of social inclusion in the Republic of Serbia are currently the Household Budget Survey (HBS) and the Labour Force Survey (LFS).

The at-risk-of-poverty rate (share of persons, whose income per consumer unit does not exceed 60% of the median of national income per consumer unit in the total population) was 17.9% in 2008, 17.7% in 2009 and 18.3% in 2010.

The at-risk-of-poverty rate among the vulnerable groups for 2010 was the following: for male and female 18.1% and 18.4%, respectively; for children up to 17 years 24%; for the youth at the age of 18-24 years 21.1%, for the elderly over 65 years 14.1% and for single person households 22%.

The Committee observes on basis of these statistics that there has been a positive development compared to the situation prior to the present reporting period (thus, in 2002, 20% of the population was at-risk-of-poverty).¹

The Committee notes from the *Monitoring Social Inclusion in Serbia Overview and Current Status of Social Inclusion in Serbia Based on Monitoring European and National Indicators 2006 – 2012*, that the Government of Serbia and the Republic Statistical Office have launched a Survey on Income and Living Conditions (SILC) that will allow for the improving of the system of data collection, as well as analysis of the situation of the different socially excluded groups and individuals and for aligning the monitoring of the social inclusion indicators with the EU countries. It is planned that the SILC survey will become an integral segment of regular statistical reporting. The SILC survey will thus become a major source of data on poverty and social exclusion and will replace the Household Budget Survey (HBS), which has been used for these purposes thus far. For this reason, the data obtained from the HBS will not be used for identifying poverty and social exclusion trends in 2011, which is why data on poverty and social exclusion will not be available for the year 2011.

The Committee asks the next report to contain the information on the percentage of the population that is socially excluded and outline in details the indicators used to measure social exclusion, along with any other relevant statistics. It also asks for detailed and updated information on the poverty rates for specific target groups such as immigrants, Roma, children and single-parent families, as well as on the geographical distribution (urban vs. rural, etc.).

Approach to combating poverty and social exclusion

The Committee points out that Governments must adopt a global, coordinated approach, which must comprise an analytical framework, as well as take measures promoting the access to social rights, in particular with regard to employment, housing, training, education, culture and social and medical assistance for persons in or at risk of finding themselves in a situation of

poverty or social exclusion. In assessing the situation, the Committee will have due regard to its conclusions on other relevant provisions of the Charter, such as Article 1, 11, 12, 13, 14, 15, 16, 17, 23 and 31 (see also the statement of interpretation on Article 30).

The Committee notes from the report the adoption of several laws related to the fight against poverty: Law on Employment and Unemployment Insurance in 2009, which provides the legal framework for the planning and implementation of active labour-market policies in the Republic of Serbia during the transition period; as well as Law on Vocational Rehabilitation and Employment of Persons with Disabilities and the Law on Basic Education.

The report provides information on the preparation of the annual National Employment Action Plan with the objective of supporting the labour market and promoting the employment of groups such as youth, women, people with disabilities and the Roma population.

The report also mentions the launch of a number of projects aiming to strengthen the institutions of social protection and the sensitisation of the public on issues of social inclusion, as well as strengthening the role of parliaments in promoting the status of children with special needs and disabilities.

The Committee notes from another source that the total spending on social protection in Serbia corresponded to about 24.6% of GDP in 2010, which was just below the average for the EU-27 (28.4%). Broken down by categories of benefits shows that the expenditure on old-age and survivors' benefits accounted for almost 54% of the total expenditure, which was above the EU-27 average (45%). The expenditure on unemployment and social exclusion was at 3.6% and 2.1% respectively, and was thus significantly below the EU-average (6% and 3.6% respectively).

The Committee notes from another source the establishment of the Social Inclusion and Poverty Reduction Unit, as well as of the Social Inclusion Fund, aimed to contribute to a more efficient and successful utilisation of the available national funds and of any future EU funds for social inclusion.² The Fund should improve the implementation of the social inclusion measures foreseen by the numerous laws and strategic documents. According to the report, the establishment of the Fund will enable a more effective and efficient support for the social inclusion of the vulnerable population groups in Serbia.

Information on the funding allocated for the realisation of the target objectives can make a significant contribution to the assessment of the measures taken to combat poverty and social exclusion. The Committee therefore asks the next report to contain more detailed information on the resource allocation for the measures to combat poverty and social exclusion, including statistics on the expenditure on unemployment and social exclusion.

Finally, the Committee recalls that the rights relating to civic and citizens' participation, such as the right to vote, constitute a necessary dimension in achieving social integration and inclusion are thus covered by Article 30. It asks that the next report contain information in this respect.

Monitoring and assessment

The Committee recalls that the States must show how they monitor and evaluate poverty reduction measures, as well as provide information on the results of such a monitoring and evaluation (including on any changes/adaptations undertaken as the result of such measures).

The report contains no information on how the activities to combat poverty and social exclusion are monitored and assessed, or with regard to the ways in which the civil society (including the

employers' and workers' representatives, NGOs and representatives of those living in poverty) are involved in these processes.

The Committee notes from the *"First national report on Social Inclusion and Poverty Reduction in Serbia – Overview and status of social exclusion and poverty for the period 2008 – 2010 with priorities for the next period"* that in early 2010, the Government founded a Working Group for Social Inclusion, gathering the representatives of the governmental institutions with the key responsibilities in defining, implementing and monitoring social inclusion policies. The mission of the Working Group for Social Inclusion is to issue proposals for the active participation of the Republic of Serbia in the social inclusion process within the framework of the European integration, as well as to propose measures of defining and implementing the social inclusion policies. The Working Group for Social Inclusion cooperates with and consults the organisations and individuals dealing with social inclusion issues outside the Government, and thus provides an important forum for the advancement of the dialogue between the governmental institutions and citizens' associations.

The Committee considers that the participation of those experiencing poverty and social exclusion in the implementation, monitoring and evaluation of the poverty reduction measures is crucially important in order to ensure the pertinence and efficiency of these measures. It asks that the next report contain information on the situation in this respect.

The Committee asks the next report to contain detailed information on results of the work of the Working Group for Social Inclusion.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Serbia is in conformity with Article 30 of the Charter.

¹<http://www.seio.gov.rs/documents/national-documents.230.html>

²<http://www.inkluzija.gov.rs/wp-content/uploads/2010/03/Study-on-Options-for-the-Establishment-of-the-Social-Inclusion-Fund.pdf>