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## Committee on Economic, Social and Cultural Rights

### **Third periodic report submitted by Serbia under articles 16 and 17 of the Covenant, due in 2019\* \*\***

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\* The present document is being issued without formal editing.

\*\* The annexes to the present report are on file with the Secretariat and are available for consultation.  
They may also be accessed from the web page of the Committee.

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## List of abbreviations

|            |  |
|------------|--|
| ACA        | Anti-Corruption Agency   |
| ESPRP      | Employment and Social Policy Reform Programme  |
| ERP        | Economic Reform Programme  |
| IDP        | Internally displaced persons   |
| IOP        | Individually Adapted Education Plan  |
| LSGU       | Local Self-Government Unit   |
| CRM        | Commissariat for Refugees and Migration  |
| CBGE       | Coordination Body for Gender Equality  |
| CC         | Criminal Code  |
| LEAP       | Local Employment Action Plan   |
| MF         | Ministry of Finances   |
| MIA        | Ministry of Internal Affairs   |
| MPALSG     | Ministry of Public Administration and Local Self-Government  |
| MCI        | Ministry of Culture and Information  |
| MESTD      | Ministry of Education, Science and Technological Development   |
| MLEVSA     | Ministry of Labour, Employment, Veteran and Social Affairs   |
| NEAP       | National Employment Action Plan  |
| NES        | National Employment Service  |
| FSA        | Financial Social Aid   |
| PSERANM-NC | Provincial Secretariat for Education, Regulations, Administration and National Minorities – National Communities |
| PSH        | Provincial Secretariat for Health  |
| PSH        | Provincial Institute for Social Care   |
| RPO        | Republic Prosecutor’s Office   |
| SORS       | Statistical Office of the Republic of Serbia   |
| RISC       | Republic Institute for Social Care   |
| SIPRTGRS   | Social Inclusion and Poverty Reduction Team of the Government of the Republic of Serbia                          |
| SCTM       | Standing Conference of Towns and Municipalities  |
| CPHTV      | Centre for Protection of Human Trafficking Victims   |

## Introduction

1. The Republic of Serbia (hereinafter: Serbia) became an ICESCR member by giving successor statement in 2001, and pursuant to Articles 16 and 17 of the Covenant presented two reports to the CESCR, initial one of 2–3 May 2005, and periodic one of 15 May 2014.
2. Third Periodic Report is composed pursuant to the guidelines (HRI/GEN/2/ Rev.6 from 3 June 2009) and it covers the period from 2014–2018. Having regards to the limited word count, the Report focuses on the articles concerning the recommendations of the Committee (E/C.12/SRB/CO/2). Annex I to the Report represents report of the Government Office for Kosovo and Metohija on implementation of the Covenant in the Autonomous Province of Kosovo and Metohija. Statistical data are provided in Annex II.
3. The Report was compiled by the Government Office for Human and Minority Rights (OHMR) in cooperation with the competent republic and provincial authorities, and relevant CSOs.

## General provisions

### Direct implementation of the Covenant (Recommendation 6)

4. Upon providing protection in cases of violation of economic, social and cultural rights, national courts primarily address the national legislation where Covenant provisions have been implemented; however, there were decisions claiming that the protection is also provided based on the Covenant provisions.
5. Implementation of the Covenant was covered by various training programmes on human rights, continuously organised by the Judicial Academy both for initial trainings and through continuous trainings provided to holders of judiciary functions. Training for lawyers is implemented as part of the Lawyers' Academy activities.
6. One of the courses in the initial police training is "Human Rights and the Code of Police Ethics". Within 2014–2018, basic police training was completed in seven classes with 1,562 attendees. Police officers' training on anti-discrimination policies was conducted during 2014 while implementing IPA 2011 project, and in 2016, on improving human rights and zero tolerance while implementing IPA 2013 project.
7. The Ministry of Internal Affairs (MIA) composed publication "Guidelines for police officers operation and prevention of secondary victimisation of victims of domestic violence and intimate partner violence" in cooperation with CSO "Autonomous Women's Centre". The publication focuses on particularly vulnerable groups of women victims of violence (members of Roma or other national and ethnic minorities, women with disabilities, etc.). The publication was disseminated to all police administrations and presented via problem solving classes held during 2015 which were attended by 5,308 police officers.
8. The Commissioner for the Protection of Equality<sup>1</sup> regularly holds training sessions and seminars on human rights and protection against discrimination for state administration officers, with trainings also organised for: labour inspectors (covering all labour inspectors in Serbia), judges (all four appellations), national councils of national minorities (80 members from all national councils), police officers (366 officers from various police administrations), officers in local self-governments (LSGs), (over 550 officers from 100 LSGUs), CSOs, journalists (local media from 20 cities and towns, public services, media agencies, press and electronic media, TV stations with the national frequency and cable stations), employees in the healthcare and social care institutions, education system, etc. The Commissioner is conducting researches and issues publications and handbooks available in several languages both printed and on its website.

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<sup>1</sup> NHRI.

**Data collection and processing (Recommendation 7)**

9. The system of collecting statistical data regarding the main factors affecting the implementation of economic, social and cultural rights was established in Serbia. The Serbian Statistical Office (SORS) and other competent authorities perform expert tasks in collection, processing, statistical analysis and publishing of statistical data.<sup>2</sup>

**Ombudsman (Recommendation 8)***Law on Ombudsman*

10. The Ombudsman has been a member of the Global Alliance of National Human Rights Institutions (GANHRI) since 2010, when accredited with the A status for the first time. The institutions received re-accreditation in 2015, for the period until 2020 and on that occasion, the Subcommittee of the Global Alliance of National Human Rights Institutions indicated the need for introducing provision in the Law on Ombudsman to explicitly suggest that the body would cooperate with the international system of human rights and CSOs while performing its mandate.

11. For drafting amendments to the Law on Ombudsman, the Ministry of Public Administration and Local Self-Government (MPALSG) compiled a parallel legal analysis of situation in the EU states covering all international standards in the field of interest. The analysis covers findings, recommendations and solutions applicable in national legislation, especially those pertaining to procedure for election and termination of office, application of the National Preventive Mechanism against Torture, for the protection of children's rights, for accessing persons deprived of freedom, financial and staff independence of the institution.

*Financial and human resources<sup>3</sup>*

12. The Ombudsman submitted decisions on education and operation of the Ombudsman's Administrative and Professional Service on 22 October 2018, including the new rulebook on the internal organisation and systematisation of job positions in the Ombudsman's Administrative and Professional Service to the National Assembly.

13. The Ombudsman's budget has been rising since 2015. The exception is the budget for 2018 which was less than the one designated for 2017, which can be explained by the fact that the Ombudsman spent in total 78.89% of the allocated budget funds in 2017. Lower percentage of budget realization in 2017 was caused by the failure in filling the job posts based on the staffing plan for the given year.

14. The Ombudsman records that the latest projections for the state budget for 2019–2021 prepared by the Ministry of Finances (MF) envision limitations which should enable increase of the budget of the given independent body when compared to 2018.

*Initiatives, opinions and recommendations of the Ombudsman*

15. Within 2015–2018, the Ombudsman submitted 21 legislative initiative in the field of economic, social and cultural rights (of which, the competent authorities accepted three, rejected eight, while the remaining ten are still in the procedure); questioned constitutionality and legality of the provisions of the Decision on determining insuree's capacity and the obligation of paying contributions for pension and disability insurance before the Constitutional Court; referred 43 opinions on drafts or regulations proposals from the field of economic, social and cultural rights and issued 21 opinions on the questions from its competence in the given areas; referred a large number of recommendations to the competent authorities which refer in total or partly to the protection and improvement of economic, social and cultural rights (of 1,176 recommendations concerning economic, social and cultural rights, 638 were acted upon, 272 were not acted upon, whereas 266 are still in the acting procedure or being monitored).

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<sup>2</sup> Annex 2.

<sup>3</sup> Annex 2 – Tables 7 and 8.

**Judiciary (Recommendation 9)**

16. The Republic of Serbia kept implementing reform activities pursuant to its National Judicial Reform Strategy, NJRS, (2013–2018) and Action Plan, and ensured their full compliance with the Action Plan on Chapter 23 by revising the Action Plan for the implementation of the National Judicial Reform Strategy at the beginning of 2016, and by adopting the revised text by the Government in December 2016.

17. The Government adopted Draft Amendments to the Constitution on its session of 12 April 2018, and instructed that this draft be forwarded to the European Commission for Democracy through Law – Venice Commission for consideration. The Commission's finding confirmed all its recommendations concerning the Serbian Draft Constitutional Amendments for the judiciary were harmonised.

**Article 2****Maximum available resources (Recommendation 10)***Combatting corruption*

18. Anti-Corruption Agency (ACA) is an independent state authority established by the Law on ACA, commencing operation on 1 January 2010. The ACA's role is to protect public interest through preventing corruption and ensuring legal and purposeful distribution of public resources in cooperation with citizens, civil society and state authorities.

19. The Law on ACA, inter alia, prescribes liability of state authorities, organisations, territorial autonomies and LSG authorities, public services and public companies to adopt integrity plans.

20. The integrity plan is an important anti-corruption mechanism, established for strengthening institutional integrity used to perform corruption risk assessment within an institution.

21. According to the ACA records, total number of institutions obliged to draft integrity plan is 4,267. Institutions are divided into 14 systems (political system, judiciary, police, LSG, defense, finances and economy, agriculture, social policy, healthcare, education and science, culture and sports, living environment and spatial planning, data protection and public companies). Integrity plans are drafted every three years.

22. In the first cycle of drafting integrity plans, started in 2012, 47% of institutions managed to draft own plans, whereas in the second cycle started in 2016, 64% of them managed to do so. The ACA conducts quality and objectivity control of draft plans, compiles report with recommendations for improvement and performs control of integrity plan implementation. There were 52 controls performed in five towns, and 24 controls performed in the second cycle, in seven Serbian towns.

23. For strengthening the preventive anti-corruption mechanisms at the level of LSGs, the ACA drafted Model of Local Anti-Corruption Plan for LSGUs in cooperation with the Standing Conference of Towns and Municipalities (SCTM) and Model Provincial Anti-Corruption Plan.

24. According to data from reports the ACA received from LSGUs, out of 145 LSGU obliged to adopt Model Local Anti-Corruption Plan, 86 LSGUs managed to adopt the Plan since April 2017, when the ACA published the Model Plan, until end-2018.

**Discrimination (Recommendation 11)**

25. Strategy for Prevention and Protection against Discrimination for 2014–2018 was adopted in June 2013, referring to prevention and prohibition of all forms, types and special cases of discrimination. It includes all persons and groups of people considering their special capacities, and particularly national minorities and vulnerable social groups most frequently exposed to discrimination. The Government adopted Action Plan for implementation of the Strategy on 2 October 2014, and on 13 August 2015 established the

Council for monitoring the AP realisation. OHMR drafted six reports so far on AP realisation and an Analysis of results of implementation of the Strategy for Prevention and Protection against Discrimination and its AP, for the purpose of preparing new strategic document.

26. The Law on Prohibition of Discrimination established authority of the Commissioner for Protection of Equality,<sup>4</sup> as the central national body, specialised for prevention and suppression of all forms and cases of discrimination. The Commissioner realises close cooperation with the European and regional equality bodies through bilateral meetings and active participation in the operation of the European Network of Equality Bodies (EQUINET) whose member it has been since 2010.

27. One of the Commissioner's main competences is acting upon complaints for discrimination, which may submit any natural and legal entity, groups of people, and organisations dealing with human rights protection. The Commissioner received in total 3,568 complaints in the reporting period. Commissioner's acting upon the recommendations based on the received complaints is around 80%.

28. The Commissioner is authorised to warn the public on most frequent, typical and difficult cases of discrimination, and also to recommend to public authorities and other entities to take actions for restoring equality. In the reporting period, 54 warnings were issued, 124 announcements and 1,879 recommendations of actions to public authorities. Acting upon the Commissioner's recommendations is around 90%. The Commissioner monitors implementation of the law and regulations in the field of equality protection and prohibition of discrimination, gives opinions on draft laws and other regulations (137) and initiates passing of new regulations or amendment of regulations from the aspect of its competence (12).

29. The Commissioner submits regular annual reports on equality protection to the National Assembly of Serbia, and for particularly important reasons, it may submit special reports on own initiative or on request of the National Assembly (four special reports were submitted – on discrimination of persons with disability, children, women and report on accessibility of premises of state authorities).

30. For exercising legally entrusted competences covering, pursuant to the law, discrimination on 19 points, the National Assembly should ensure conditions for improving personnel and technical capacities and funds necessary for Commissioner efficient and effective operation.

31. Based on the Law on Foundations of Education System, the Teams for Protection against Discrimination, Violence, Abuse and Neglect were formed in each school since 2009.

32. The Rulebook on acting of the institution in case of suspicion or identified discriminatory behaviour and insulting personal reputation, honour or dignity, entered into force on 1 September 2018. The Rulebook on prevention of gender-based violence was developed, and the results of research on frequency of gender-based school violence were also issued as publication.

33. As part of the Government's project "Integrated Response to Violence against Women and Girls in Serbia II" four modules of training were formed: 1. Promotion of differences, justice and social inclusion in kindergartens; 2. Respecting diversity and identity development; 3. Social and emotional learning as the support for the development of constructive relations in the peer community; Module 4. Role of families in building secure and encouraging environment in kindergartens.

34. Four trainings in pilot preschool institutions were organized between 25 October and 10 November 2018, encompassing Module 1 and Module 2. The trainings included 100 participants from four preschool institutions. An internet research entitled "Analysing opinions of students and school staff on gender-based violence" from 15 May–15 June 2018 in seven primary and one secondary school. Out of 815 participants, 600 (309

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<sup>4</sup> Annex 2 – Table 9.

schoolgirls and 291 schoolboys) were from primary schools, while 215 (109 schoolgirls and 106 schoolboys) were from secondary schools. By end-August 2018 was realised joint supervision meeting with mentor and partner schools. The results of the research were summarised and it was agreed the final research to be finalised during 2019.

35. Project “Cross-border intercultural cooperation of education institutions of the Republic of Serbia and the Republic of Croatia” is underway, whose objective is prevention of violence and discrimination in multicultural environments.

36. Position of LGBTI persons in Serbia improved compared to times prior to passing the Strategy for Prevention and Protection against Discrimination, as follows: within systemic prevention of discrimination and improving the practice of anti-discriminatory acting, and within improving competences of civil servants. By amending the Criminal Code (CC), sexual orientation and gender identity were added as grounds of criminal offence of equality violation. The Law on Foundations of Education System prescribes sexual orientation and gender identity as special grounds of discrimination. The Law on National Registries prescribes that the data on gender change based on decision of municipal/city authority passed according to the prescribed certificate of competent healthcare institution should be recorded in the registry book. The Rulebook on the manner of issuing and form of certificate of the competent healthcare institution concerning gender change envisions from December 2018 that certificate on gender change should be issued by healthcare institution after hormonal therapy has been administered for at least a year followed by indication and medical surveillance by doctor specialised in psychiatry and doctor specialised in endocrinology, or after surgical gender change.

37. MLEVSP defined new method of work in 2018 with the associations of persons with disabilities reflected in cooperation and active inclusion of persons with disabilities in the process of creating and implementing policies improving their position, whereby the priority fields of funding through the public competitions were defined in the partnership.

38. RSD 239,999,998.00 was approved in Programme competition for improving the position of persons with disabilities in Serbia in 2018, intended for activities of 35 associations of persons with disabilities with 543 local organisations in over 70 cities and municipalities which have continuously been implementing various activities intended for improving position of persons with disabilities. MLEVSP funded over 500 various activities contributing to the ensurance of equality of persons with disabilities and raising awareness on persons with disabilities for their more complete participation in life of wider social community. Also funded were 1,584 simulative and inclusive workshops for persons with disabilities.

39. Pursuant to permanently open competition for improving the position of persons with disabilities in Serbia in 2018, MLEVSP funded implementation of strategic projects concerning accessibility of public institutions, and reconstruction and furnishing of facilities used by the associations and groups of persons with disabilities in the entire country, thus improving the spatial and technical conditions for operation and ensurance of new and modern premises for these associations and groups. In 2018, funding of 91 programmes of associations was supported with 139,980,316.30 RSD.

40. The Ombudsman, in cooperation with the Government Team for Social Inclusion and Reduction of Poverty (GTSIRP) and the SCTC established in 2016 the Award for LSGUs contributing to development of all forms of accessibility and notice with the examples of good practice.

41. Commissariat for Refugees and Migrations (CRM) allocates budgetary funds annually, and several times a year opens public calls for funding CSOs’ programmes of relevance for refugees, internally displaced persons (IDPs), returnees per readmission agreements, and asylum seekers. Annually, from the Serbian State Budget are allocated RSD 12 to 15 million, whereas from donor funds for these programmes are earmarked five to seven million RSD.

42. Regional residential programme is part of a wider political process of cooperation among the countries in the region (Bosnia and Herzegovina, the Republic of Croatia, Montenegro and the Republic of Serbia) for resolving the problems of refugees and

overcoming consequences from the past. The Programme's goal is to ensure permanent residential solutions for 16,780 families (45,000 individuals) in Serbia. Since the Programme's beginning, 2,835 residential solutions (1,216 construction material packs, 265 pre-fabricated houses, 1,053 village houses and 301 residential units) were delivered.

### **Roma people (Recommendation 12)**

43. By adopting the Strategy for Roma Inclusion in Serbia for 2016–2025 and accompanying Action Plan, continuity in work on ensuring access to services and a better life quality was achieved for the citizens of Roma ethnicity. The Strategy defines five priority fields for improving the position and social inclusion of the Roma population, being the following: social care, residence, employment, education and healthcare. Based on the Strategy, the centre of measures implementation was transferred to the level of LSGUs within which forming of local mechanisms for implementing the planned activities was envisioned (a mobile team for Roma inclusion) managed by the coordinators for Roma issues before the LSGUs, with the involvement of the pedagogical assistants for Roma children, healthcare mediators for raising the awareness of healthcare in the informal Roma settlements and the representatives of the NES and the social care centres. By implementing IPA 2012, 2013, 2014 and 2016 in 50 LSGs, mobile teams for Roma inclusion were formed. Through Project "Improvement of socioeconomic living conditions of Roma population", one of components is the support to existing mobile teams in conducting predefined activities, and support in forming new mobile teams in municipalities which lack them, in order to achieve higher rate of inclusion of Roma population.

44. The Coordination body for monitoring Implementation of Strategy for Social Inclusion of Roma in Serbia for 2016–2025, was founded on 3 March 2017.

#### *Social care*

45. Serbia introduced dedicated mechanism of transfer in March 2016, enabling transfer of funds from the Republic Budget to LSGs below the republic average level of development, to enable them to develop social care services required by population in their territory. This mechanism is regularly implemented and, in the first year, 400 million dollars were allocated from the Republic Budget for given purposes. In March 2017, agreements on dedicated transfers were signed with 125 LSGs for 701,213,000 RSD, and in 2018 for 689,999,999.90 RSD.

46. Two new services were developed in social care for families in crisis and under numerous and complex difficulties: family associate services, and occasional foster care services. These two services proved to be very significant for Roma population and thus, the share of Roma families is larger relative to beneficiaries of these services. Further development and implementation of services in larger number of local environments requires amendment to normative framework, and also ensuring financial and human resources to enable their adequate provision.

#### *Education<sup>5</sup>*

47. The level of Roma education compared to relevant levels for population of the Republic of Serbia generally shows great discrepancies. Every fifth Roma, compared to every 37 citizen of Serbia older than 14, is without education, whereby over a third of Roma (34.2% compared to 10.9% of population in Serbia) did not complete primary school. Approximately a third of Roma (33.3% compared to 20.8 for the level of Serbia) completed primary education, whereas 11.5% Roma completed secondary education (48.9% for the level of Serbia). Drastic differences are observed concerning share of Roma (0.7%) and the remaining population in Serbia with higher and university education (16.2%). Low level of computer skills was also recorded in Roma population – 77.3% Roma older than 14 have no computer skills.

48. Serbia takes numerous measures of support for improving education of Roma children including the following:

<sup>5</sup> Annex 2 – Table 10.

- Priority enrolment in preschool institution and facilitated procedure for enrolment in primary school;
- Scholarships, student loans, residence and food – Students of Roma minority were granted 2,149 scholarships, of which 65% to girls, over the last three school years;
- Pedagogical assistants – This is systemic measure prescribed by the Law on Foundations of Education. Currently, there are 225 pedagogical assistants, 35 in preschool institutions, whereby the rest are hired in primary schools. Their role is to support Roma pupils in learning the language and integration in the class and the education system. Public call for primary schools was announced to 50 new assistants in 2017/18 and 2018/19 and to spread the network of pedagogical assistants. Selection of 50 new schools was performed. SCTC was engaged in including new pedagogical assistants in mobile teams for Roma inclusion, where lacked;
- The Programme of affirmative enrolment measure of Roma students in secondary school – The Programme was introduced in 2003, and realised systemically since 2005. By passing the Rulebook on student enrolment standards and the procedure – members of Roma national minority in secondary school under more favourable conditions for achieving full equality in February 2016 which has become a part of the Rulebook on enrolment in secondary school, the process of systemic organisation of this type of support was completed;
- The Roma language with elements of the national culture – Rulebook on curriculum for the first and the second grade of primary education was used to determine the curriculum for elective subject Roma language with elements of the national culture, and thus a prerequisite for introducing elective subject in regular schooling was created. In 2016/17, in total 2,264 pupils attended concerned elective subject in 72 primary schools in Serbia, with the engagement of 55 teachers. The elective subject was attended by 2,860 pupils in 2017/18, and in 2018/19, there were 2,463 pupils who attended the Roma language with the elements of the national culture. According to decision of the Scientific and Teaching Council of the Faculty of Philology at the University of Belgrade, the subject Roma language with elements of the national culture was included since 15 April 2015 in the academic studies within the Centre for Professional Development and Evaluation. Thus was enabled establishment of Roma Language department;
- Facilitated procedures for school enrolment of Roma students returnees in readmission –During 2016/17, in total 711 pupils-returnees in readmission enrolled primary schools (369 girls and 342 boys); In 2016/17, in total 15 pupils-returnees in readmission enrolled secondary schools (six girls and nine boys); In 2017/18, there were 378 pupils (184 boys, 194 girls) who returned with their families under Agreement on Readmission from Western European countries. The highest concentration of returnees is in school administrations Belgrade, Leskovac and Novi Sad. The MPSTD realised 67 requests for diploma nostrification based on simplified procedure during 2017/18. The additional measure of support provided during 2017/18 was distribution of free schoolbooks (in total 175 students).

#### *Employment*<sup>6</sup>

49. According to the data of the National Employment Service (NES), there were 25,605 persons in the records of unemployed persons on 31 December 2018, who were the members of the Roma national minority, of whom 12,323 were women. The share of the category of unemployed persons in the total registered unemployment rates was 4.6%.

50. Within 2014–2018, 24,378 (10,884 of women) members of Roma minority participated in active employment policy measures (hereinafter: AEP measures), and during 2018, there were 6,175 of unemployed Roma (of whom 2,781 of Roma women) from the records of the NES.

<sup>6</sup> Annex 2 – Tables 11–13.

51. National Employment Action Plan for 2018 identifies unemployed Roma as category of unemployed who need additional assistance and support in integration or reintegration on the labour market and who have priority upon their inclusion in programmes and measures of active employment policy. In February 2018, as part of public calls and competitions for realisation of AEP measures in 2018, there was special Public Call for unemployed Roma for self-employment subsidies. The NES supported 156 Roma (64 Roma women) through allocation of self-employment subsidies ending with December 2018 to start their own business. Informative and counselling services in NES business centres were used by 367 Roma (158 Roma women).

52. As part of the project “Encouraging youth employment”, the Government is realising project activities with the objective of improving the youth employability of young Roma people. The coverage of 100 young unemployed Roma persons is planned by the programmes of short trainings for five profiles needed on the labour market, with the effect of unemployment/self-employment of 60%. Through the realisation of the project activities, support for 10 Roma persons will be given for starting their own business by obtaining the required financial resources.

#### *Healthcare*

53. For the purpose of realising the exercise of healthcare, competition for employing 14 mediators and 10 new health services mediators within the programme was announced in August 2017. In cooperation with the UNICEF, “Analysis of the institutional framework of health services mediators” is being realised. The databasis is operational. The collection of data on the health condition of Roma population is reconstructed and improved.

54. Funds for health mediators practicing activities which contribute to the improvement of health of Roma population have continuously been provided. During 2018, there were 85 mediators.

#### **Asylum seekers, refugees and internally displaced persons (Recommendation 14)**

##### *Institutional and legal framework and training*

55. Serbia’s continuous political commitment for ensuring adequate living conditions and for seeking permanent solutions for IDPs is reflected in adopting the Law on Migration Management and in revising the National Strategy for resolving the Refugee and Internally Displaced Persons Issues for 2015–2020, allocating significant budgetary funds to address and improve the position of IDPs, collecting donor funds and in regular inclusion of IDPs’ issues high in political agendas of all relevant forums with the emphasis on permanent solution of their problems. The new Law on Asylum and Temporary Protection was passed in March 2018.

56. The Asylum Office<sup>7</sup> was established within the MIA in 2015, with the competence of conducting the asylum procedure and passing the first degree decisions on the submitted request. The Government body, the Asylum Commission, decides on complaints against Asylum Office’s decisions. The Asylum Commission’s second instance decisions may be challenged in administrative proceedings by filing lawsuit with the Administrative Court of the Republic of Serbia.

57. The number of expressed intentions for submitting asylum requests in 2017 was 6,195, the actual number of submitted asylum requests was 235, and 106 persons were interviewed. Passed decisions include:

- 3 decisions on granting shelter for three persons;
- 3 decisions on granting subsidiary protection for 11 persons;
- 42 decisions on rejecting asylum requests for 53 persons;
- 9 decisions on rejecting asylum requests for 11 persons;

<sup>7</sup> Annex 2 – Tables 14 and 17.

- 112 decision on cancelling procedure for 159 persons.

58. Apart from trainings under Twinning Project “Support to the National Asylum system in the Republic of Serbia”, IPA 2013, the Border Police Directorate police officers and the CRM employees attended training sessions organised by the European Asylum Support Office – EASO and trainings organized within the Regional Project “Support to migration management and protection of refugees in the Western Balkans and Turkey”. Also, “Handbook for treating asylum seekers” was developed for the Border Police, CRM employees, Asylum Office staff, based on which two training sessions were held, with 40 Border Police Directorate’s officers and 40 CRM employees passing the training.

#### *Local integration*

59. Serbia developed mechanisms on the central and the local level for implementing all types of support programmes for IDPs. Owing to the system of local action planning, LSGs took active role in solving the needs of IDPs since 2008. Numerous programmes envisioned by strategic frameworks funded by the EU, the Government, and governments of foreign states have been realised over the last period.

60. Since 2012, CRM has been passing annually regulations on defining incentive programmes for implementation of measures and activities required for reaching the designated objectives in migration management in the LSGUs. Upon planning and realizing budget and donor funds, the CRM ensures to include in programmes those LSG on whose territories reside large numbers of IDPs. The programme is particularly defined for every year.

61. Improvement of residential conditions for IDPs is performed by designating resources intended for improving the housing conditions and more specifically, by granting construction materials, providing assistance for purchasing house properties in the villages, building pre-fabricated houses, allocating residential units for social housing under the protected conditions and renting, by providing packets for economic strengthening, giving assistance in resolving issues of IDPs residing in informal collective centres. For these purposes, around 300 million RSD is allocated from the Republic Budget on yearly basis. IPA 2014 – by the end of 2018, all agreements with the beneficiaries of grants were signed (CSOs/LSGUs), followed by opening public calls for end beneficiaries, forming commissions, and drafting rulebooks for the selection of beneficiaries. This project covers 21 LSGUs. The value of this segment of the project implemented by the CRM is 175,000 EUR and it refers to the housing of IDPs and returnees according to readmission agreements. 273 families are planned to be housed by purchasing pre-fabricated houses, properties in villages and by providing construction material. Allocation of 182 packets for economic strengthening was also planned.

62. For the purpose of providing support for integration of persons with approved international protection, amendments to the Regulation on the manner of inclusion in the social, cultural and economic life of persons with the approved asylum rights were adopted in July 2018 including the Regulation on the standards for determining the priority for housing the persons with the approved right on shelter and allocated subsidiary protection and conditions for using residential premises for temporary residence.

#### *Social care and education*

63. According to the Law on Asylum and Temporary Protection, the Rulebook on social assistance for persons seeking and/or having approved asylum request was passed. Social assistance is realised in the form of the monthly financial aid. With respect to the request for the exercise of rights on the monthly financial aid, the Social Care Centre is the one to make decisions in the municipality where the given person is seeking asylum, i.e. where the person with the approved asylum status resides. The minister competent for social affairs acts on the complaints against the decisions of the social care centre on the right for the monthly financial aid.

64. The EU and MLEVSP signed the Agreement on Grants for 7,299,999 EUR for provision of humanitarian aid for migrants and refugees within Project “Strengthening Capacities for Managing Migrant/Refugee Crisis” – (MSCMMRC). The Agreement on

Project Implementation was signed on 12 January 2017. Project partners are the MIA and the CRM. Within the project, support was provided in funding the daily/operational costs for housing, food and basic living conditions in regular asylum centres, reception transition centres and centres for reception of unaccompanied minors in Serbia. In total 300 unaccompanied minor migrants were housed during 12 months in the social welfare institutions in Belgrade and Niš. Besides reception, other workers were hired within the project to work on education on daily basis and psychosocial support for unaccompanied minor migrants.

65. Continuation of support for increasing and improving capacities for migrant crisis management (MSCMMRC 2) was signed in January 2018 (16 million euros) with the duration of 15 months. MLEVSP, CRM, MIA, MoH and MESTD are taking part in the project realisation.

66. The Law on the Foundations of Education prescribed enrolment of foreign citizens, stateless persons and citizenship applicants, who enrol in education institutions and exercise the right to education under the same conditions and the manner stipulated by the law for Serbian citizens.

67. After the experience of schools in the second semester of 2016/17, the minister of education passed the Expert instruction for the inclusion of refugee/asylum seeker students in the education system which was distributed to all schools. During 2016/17, 101 pupils were included in the Serbian education system in six primary schools. The following year, the scope of migrant students included in primary education was higher than 95%. During September and October 2018, the total number of migrant pupils was 315 in 50 schools (37 primary and 13 secondary schools), making 97% of coverage.

#### *Reception capacities*

68. On 6 June 2015, the Government founded Work Group for resolving issues of mixed migration flows, on the ministerial level, and on 4 September 2015, it adopted the Reaction plan in case of an increased number of migrants with the assessment of needs, which is regularly adopted in accordance with the needs.

69. At the beginning of migrant crisis and opening of the Western Balkans route in mid-2015, Serbia had five asylum centres, with total capacity of 810 beds. Since September 2018, there are 15 operational centres (five permanent asylum centres and 10 reception centres, three of them temporarily closed) with total capacity of 6,000 beds, with possibility of increasing it by using facilities intended for brief reception in case of need. The standards in the centres are harmonised with UNHCR standards.

### **Article 3**

#### **National mechanisms for gender equality (Recommendation 15)**

70. In 2014, the Government had established Coordination Body for Gender Equality (CBGE), chaired by the Deputy Prime Minister, which is in charge of discussing all the issues and coordinating tasks of public administration in the field of gender equality with the aim of its improvement. The Coordination Body is in charge, *inter alia*, of monitoring the implementation of the National Strategy for Gender Equality for 2016–2020 and the accompanying Action Plan 2016–2018. In order to coordinate the implementation of the National Strategy, the CBGE, at the national and provincial level, holds meetings with contact persons at semi-annual level and collects data on the conducted activities. At an annual level, CBGE conducts conferences at which gender equality mechanisms are brought together with the aim of providing support, strengthening cooperation, their empowerment and better networking. The CBGE coordinated preparation of comprehensive report on implementation of the Action Plan 2016–2018 with evaluation, and is currently preparing the new two-year Action Plan.

71. In 2017 a new internal organizational unit was established at the MLEVSA – Sector for Anti-Discrimination Policy and Improvement of Gender Equality. The MLEVSA

monitors the implementation of the applicable Law on Gender Equality, and it also commenced with the drafting of new law.

### Gender discrimination (Recommendation 16)

72. In accordance with the country's strategic orientation expressed in the National Strategy for Gender Equality for 2016–2020 with the accompanying Action Plan, mandatory quota of 40% for women is envisaged as a special measure during election for representative bodies at all levels, and special measures in the field of employment and work of women.

73. Today in Serbia, women hold offices of President of the National Assembly, Prime Minister, Deputy Prime Minister, Governor of the National Bank, and President of the Constitutional Court. In total 34.4% of Parliament members are women, while 16% of women are ambassadors. In Government, 23% are women, while 7% of Serbian Mayors are women. In total, in LSGU assemblies, 32.7% of municipal council members are women. In 12 municipalities and cities, 7.9% of women are Mayors, 18.51% are Deputy Mayors and 24.8% of women are assistants Mayors.

74. In the third quarter of 2018, female employment rate of 41.7% remains significantly lower than male employment rate, which is 57.3%. The unemployment rate of women was 12.2%, while for men it amounted to 10.5%.<sup>8</sup>

Graph 1

**The registered unemployment rate of women within 2014–2018, (as of 31 December)**



Source: NES (National Employment Service).

75. The National Action Plan for Employment for 2018 specifies the following categories: single mothers, victims of domestic violence, victims of human trafficking, female beneficiaries of social welfare and Roma women. Support to women entrepreneurship through trainings, granting subsidies and mentoring is also provided.

76. The NES possesses gender-disaggregated data and keeps the records on unemployed persons in about 20 categories and by difficult-to-employ factors. According to the NES data of 31 December 2018, there were 9,162 single mothers, 86,796 women over the age of 50, i.e. 22,193 women from the category of surplus employees, 62,742 women up to the age of 30, 30,722 female beneficiaries of social welfare and 12,323 Roma women registered in the Register of Unemployed Persons.

77. In 2018, women participation in AEP measures is increasing.<sup>9</sup> Observed by affiliation to multiple vulnerabilities, AEP measures during 2018 included:

- 27,317 unemployed women up to the age of 30;
- 14,818 unemployed women over the age of 50;
- 7,389 unemployed women from the category of surplus employees;
- 4,499 unemployed women with disabilities;

<sup>8</sup> Annex 2 –Table 18.

<sup>9</sup> Annex 2 –Table 19.

- 2.781 unemployed Roma women;
- 74 unemployed women who were victims of domestic violence;
- 2.994 unemployed single mothers.

During 2018, the share of women in total number of persons included in AEP measures amounted to 54.4%, for persons with disabilities it amounted to 44.8%, while for members of national minorities it amounted to 45.0%.

78. Within IPA 2016 Programme “*Key steps towards gender equality in Serbia*”, implemented by the Ministry of Economy, measures were implemented to support entrepreneurs within the START UP Programme. The project “*Involving women entrepreneurs in value chain*” is being realized with the aim of their economic empowerment.

79. Through the Small Business Support Programme for the procurement of equipment in 2017, the total number of approved requests for procurement of equipment was submitted by 400 business entities, out of which 60 are women present in the ownership and management structure. The total grant funds for business entities, within which women are in the ownership structure, is RSD 75,117,247.06. Through the Programme for the Development of Entrepreneurship, in total 22 requests filed by women entrepreneurs were approved to the amount of RSD 172,793,269.35.

80. The Programme of Support to the Development of Competitiveness of Small, Micro and Medium-sized Enterprises – for capacity building for business and management: of 317 approved projects, women are founders in 42 enterprises, i.e. 13% of programme beneficiaries are women. In the Programme of Support to Innovative Enterprises, out of 24 approved projects, women are founders in seven enterprises (29%). Within the framework of supporting the promotion of export for individual appearance at international fairs abroad, out of 38 approved programmes, women are founders in five companies, i.e. 13% are women founders, while in the Programme of Support to Exporters, 12% are women founders. Within the Programme for Development of Competitiveness and Innovation in Small, Micro and Medium-sized Enterprises in 2017, women are founders in 25% of supported enterprises.

81. The CBGE coordinates the preparation of the Project “*Reform in Women’s Access to Economic Opportunities in Serbia*”, with the aim of improving women access to financial and other resources, especially of women residing in rural areas, in order to strengthen their economic empowerment. In June 2017, under the auspices of CBGE, an initiative was launched to employ 1,000 women and young people in rural areas on activities involving the manufacture of traditional handicrafts as business and diplomatic gifts. So far, 459 women from rural areas have been employed in this manner.

82. The Ministry of Agriculture, Forestry and Water Management keeps records of tenants classified by gender and age, when tenants are natural persons (14.15% of tenants are women). Out of the total number of approved applications for investments under the Investment Support Programme for the construction and equipping of facilities for the improvement of primary production of plant crops (145), the share of approved applications for agricultural holdings, whose holders are (seven) women, accounted for 4.8%, while those applications whose women bearers are in the total amount of funds disbursed for the said Support Programme (RSD 332,546,996.02) participate with 4.9% (RSD 16,433,556.81).

## Article 6

### Unemployment (Recommendation 17)

#### *Strategic and legislative framework of employment policy*

83. According to the results of the *SORS Labour Force Survey*, since 2014, the Serbian labour market features improvement of basic labour market indicators (employment rate increase and unemployment rate reduction).<sup>10</sup>

84. The labour normative framework comprises: the Law on Employment and Unemployment Insurance, Law on Professional Rehabilitation and Employment of Persons with Disabilities, and Law on Employment of Foreigners.

85. The strategic framework of employment policy in Serbia comprises the National Employment Strategy 2011–2020 and the National Action Plan for Employment (NAPE), which is adopted annually. In the framework of the European Integration Process, the Government adopted the Economic Reform Programme for 2019–2021 (ERP), which envisaged the priority structural reform – the increase in labour activation of working age persons covered by the social welfare system, the hard-to-employ unemployed persons and other hard-to-employ persons from particularly vulnerable categories, and the strengthening of formal employment.

86. Within 2014–2018, the national financial allocations for implementation of AEP measures increased.<sup>11</sup> In 2018, priority activities of employment policy were related to:

- Improving labour market conditions and improving labour market institutions;
- Encouraging employment and inclusion of hard-to-employ persons in the labour market and supporting regional and local employment policies;
- Improving the quality of the workforce and investing in human capital.

87. Through IPA 2012 and IPA 2013, as direct support to the NES, capacities of local NES branches were strengthened, and new models of support to hard-to-employ persons from NES records introduced.

88. Within the AEP system, additional education and training programmes are implemented by NES or by specialized training providers to which NES commissioned implementation of individual programmes. During 2018, the following programmes were implemented:

- Professional Practice Programme;
- Programme for acquiring practical knowledge for unqualified persons, surplus employees and long-term unemployed persons who have been on the Register of Unemployed Persons for more than 18 months;
- Training for the labour market;
- Trainings at the request of the employer – for unemployed persons;
- Training for the employee, for employer’s needs;
- Functional basic adult education;
- Specialist IT training.

During 2018, 10,416 unemployed persons (of that 6,464 women) were involved in programmes of additional education and training, which is 100% realization of 2018 plan.

89. The following results have been achieved by support programmes to the business sector within the “*Decade of Entrepreneurship*”, implemented by the Ministry of Economy in 2017:

<sup>10</sup> Annex 2 –Tables 20–23.

<sup>11</sup> Annex 2 –Tables 24, 25, 27, 28.

- 567.720.592,00 RSD of grant funds were allocated by the Small Business Support Programme for Procurement of Equipment;
- By the Programme for Stimulating Entrepreneurship Through Development Projects was allocated 3 billion RSD, of which 600.000 RSD were grant funds, while the remaining 2.4 billion RSD were granted as loans from the Serbian Development Fund;
- By Programme for Stimulating the Development of Entrepreneurship through Financial Support to Young Entrepreneurs was allocated 600.000 RSD, of which 250.000 RSD as non-returnable, remaining 350.000 RSD was allocated as loans from the Serbian Development Fund.

90. The Employer benefits for stimulating employment issued by MF, which are in force since 1 July 2014, by adopted amendments to the Individual Income Tax Law and the Law on Mandatory Social Security Insurance Contributions from December 2017, may be utilized by the employers until 31 December 2019. The value of granted benefits from January–December 2017 amounted to some RSD 4.6 billion. The highest amount of employment benefits (RSD 2.4 billion) and the largest number of employees (19.721 persons) is in the category where the employer is entitled to 65% refund of taxes and contributions, provided it has employed at least one, and at most nine new employees. In the same period, the number of micro and small enterprises and entrepreneurs who have used these benefits (75% refund if they employed at least two new persons) was 1,462, while 6,329 persons were employed.

#### *Regional and local employment policy*

91. Encouraging the development of regional and local employment policy and supporting employment in less developed areas represents the operationalization of one of the four strategic objectives of the employment policy and the continuation of the process of decentralization of the employment policy. The competent authority of territorial autonomy, or LSU, may adopt Local Employment Action Plan (LEAP), which is a key instrument of local employment policy whose implementation can be conducted through two modalities:

- Financing of programmes or AEP measures envisaged by LEAP with funds from LSU budget;
- Co-financing of programmes or AEP measures envisaged by LEAP with funds from the budget of the Republic of Serbia and LSU budget.

92. From 2015–2018, the provision of continuous technical and financial support to the development of regional and local employment policy was continued. With co-financing from the budget of the Republic of Serbia and LSU budget, the following was achieved: 83 LEAP in 2015, 84 LEAP in 2016, 109 LEAP in 2017 and 108 LEAP in 2018.

#### *Employment of vulnerable groups*

93. Encouraging the employment and inclusion of hard-to-employ persons on the labour market is performed through the implementation of AEP measures.<sup>12</sup>

94. Pursuant to the Law on Employment and Unemployment Insurance, the annual National Employment Action Plans determine the categories of hard-to-employ persons and particularly vulnerable categories of persons that have priority when being included in AEP measures. In 2018, the status of hard-to-employ persons was attributed to: young persons up to the age of 30, surplus employees, older persons over the age of 50, persons with no qualifications or low qualifications, persons with disabilities, Roma nationals, working-age persons who are beneficiaries of social welfare assistance, long-term unemployed persons (persons who are in the Records of Unemployed Persons for longer than 12 months and especially unemployed persons looking for work for longer than 18 months), young persons

<sup>12</sup> Annex 2 – Table 26.

up to the age of 30 who had/have the status of a child without parental care, and victims of domestic violence.

95. Active labour market programmes and measures have also included other hard-to-employ persons from particularly vulnerable categories of unemployed persons, such as: women (especially women who were victims of human trafficking), refugees and internally displaced persons, returnees under the readmission agreement, single parents, spouses from family in which both spouses are unemployed, parents of children with disabilities, former perpetrators of criminal offences.

96. Special priority under AEP measures is given to unemployed persons simultaneously facing several factors of difficult employability.

97. Due to the necessity of intensifying the activities aimed at improving the position of young people, surplus employees, persons without qualifications or low qualifications, long-term unemployed persons and persons with disabilities, special packages of services were developed for these categories of hard-to-employ persons.

98. In 2018, there were an average of 126,048 young people on NES records, which is about 21,6% of the total number of persons on NES records. During that year, in total 52,438 young people under 30 were included in AEP measures, about 42% of them in NES records. The share of young people in total number of persons involved in AEP measures is around 33.8%.

99. The National Action Plan for Employment for 2019, adopted in December 2018, introduces new measures aimed at young people. An internship Trainee Programme for Youth with Higher Education, to be implemented in 2019, includes vocational training for independent work in profession for which at least B.A. was obtained, with employment. The Trainee Programme for Unemployed with Secondary Education also to be implemented in 2019, includes vocational training for independent work in profession, for which appropriate education was acquired, for completing internship, with employment. This Programme will include young people up to age of 30 who have been in Unemployed Register for more than six months, young people in foster care institutions, foster families and guardianship families, Roma, and unemployed persons with disabilities.

100. During 2017 were prepared Analysis of Subsidized Employment Programme and Estimation of Public Expenditures from Budget of the Republic of Serbia spent in 2013–2015 on policies aimed at increasing employability and employment of young people. The Evaluation of the National Employment Strategy 2011–2020 was completed, for the first five years of Strategy's implementation and deciding on further steps by 2020.

101. In 2018 was prepared Analysis of Local Employment Action Plans for 2018 within Project "*Youth Employment Promotion – YEP*". Within the Project "*Promoting Inclusive Labour Market Solutions in the Western Balkans*" was prepared Comparative Report on Integrated Case Management in the Western Balkans countries, showing that in all countries legal and political frameworks foresee joint work of public employment services and CSWs in integrated case management, but that practice often does not match the envisaged framework. That same year, analysis "*Participation of women in measures of active employment policy and estimation of spending of funds for such purposes in 2015–2017*" was also completed.

102. Pursuant to the Law on Professional Rehabilitation and Employment of Persons with Disabilities, continuous professional and financial support is provided to companies for professional rehabilitation and employment of persons with disabilities (P&R companies), aiming at employment and maintaining jobs of persons with disabilities.<sup>13</sup>

103. Currently, in Serbia operate 52 companies employing 1,095 persons with disabilities (38.27% are women) which, relative to total of 1.653 employees, is 66.24% (monthly average). Among P&R companies, 33 operate with private assets (63.46%).

104. P&R companies, founded by the Republic of Serbia or operating with majority state capital, are excluded from application of the Law on Professional Rehabilitation and

<sup>13</sup> Annex 2 –Table 29.

Employment of Persons with Disabilities on the manner of determining the maximum number of employees in the public sector, thus enabling the employment of persons with disabilities without any limits. The Individual Income Tax Law stipulates that persons with disabilities employed at P&R companies are exempted from income tax.

105. Amended Rulebook on the manner of monitoring fulfilment of obligation to employ persons with disabilities, and the manner of proving compliance, in force since 1 January 2017, relaxed the complying with duty to employ persons with disabilities which is proven by fulfilment of financial obligation arising from contract on business and technical cooperation; hence, this type of compliance also applies to employers who need a variety of smaller procurements, while allowing P&R companies to realize the contracted works in the scope, within deadline, and in line with production capacities.

106. In addition to priority inclusion in programmes and AEP measures for unemployed persons with disabilities, the following AEP measures are implemented:

- Wage subsidies for persons with disabilities without prior working experience (up to 75% of the total wage expenditures with the contributions to mandatory social security insurance, but not higher than the amount of minimum wage determined pursuant to labour regulations);
- Support to persons with disabilities who are employed under special conditions (workplace adjustment, providing professional support to a newly employed person with disabilities);
- Co-financing programmes or AEP measures envisaged by LEAP.

#### *Work in informal economy*

107. Efforts to combat informal economy, through efficient and organized action by inspection bodies and the Tax Administration in 2017, gave results which are reflected in the growth of total tax revenues, in real terms, by 5.25. The Government declared 2017 and 2018 as years dedicated to fighting the grey economy.

108. The Law on Amendments to the Labour Law of 25 December 2017 imposed an obligation on the employer to submit unique application for mandatory social security insurance on the basis of labour contract or other employment contract concluded pursuant to the Law, within the deadline prescribed by the Law regulating the Central Registry of Compulsory Social Insurance, and at the latest before an employed person or other working person is put into work. This prevents the current practice of individual employers hiring persons in an unreported manner, i.e. without applying for compulsory social security insurance.

109. The Law on Simplified Work Engagement on Seasonal Jobs in Certain Activities, which is in force since 7 January 2019, enabled the hiring of persons in a simpler way, with simplified procedure for paying taxes and contributions, which created the conditions for significantly reducing the informal work which is particularly present in the field of agriculture.

## **Article 7**

### **Equal pay for equal work (Recommendation 18)**

110. Pursuant to the Labour Law, employees are guaranteed equal wages for the same work or the work of equal value performed with an employer, and in case of violation of this right, the employee shall be entitled to indemnity. The work of the same value means work which requires the same level of qualification, i.e. education, knowledge and skills, wherein equal work contribution with equal responsibility were accomplished.

### **Labour Inspection (Recommendation 19)**

111. From 2014–October 2018, the Labour Inspectorate undertook measures and activities in the field of labour relations and occupational safety and health with the primary

aim of ensuring the implementation of the provisions of the Labour Law, Occupational Safety and Health Law, Law on Inspection Oversight, Law on Strike, Law on the Prevention of Harassment at the Workplace, Law on Gender Equality, Law on the Protection of the Population from Exposure to Tobacco Smoke, Law on Volunteering, Law on Protection of Whistleblowers, Act on Means of Determining Maximum Number of Public Sector Employees and other laws, collective agreements, and more than 70 bylaws.

112. Priority work of the Labour Inspection was aimed at reducing the number of occupational injuries, occupational diseases and work-related diseases, and the suppression of informal work.

113. In the mentioned period, the inspectors have carried out around 300.000 inspections in the field of labour relations and occupational safety and health, and have filed 10,649 requests for initiation of misdemeanour proceedings according to the Labour Law, while on the basis of the decisions of the judges in misdemeanour proceedings, in total RSD 872,721,025.00 was paid to the budget of Serbia.<sup>14</sup>

114. The key effects of such oversight show that labour inspectors, within the framework of their legal powers in controlling the implementation of the Occupational Safety and Health Law, have remedied the irregularities in the majority of cases and contributed to a more consistent application of preventive measures for safe and healthy work of employees by measures which they have undertaken, while in controlling the application of the Labour Law, in the part concerning informal work, they have achieved results in suppressing informal work.

115. All the parameters of the analyses point to the justification of the campaigns as a method of extraordinary activities of the Labour Inspection, and the indicators vary depending on the place of supervision over the economic entities and the activity that is covered by supervision. Stricter penal policy and decision-making on the imposition remedying the irregularities, while simultaneously lodging an application for initiating misdemeanour proceedings, point to the effectiveness and efficiency of increased supervision.

116. The project “*Strengthening the Capacities of the Labour Inspection and Raising Consciousness of Citizens with the Aim of Suppressing Informal Work*”, launched on 8 September 2017, is primarily focused on a media campaign highlighting the negative consequences of unreported/informal work. The media campaign commenced in January 2018.

117. In 2016, the Labour Inspection had organized a seminar on the topic: “*Acting in accordance with the Law on Inspection Supervision, Labour Law, Amendments to the Occupational Safety and Health Law and by-laws in the field of occupational safety and health*”. During 2017, a seminar organized by the Labour Inspection “*Acting in accordance with the new by-laws in the field of occupational safety and health and practical application of the Law on Inspection Supervision and the Act on Conditions for Assignment of Employees to Temporary Work Abroad and their Protection*” was held, at which 150 labour inspectors have participated, while in 2018 a seminar titled: “*Acting in accordance with the Law on Inspection Supervision, Amendments to the Labour Law and Regulations in the Field of Occupational Safety and Health*” was organized. This seminar was attended by 150 labour inspectors.

118. With the aim of uniform work of the labour inspectors, the Labour Inspection drafted four new instructions, in force since 1 January 2018:

Instructions for carrying out inspection supervision due to death, serious injury at work with fatal outcome, collective and grave injuries at work; Instructions for carrying out inspection supervision in the part related to the implementation of the risk assessment procedure and adoption of the risk assessment act; Instructions on the work of labour inspectors during the performance of inspection supervision in the field of labour relations and occupational safety and health, and the Instructions on the procedure for carrying out inspections in the field of labour relations and

<sup>14</sup> Annex 2 –Table 32.

occupational safety and health, with a special emphasis on the essential elements in the inspection supervision procedure.

#### **Minimum wage (Recommendation 20)**

119. Pursuant to the Labour Law, employees are entitled minimum wage for standard performance and time spent at work. The minimum wage is determined by decision of the Social and Economic Council<sup>15</sup> established for the territory of the Republic of Serbia. The Law stipulates that, if the Social and Economic Council fails to reach decision within 15 days from the date of commencement of negotiations, the decision on the amount of minimum rate of pay will be made by the Government within subsequent 15 days.

120. The minimum rate of pay is determined per calendar year, at the latest by 15 September of current year, to apply from 1 January of next year, and cannot be lower than the minimum rate of pay established for the previous year. When determining it, the following criteria have to be taken into account:

- Existential and social needs of employee and his/her family;
- Value of minimum consumer basket;
- Movement of employment rates in labour market;
- GDP growth rate;
- Movement of consumer prices;
- Productivity trends;
- Average salary in Serbia.

### **Article 8**

#### **The right to trade union organization (Recommendation 21)**

121. The conditions for establishment of trade unions are prescribed by the Labour Law and the Rulebook on the entry of trade unions into the Register. According to the Labour Law, the trade union acquires the status of legal entity on the day of its entry into the Register.

122. The right to strike is regulated by the Law on Strike. Restrictions on right to strike are prescribed by the Law on Activities of Public Interest or activities whose termination, due to the nature of work, could endanger life and health of people or cause damage of large proportions; the right to strike can be achieved if special conditions set forth in this Law are met. The Law stipulates that employment of a professional member of the Yugoslav Army will be terminated if determined that he had organized or participated in strike.

### **Article 9**

#### **Personal documents (Recommendation 13)**

123. With the adoption of the Law on Amendments to the Law on Extra-Judicial Proceedings of 2012, the legal framework for exercising the right to entry into the Registry of Births was completed, given that, by prescribing the procedure for determining the time and place of birth, it made it possible for persons who cannot prove the time and place of their birth in the manner prescribed by the regulations governing the keeping of Registries to exercise this right. In 2014, in total 149 proposals for determining time and place of birth were resolved, in 2015 – 264 proposals, in 2016 – 291 proposals, in 2017 – 508 proposals, and in 2018 – 261 proposals.

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<sup>15</sup> An independent body comprised of representatives of the Government of the Republic of Serbia, representatives of associations of employers, and representatives of trade unions. The work of the Council is regulated by the Law on Social and Economic Council.

124. In addition to the improved normative framework, this issue was significantly contributed to by the activities in the realization of the Memorandum on Understanding between the MPALSG, the Protector of Citizens, and the UNHCR, which was signed in 2012, and was being implemented by 31 December 2016. The Ministry in charge of social welfare activities issued binding Instructions for the handling of the guardianship authority (the CSW) in cases of initiating court proceedings for determining the time and place of birth, in cases of determining the personal name, and the registration of residence at the address of CSW, i.e. social welfare institution for accommodation of the user.

125. Given that a number of registries kept for a number of municipalities in AP Kosovo and Metohija was destroyed or disappeared, their restoration commenced pursuant to the Law on Registry Books and the Instruction on the Keeping Civil Registries and on Registry Forms.

126. During 2011 were adopted the Law on Permanent and Temporary Residence of Citizens and the Law on Amendments to the Identity Card Law, with the following bylaws adopted in 2012–2015: Rulebook on the application for registering residence at the address of the institution, i.e. CSW, Rulebook on the procedure for registering and cancelling permanent and temporary residence of citizens, registering temporary residence abroad and return from abroad, passivation of temporary and permanent residence, forms and manner of keeping records and Rulebook on amendments to the Identity Card Law.

127. Pursuant to the provisions of those laws and bylaws, a practice was established that enables Roma to register residence and receive personal documents under facilitated conditions. The MIA contributes to resolving the problems of this national minority by resolving them as priority and in accelerated procedure, according to their requirements for admission into the citizenship.

128. From the beginning of 2014 until the end of 2018, the MIA had established residence at the address of competent CSWs for 2,353 persons, among whom the majority are Roma nationals living in informal settlements, after which they were issued personal documents.

#### **Unemployment compensation (Recommendation 22)**

129. The latest amendments to the Law on Employment and Unemployment Insurance, which applies from 25 December 2017, the amount of monetary compensation is determined as follows:

- The monetary compensation is determined on the basis of the calculation of the personal finance ratio that represents the ratio of the total salary, i.e. salary compensation, the insurance base and the amount of the agreed compensation in the last 12 months preceding the month in which the employment was terminated, i.e. in which the insurance and average annual earnings per employee was paid in Serbia according to the latest published data of the authority responsible for statistics at moment of exercising the right to monetary compensation;
- The monthly amount of monetary compensation is determined in proportion to the number of calendar days in month for which the right is exercised and payment of monetary compensation is executed, with the caveat it cannot be lower than RSD 22,390 or higher than RSD 51,905 for entire month;
- The monetary compensation is harmonised annually with the annual consumer price index from the previous year.<sup>16</sup>

#### **Pensions for refugees and internally displaced persons (Recommendation 23)**

130. The estimate is that there are about 18,000 beneficiaries who did not receive pensions in 1991–1997 because they lived in areas affected by war in Croatia. Solving the issue of matured and unpaid pensions has been identified within the Regional Process for Resolving the Problem of Refugees – “Sarajevo Process”.

<sup>16</sup> Annex 2 – Table 31.

131. At the meeting of 27 November 2013 in Belgrade, the delegations of the Republic of Serbia and the Republic of Croatia reached an agreement to resolve this problem by amending the *Agreement between the Federal Republic of Yugoslavia and the Republic of Croatia on social insurance*.<sup>17</sup> After several urgent appeals to the MLEVSA for providing information on the results of consultations with the European Commission, the Croatian side submitted a response on 9 March 2016 stating that the planned amendment to the Agreement does not provide for resolving of the issue of mature unpaid pensions.<sup>18</sup>

132. After signing of the *Declaration on Improving Relations and Solving Open Issues between the Republic of Serbia and the Republic of Croatia*, the MLEVSA proposed, by letter of 22 June 2016, to continue joint activities in order to reach a mutually acceptable agreement to solve this issue. A number of urgencies were addressed to the line ministry of Croatia, and on 22 November 2016, a confirmed response was received to commence with negotiations for concluding a new Agreement. In order to commence with the negotiations, the Minister of Labour, Employment, Veteran and Social Affairs sent several letters to the Croatian Minister (on 19 December 2016, 22 March 2017, 5 June 2017 and 12 July 2018), in which he expressed the expectation of the Republic of Serbia for the issue of matured and unpaid pensions to be solved by means of a new Agreement, and not only formal issues, and had initiated the continuation of talks in order to solve any dilemmas and open issues.

133. The problem of non-existence of documentation for IDPs from the territory of the AP Kosovo and Metohija, on the basis of which data necessary for exercising the right to pension can be determined, is resolved; hence, any controversial cases are resolved by the application of the legal regulations of the Republic of Serbia.

## Article 10

### Trafficking in human beings (Recommendation 25)

134. The Strategy for the Prevention and Suppression of Trafficking in Persons, Especially Women and Children, and Victim Protection 2017–2022 with the accompanying Action Plan for 2017–2018 was adopted on 4 August 2017. In order to implement this Strategy, the Office for Coordination of Activities in Combating Trafficking in Human Beings at the national level with a multidisciplinary approach was established within the MIA. National Coordinator for Combating Trafficking in Human Beings, who is at the same time the Head of the Office, was appointed on 6 October 2017. The task of the Office is to monitor, coordinate, control and direct the implementation of measures and actions aimed at combating trafficking in human beings, monitor, coordinate, control and direct the implementation of the new national strategy, collect data at the national level, and prepare sessions and at the operational level implement decisions of the Anti-Trafficking Council chaired by the Minister of the Interior, which was established on 12 October 2017.

135. In 2017, the Council established a Working Group for the implementation and monitoring of the Strategy consisting of representatives from 17 ministries and state bodies, the Red Cross of Serbia and two specialized civil society organizations – “Athens” and “Astra” and the Inter-ministerial Working Group for the adjustment of the existing mechanisms for cooperation between the competent authorities and the establishment of

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<sup>17</sup> At meeting held on 11 June 2015 in Belgrade, the Croatian side expressed their position that, in order to define the scope of the amendments to the Agreement, it is necessary to consult with the European Commission so as to avoid placing this category of pension beneficiaries into a more favourable position.

<sup>18</sup> The basis for such conduct by the representatives of Croatia is the judgment of the European Court of Human Rights in the case *Čekić v. Croatia* (2003), which ruled that no one can enjoy the right to two pensions for the same period, and that thus the persons who received pension from the Republic of Serbian Krajina may not claim pension from the Croatian Pension Insurance Institute for the same period. The aforementioned verdict confirmed the legality of the conduct of the Republic of Croatia in the application of the provisions of the Pension Insurance Act. The Serbian side considers that it is not legally viable for the Republic of Croatia to refer to a judgment by the European Court of Human Rights, because the facts in this case do not correspond to the factual situation in terms of matured and unpaid pensions.

new ones in accordance with the proactive approach, made up of the representatives of the relevant line authorities. In May 2018, the Council established a Working Group for the preparation of the Action Plan for the implementation of the Strategy for 2019–2020, which is pending adoption by the Government.

136. At the operational level, the MIA carried out the reform of organizational units dealing with the suppression of human trafficking, i.e. the capacities of the Criminal Police Directorate in the fight against human trafficking have been improved. Police teams for combating trafficking in human beings within the MIA – Police Directorate, at the level of regional police administrations, Police Administration for the City of Belgrade and within the Criminal Police Directorate were formed in March 2018. In order to better identify and protect the rights of victims of trafficking in human beings during 2017, 100 criminal investigators participated in specialized training for proactive human trafficking investigations.

137. Support to the reform of anti-trafficking units is provided by the European Union through IPA 2013 (training of police officers of the Criminal Police) and through IPA 2014, which will, in addition to continuing education, be provided with the procurement of equipment for specialized crime police units to combat trafficking in human beings in the amount of EUR 1,000,000. Within compulsory teaching classes for all police officers in 2015–2018, 10,478 police officers attended a seminar on the topic of “Legal provisions regulating the issues of trafficking in human beings, legal migration and human smuggling”.

138. On the basis of the Memorandum between RPO and MIA signed on 26 September 2016, a Permanent impact group for the suppression of human smuggling was established, managed by the deputy prosecutor for organized crime, with the task of coordinating the suppression of human smuggling and the suppression of smuggling of people with elements of organization, and to monitor the situation of trafficking in human beings and the intention to exploit migrants in the cases dealt with.

139. The Protocol on Cooperation between MIA, MLEVSP and RPO in identification of victims of trafficking in human beings, assistance and protection of victims’ safety, human trafficking prevention and statistical reporting in order to investigate the phenomenon of human trafficking, was concluded on 28 June 2018.

140. The MIA implemented the “*Prevention and Fight against Trafficking in Human Beings in Serbia*” Project in the framework of the Horizontal Support Programme for the countries of the Western Balkans and Turkey. In March 2017, the Inspectorate for Labour was involved in this Project.

141. In April 2012, the Government established the Center for the Protection of Human Trafficking Victims (CPHV), which aims to provide assistance and support to victims of trafficking in human beings, including their children. CPTHV consists of two organizational units: Service for the Coordination of Protection of Victims of Trafficking in Human Beings and the Shelter for Victims of Trafficking in Human Beings.

142. At the beginning of February 2019, the first shelter for victims of human trafficking in the social welfare system was opened. It is intended for women and girls over the age of 16. They are provided with accommodation, supervision during 24 hours, high level of security and adequate assistance. Minor victims are placed in foster families, and in state shelters for children. Some victims of human trafficking are also placed in the Temporary House of the Athens Association, whose service has recently been licensed.

143. All victims of trafficking in human beings have secured medical care within the state health services. There are also funds from the budget allocated by the CPTHV to pay the proxy who provides legal support and representation to all victims who participate in criminal proceedings as witnesses-injured parties. CPTHV provides additional medical examinations and analyzes from the funds obtained through the prosecutor’s opportunity.

144. In 2014–2018, MIA and CPTHV worked on the improvement of knowledge and skills within the system of preliminary identification of victims of trafficking in human beings, which contributed to the increase in the number of applications and the number of identified victims in 2018. CPTHV created national indicators for the preliminary identification of victims of trafficking for three separate systems: police, social protection

system and education, after which the training of 750 professionals of all three systems was carried out.

145. Trainings for recognizing victims of trafficking in human beings for all CRMRS employees and Centers for Social Work (CSWs) in border areas and municipalities that have centers for accommodation of migrants and asylum seekers were created and implemented. In cooperation with the Red Cross of Serbia, CPTHV trains the Red Cross volunteers of Serbia and the region on preventive work with peers in primary and secondary schools.

146. In 2017 CPTHV participated in training of about 100 criminal investigators on identification and work with victims of trafficking and conducting investigations. About 50% of labour inspectors were trained on trafficking in human beings for labour exploitation, with advanced training and examples of good practice.

147. The Judicial Academy included the subject of combating trafficking in human beings in particular compensation for its victims in the syllabus of continuing training for holders of judiciary functions for 2018. The training was organized for judges of the basic and higher courts – civil department and the criminal department, judges of the appellate court – criminal department, judicial assistants and court secretaries.

148. On the basis of the Protocol on Cooperation with MESTD and MIA on the “*Basics of Child Safety*” Programme during school 2017/2018 year within the framework of “*Prevention and protection of children from human trafficking*”, 1,226 lectures were held in all elementary schools with 95,000 pupils in the fourth and sixth grade.

149. According to the Law on Inspection Control, as of 30 July 2015, the domain of competence of labour inspectorate was expanded to, in addition to registered entities, also control unregistered entities in which persons working “illegally” are engaged and whose engagement may also be involved in trafficking in human beings.

150. In November 2018, the Law on Free Legal Aid was adopted which, as one of the ex lege users of the right to free legal aid, alleges victims of human trafficking.

#### **Domestic violence<sup>19</sup> (Recommendation 26)**

151. The Serbian legislation governing domestic violence significantly improved over last two decades by the provisions entered into the CC, Family Law, Law on Gender Equality, Law on Non-Discrimination and the Law on the Police. The Law on Prevention of Domestic Violence was adopted in November 2016 with deferred application until 1 June 2017.

152. The provision of Article 194 of the CC prescribes the criminal offense of domestic violence committed by use of violence, by threatening to attack life or body, by arrogant or reckless behaviour endangering the serenity, physical integrity or mental state of family member.

153. Criminal act of domestic violence has three qualifying forms, for which a more severe sentence is prescribed. In the CC Chapter on criminal offenses against sexual freedom, among others are stipulated criminal offense of rape, under Article 178, including against spouse, and sexual intercourse with a child, under Article 180, sexual offense by abuse of office, under Article 181, sexual harassment, under Article 182a, and other offenses against sexual freedom.

154. In criminal cases of family and gender-based violence, for the sake of effective investigation and protection of victims of criminal offenses, public prosecutors in Serbia continuously undertake numerous activities and measures.

155. The general mandatory instruction of the Republic Prosecutor of 20 May 2015, ordered that in all higher and basic public prosecutor’s offices one holder of the public prosecutor’s office should be appointed – a contact person who will be in charge of work, monitoring and cooperation with other competent institutions and bodies, in handling

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<sup>19</sup> Annex 2 – Tables 33–54.

criminal cases due to criminal offenses against sexual freedom and crimes against marriage and family, including domestic violence, while the Instructions of the Republic Prosecutor of 22 December 2015, inter alia, ordered the establishment of special records and urgent treatment in proceedings for the criminal act of domestic violence.

156. The Law on Prevention of Domestic Violence shifted the borders in actions of competent state authorities, as the police and the prosecutor's office are enabled to act preventively even where features of crime were not realized, but where there is a danger of imminent domestic violence.

157. In 2017, the Government established the Council for the Suppression of Domestic Violence in order to monitor the implementation of the Law. As of 1 January 2016, the Department for the Prevention and Suppression of Domestic Violence was established in MIA with two sections: Section for Prevention of Domestic Violence, and Section for Suppression of Domestic Violence.

158. The law prescribes two emergency protection measures – *measure of temporary removal of perpetrator from the apartment and measure of temporary ban for perpetrator to contact the victim of violence and to approach him/her*. Total duration of urgent measure is limited to 32 days and cannot be shortened or extended. A person violating the order on pronounced or prolonged urgent measure may be punished by imprisonment for up to 60 days in a misdemeanor procedure. Urgent protection measures apply to all women victims of domestic violence.

159. The Law introduces the obligation to keep records of cases of domestic violence. Records are kept by police administrations, basic courts, basic public prosecutor's offices and CSWs. Central records are kept in the RPO. Records of the CSWs are consolidated by the Republic Institute for Social Protection and published annually on their internet site. MIA developed an electronic database for recording cases of domestic violence that has been applied since 12 February 2018. In 2017, the Minister responsible for social welfare activities adopted the Instructions on implementation of the CSW's duties in applying the Law on Prevention of Domestic Violence.

160. All information on available support services and legal measures, victims of violence can obtain in all of 140 CSWs in Serbia. In communities inhabited by national minorities, information can also be obtained in languages of these minorities. CSWs provide their beneficiaries with professional assistance and protection, initiate court proceedings, provide advisory support, material and legal assistance and refer to services provided by other institutions.

161. The Republic Prosecutor issued the General mandatory instruction on implementation of the Law on Prevention of Domestic Violence on 30 May 2017. In the area of all basic public prosecutor offices in the country, coordination and cooperation groups were formed, and in the larger prosecutor offices subgroups as well, there are as many as 87 groups and sub-groups for coordination and cooperation in 58 basic public prosecutor offices. From June 2017 to October 2018, these groups considered 64,251 cases of domestic violence and produced 16,300 individual protection plans.

162. A telephone line has been opened at the MIA Operations Center, which is free and available 24 hours, to which events with elements of domestic violence are reported. At the end of 2018, the seventh SOS line was licensed, where the service is provided 24 hours a day, seven days a week. The service is provided by eight professional licensed workers, one supervisor of professional supervision one supervisor. The service at telephone number 0800 222 003 was established for the territory of the entire Republic of Serbia.

163. MLEVSP which issues licenses to social protection organizations has so far issued five licenses for the service of a shelter/safe house for women with experience of violence.<sup>20</sup> In AP Vojvodina in 2016–2017, seven Centers for Victims of Sexual Violence were established.

<sup>20</sup> Two in Belgrade and one in Leskovac, Pančevo and Kragujevac.

164. For the past two years, 10 safe houses for women victims of violence have received the support of the total funds of RSD 10,000,000.00 for the reconstruction and improvement of the conditions for women victims by the Ministry of Construction, Transport and Infrastructure. Safe houses are also supported through the implementation of social housing programmes. With the support of UN WOMEN, 60 panic key systems were installed for health institutions and CSWs, in order to improve employee safety.

165. During 2017, the MIA, in cooperation with the Criminal Academy under the Judicial Academy curriculum, trained 900 police officers for implementation of the Law on prevention of domestic violence. In the third training cycle that was conducted in 2018, another 450 police officers were trained.

166. From 18 February 2017 to 1 November 2018, the Judicial Academy organized 70 training courses for public prosecutors, deputy public prosecutors and prosecutorial assistants in the higher and basic public prosecutor offices, regarding implementation of the Law on Prevention of Domestic Violence.

167. Within the framework of the RISC, several training programs on the topic of domestic violence have been accredited for professional workers employed in social welfare institutions (CSWs and institutions for accommodation of users). From 2014 to 2017, in total 96 training courses were conducted according to accredited programmes, attended by 1,922 participants.

168. The Ministry of Justice conducted campaign and created web page “*Isključi nasilje*” based on Art. 13 of the Istanbul Convention, also covering Art. 17 of the CoE’s Convention on Action against Trafficking in Human Beings. The website is intended for a wider and professional public in order to raise awareness.

169. Violence against children in the family is forbidden and subject to both civil liability of the perpetrator in the form of measures for the protection against domestic violence that are defined by the Family Law and criminal liability, by the pronouncement of criminal sanctions for the criminal offense of domestic violence. Apart from legal protection, the General protocol for the protection of children from abuse and neglect provides clear and binding guidelines to all service providers, both in governmental, civil and private sectors, for the implementation of integrated cross-sectoral cooperation in the child protection process. A special protocol on the protection of children from abuse and neglect prescribes establishment of an internal team for the protection of children from abuse and neglect and an external team, and special duty of institutions to ensure that every type of incident with children victims are registered within MLEVSP no later than 24 hours, but also to draft an internal plan and prescribe internal procedures in such situations.

170. Since 2013, in Serbia there is no more status of limitation for sexual delicts over children.<sup>21</sup> A Draft Strategy for Prevention and Protection of Children against Violence was drafted with accompanying Action plan, as well as draft of new General Protocol for the Protection of Children against Violence. The adoption of these documents is expected in 2019.

171. CBGE initiated the adoption of a new national Strategy for combating gender-based violence against women, and an evaluation of the previous one was done, which expired in 2015. The first state report on the implementation of the Council of Europe Convention on the Prevention and Fight against Violence against Women and Domestic Violence was submitted to the Expert Group on Combating Violence against Women and Domestic Violence (Grevio) on 2 July 2018.

#### **Children without parental care (Recommendation 27)**

172. In Serbia, the conditions and manner of separating child from one or both parents are governed by provisions of the Family Law. Accommodation for children up to three years in institutions is prohibited.<sup>22</sup> Out of total number of children in shelters, 90% of children are accommodated in foster families, and only 10% of children are in social welfare

<sup>21</sup> Article 108 of the CC.

<sup>22</sup> Law on Social Protection.

institutions. The state puts special emphasis on the development of specialized foster care, and intensified efforts to develop services of occasional fostering and services of family assistant<sup>23</sup> which should prevent the placement of children in institutions. By introducing the services of a family assistant into the social welfare system, the state decided to support the family primarily to take care of their children. The service was developed for families with numerous and complex needs and for families with children with disabilities.

173. There are six centers for family accommodation and adoption in Serbia, and two other such institutions are to be set up to support foster families.

174. The Working Group on Support to the Process of Transformation of Social Protection Institutions for Children and Youth was established in MLEVSP whose task is to support the transformation process through the introduction and development of innovative services of intensive support to families and children deprived of parental care or at risk of being left without parental care.

175. A number of community service development activities have also been undertaken, such as daily stays, housing with support, home help, or personal assistant service, while housing in institutions (homes) is a service which is applied if support cannot be provided in some form that is less restrictive. Daily community services such as a daily stay, in-house assistance and the shelter include activities that support the stay of users in the family and the immediate environment. The provision of these services is under the LSG jurisdiction.<sup>24</sup>

#### **Child labour (Recommendation 28)**

176. Regulation on Determining Dangerous Work for Children which has been implemented by all competent inspections since 1 January 2018, contains a list of jobs that children should never work in. A Protocol on the conduct of labour inspection was adopted as well as Instructions on the treatment of CSWs in the protection of children against child labour abuse.

177. From January to October 2018, labour inspectors found that 37 children aged 15 to 18 worked contrary to the Labour Law; in 2017, labour inspectors found 32 employees, aged 15 to 18, out of whom 22 persons entered employment pursuant to the Labour Law. In the same period, the labour inspection, during the supervision performed at seven employers, found 12 persons under the age of 18, of whom 10 persons worked “illegally”. In 2016, labour inspectors found 25 employees, and in 2015 36 persons aged 15 to 18 years. All these persons established employment pursuant to relevant regulations. In 2014, during inspections, labour inspectors did not identify child labour.

178. In 115 CSWs, internal teams were formed for the protection of children in street situations. In January 2015, an Action plan was drafted for providing protection and support to children living and working in the street. This plan primarily concerned the provision of specialized capacities for the implementation of the enhanced intensive treatment programme. The programme, which targets children up to 14 years of age with significant disabilities in psycho-physical, emotional and social development, has been implemented for 11 years in the Institute for the Education of Children and Youth in Belgrade. After the completed programme, children are returned to their parents, or placed in foster families, or in social care institutions for children without parental care.

179. In April 2016, this programme’s capacities in Belgrade expanded, since the Directorate for management of confiscated property allocated a house of 1,000m<sup>2</sup> to the Institute for education of children and youth, to expand capacities from six to 20 users, now functional after reconstruction and rehabilitation. Serbia has two licensed shelters for children who live and work in the street. Through the International Labour Organization’s Project “*Engaging and supporting at the national level to reduce the occurrence of child labour abuse*” the process of production of Road map for eliminating abuse of child labour

<sup>23</sup> One of the latest support services to the biological family which is conceptualized in the social care system.

<sup>24</sup> Annex 2 – charts.

in Serbia, including worst forms of child labour: 2018–2022, was completed. This document includes activities affecting the effective prevention and elimination of consequences of abuse of child labour.

180. In November 2018, the City of Belgrade Assembly took decision to establish the Children and Youth Shelter in Belgrade, as a single social protection institution in the City's jurisdiction, extended to 1,700 m<sup>2</sup>. Opening of the Shelter is planned in 2019.

181. The Republic Institute for Social Protection accredited training programme "*Street children – development of foster care for children who live and/or work in the street*". The programme is intended for professionals working in CSWs as leaders of child protection cases, foster care advisers, supervisors, professionals working at children's shelters and civil society organizations that provide support to street children, foster parents and future foster parents.

## Article 11

### Social Protection<sup>25</sup> (Recommendation 24)

182. Pursuant to the Law on Social Protection, the rights to social protection are ensured through material support and the provision of social protection services.

183. Under this Law, the basis for determining financial social assistance is adjusted to consumer price index for previous six months, on the basis of statistical data, twice a year, on 1 April and 1 October. The level of social security will be subject to review depending on budget funds.

184. The right to financial social assistance is granted up to nine months during calendar year to an individual who is capable of work, or a family in which majority of members are able to work, while for other families it is recognized for an unlimited duration, whereby the review of the fulfilment of conditions for further realization of this right is carried out in May, based on the revenues generated in previous three months. The termination applies only to persons who are capable of work, and is done for the purpose of stimulating these persons to an active attitude towards job search.

185. Regulation on measures of social inclusion of beneficiaries of financial social assistance which was adopted in 2014, stipulates measures that should enable overcoming unfavourable social situation of beneficiaries of financial social assistance who are capable of working. MLEVSP adopted Rulebook on appearance and content of the individual activation plan. After amendments to the Law on Social Protection, this Regulation will be revised.

186. Through the licensing social care providers, carried out continuously, the number of licenses issued shows a rising trend (from 54 licenses issued in 2014 to over 400 licenses issued by end-2018).<sup>26</sup>

187. Coverage of senior citizens by social care services is still low compared to developed countries. In order to improve access to social and health services, the Gerontological Center in Belgrade in early 2011 founded special *Info Center* to provide information to senior citizens from Belgrade and all Serbia concerning social protection, health care, pension and disability insurance, culture, education, banking services, and services provided at the level of LSGs, utility and other services, support in crisis situations. Establishment of portal "Penzin" plays an important role in informing senior citizens about issues related to the exercise of their rights.

188. Three programmes of training for professionals working in social protection related to violence against elderly are accredited at the Republic Institute for Social Care (RISC): "*Prevention of violence against the elderly*" held twice and attended by 27 professional workers, "*Application of anti-discrimination practice in working with the elderly*" held

<sup>25</sup> Annex 2 – Tables 55–65.

<sup>26</sup> Database of all licenses issued is available on the MLEVSP website.

eight times with 150 attendees, whereas “*Violence against the elderly – specificities, recognition and prevention strategies*” accredited in 2018 has not been realized yet.

189. The Law on Financial Support to the Family with Children is applied since 1 July 2018. New legal solutions facilitate the process of exercising rights and the scope of beneficiaries was extended. This Law also provides for additional protection of children from particularly vulnerable groups (children with special needs and disabilities, children without parental care and children beneficiaries of financial social assistance).

190. The Law introduced a new right to other benefits based on birth, care and special care of child, which for the first time enabled a large number of women opportunity to exercise rights to other benefits after childbirth. These are women who are not employed, who do business independently, are owners of agricultural holdings, or are engaged in employment on the basis of temporary and occasional jobs, labour contracts, copyright contracts or at the time of child’s birth were unemployed and did not exercise the right to pecuniary compensation based on unemployment, and had worked in a period of relevance for exercise of rights. This right can now be realized by women who are agricultural insurance holders.

191. The Law defines the following rights to financial support to the family with children:

- Maternity leave compensation, absence from work for child care and absence from work for special care of child;
- Other benefits based on childbirth and care and special care for child;
- Parental allowance;
- Child allowance;
- Reimbursement of expenses for staying in preschool for children without parental care;
- Reimbursement of expenses for staying in pre-school institutions for children with special needs and disabilities;
- Reimbursement of costs of staying in pre-school institutions for children from materially affected families.

192. For children without parental care covered by guardianship and children in single-parent families, the right to child allowance is granted under more favourable conditions in terms of 20% higher census and 30% higher amount of child allowance, and for children in single-parent families when the other parent is unknown, or deceased and the right to family pension has not been achieved, or the parent has become completely and permanently incapable of work and has not obtained the right to pension, the census increased by 30%, just like the amount of child allowance.

193. Children with special needs and disabilities also exercise this right under more favourable conditions, including 20% higher census for exercising rights and 50% higher amount of child allowance. In case of fulfilling conditions for increasing child allowance on several grounds, the Law prescribes limit of up to 80% of regular amount of child allowance.

194. The duration of rights of child allowance beneficiaries was extended until completion of full-time secondary education, and the maximum length of up to age of 20, and for children who justifiably started later their education, until the age of 21.

195. The Law on Amendments to the Law on Financial Support to Families with Children of 2018, established new increased amounts of parental allowance, especially for the third and fourth child, and the extended pay out period for the third and fourth child from two to ten years as special incentive measure for increasing birth rate.

196. MLEVSP is closely monitoring implementation of the Law, using the Information System for Single Payment, with the aim of further improving financial support to family with children. Working Group for Monitoring and Evaluating the Effects of the Implementation of the Law was formed, whose members are the representatives of MoF, MLEVSP, RISC and SORS.

*Equal enjoyment of the right to pension*

197. The requirement for an old-age pension for male insured persons is 65 years of age and 15 years of insurance. The condition for insured women in 2018 is 62 years of age and 15 years of insurance, and the age requirement is gradually increasing until it reaches 63 years of age in 2020 and 65 in 2032.

198. The condition for exercising the right to disability pension is total loss of working capacity that arose before the end of the years of life which are the condition for exercising right to the old-age pension. The condition for family pension is at least 58 years of age for men, or 53 years of age for women.

199. When calculating pension, the completed insurance period for insured woman is increased by 9% in 2018. The percentage of increase of the insurance coverage period decreases gradually down to 6% in 2021.

*Minimum amounts of benefits, including pensions*

200. The protection of pension beneficiaries' standards is ensured by the existence of the law of the lowest minimum pension. The lowest amount of employees' insurance and self-employment insurance for November 2018 amounted to 14,338.72 RSD (28.4% of the average net earnings for November), while the lowest amount of pensions in insurance of farmers for the same month amounted to 11,272,77 RSD (22.3% of average net earnings). The minimum pension amount is adjusted in the same way as other pensions.

201. Beginning in October 2018, beneficiaries of pensions below 34,003,90 RSD are paid a monthly amount as an increase to pension. Beneficiaries of pensions exceeding RSD 26,643.75 this amount is calculated and paid as 5% of their pension, whereas beneficiaries of pensions between RSD 26,643.75 and RSD 34,003.90 receive this amount in a lower percentage, so that the actual amount of this supplement decreases as pensions rise.

202. The Law on Pension and Disability Insurance provides for possibility of paying cash assistance to pension beneficiaries when large number of beneficiaries need such assistance. Accordingly, all beneficiaries of pensions were paid RSD 5,000 at the end of 2016 and 2017, whereas at end-2018, RSD 3,000 was paid.

**Poverty (Recommendation 29)**

203. In 2016, 38.7% of population in Serbia were exposed to risks of poverty or social exclusion. The risk of poverty varies depending on age groups and working status. Income distribution inequality was high, i.e. 20% of the richest had 9.7 times higher equivalent income than 20% of the poorest.

204. After expiration of Poverty Reduction Strategy in May 2016, the Government adopted the Employment Policy and Social Policy Reform Programme (ESRP), also the basis for comprehensive implementation of reforms in the sector of social development, so to implement in a coordinated manner the employment, education and social protection policies. As *ESRP* covered all areas of importance for employment and social inclusion, it was considered unnecessary to adopt new Poverty Reduction Strategy, and instead to continue with a different strategic framework, within the scope of EU integration. MLEVSP initiated the updating of the ESRP document.

205. The Economic Reform Programme (ERP) for 2016–2018 adopted by the Government as one of nine priority structural reforms in order to eliminate obstacles to economic growth and development, envisages the following: social inclusion, reduction of poverty and equal opportunities. This reform seeks to increase adequacy of cash benefits, and to improve availability and quality of social protection services.

206. Drafting of structural reforms according to areas for the new cycle of *ERP* 2019–2021 is underway. Strategic directions in the social protection sector will be defined in the Strategy of Social Protection Development 2019–2025 which is under preparation and in the Strategy of de-institutionalization and development of services in the community 2019–2025 whose adoption is also foreseen in Action Plan Proposal for Chapter 19 in the process of EU accession.

207. On 27 December 2018, the Government adopted the Third National Report on Social Inclusion and Poverty Reduction in Serbia.

#### **Forced evictions (Recommendation 30)**

208. In all cases of displacement in the city of Belgrade, the right of affected persons, groups and communities was guaranteed to give prior full, conscious and informed consent to relocation. All displaced families had the right to compensation for the loss, collection and transport of their property affected by eviction. No displacement of informal settlements resulted in some individuals or families becoming homeless.

#### **Social housing and conditions in informal settlements (Recommendation 31)**

209. Law on Housing and Maintenance of Buildings was adopted in 2016. Significant number of its provisions relate to the housing support, which includes several forms of housing assistance to persons who, for social, economic and other reasons, cannot solve their housing needs at market conditions for themselves and their family households by their own means.

210. The Geographic Information System (GIS) for substandard Roma settlements was established and is functional. All LSGUs submitted initial data on substandard housing in Roma settlements on their territory from the GIS base, according to which progress on improving living conditions of Roma in these settlements will be monitored annually.

211. Within IPA 2013 Technical Assistance Project “*Improving the living and housing conditions of Roma living in informal settlements*” technical documentation was prepared in additional 13 LSGUs to improve living conditions of Roma, and a EUR 1,500,000 project was contracted. IPA 2013 Project “*Conducting permanent solutions for housing and improving physical infrastructure in Roma settlements*” was contracted for EUR 9,500,000. Project implementation started on 10 June 2017 and should last for 27 months. In June 2017, MoF signed 11 contracts at locations in 13 municipalities/cities, for EUR 7,550,000.

212. In General plan of Belgrade until 2021 and City of Belgrade Development Strategy until 2021, social housing is singled out as special type of housing, and vulnerable Roma are listed as a group within category of vulnerable persons requiring special assistance in providing adequate living conditions. Affirmative measures also consist in adapting the scoring system to selection of beneficiaries of social housing, i.e., in adapting the criteria to the benefit of Roma population.

213. Residential solutions are provided for a significant number of IDP Roma, by closing official collective centers and providing housing for persons residing in informal centers and in private accommodation. When planning and implementing budget and donor funds, CRMRS takes care that these programs include LSGUs in which live large numbers of IDPs. In 2017 and 2018, from the budget of the Republic of Serbia, in total 442 housing solutions were granted to IDPs, and 376 packages for economic empowerment of IDP families.

#### **Safe drinking water (Recommendation 32)**

214. Water Management Strategy on the territory of Serbia until 2034 adopted in 2018, foresees these operational objectives for water supply:

- Increasing coverage of public water supply systems from current 81% to 93% at the end of planning period;
- Improving public water supply system – ensuring stable supply of water of required quality, while reducing the risk of water supply interruption in excessive and emergency conditions;
- Reduction of unqualified part of water in public water supply systems to the level of around 25% at the end of planned period;
- Rational use of water;

- Protection of sources, research, protection and conservation of water resources used or intended for human consumption in the future.

215. Bearing in mind that local sources for supplying drinking water, except in AP Vojvodina, are mostly focused on use of groundwater from alluvial sediments, through wells, there are two basic problems that need due attention: susceptibility to pollution affecting quality water, necessitating protection of sources, and aging of wells at sources.

## Article 12

### Right to health<sup>27</sup> (Recommendation 33)

216. As of 31 December 2017, 6,901,482 citizens in Serbia were insured through mandatory medical insurance, on the grounds of employment 2,889,675 persons (42%), pensioners 1,962,002 (28%) and persons whose insurance is financed by budget of the Republic of Serbia 1,326,651 (19%). Social care for health is achieved by providing health care to population groups exposed to increased risk of illness, health care of persons related to prevention, suppression, early detection and treatment of diseases and conditions of higher public health importance, and health care of vulnerable population, under equal conditions on the territory of Serbia. Social care for health includes:

- Children up to 18 years of age, pupils and students until the end of the mandatory education, and at the latest until age of 26, pursuant to the Law;
- Young unemployed persons not studying up to age of 26;
- Persons related to family planning, and during pregnancy, childbirth and maternity, up to 12 months after childbirth;
- Persons older than 65 years;
- War invalids, civil war invalids and other persons with disabilities, whose disability is determined pursuant to the Law;
- Persons related to treatment of infectious diseases as defined by the Law regulating protection of population against infectious diseases, persons suffering from malignant diseases, diabetes, psychosis, epilepsy, multiple sclerosis, systemic autoimmune diseases, rheumatic fever, rare diseases, addictions, sick or injured persons in connection with the provision of emergency medical assistance, persons in terminal phase of chronic renal failure, and persons covered by healthcare related to donating and accepting cells, tissues and organs;
- Monks and nuns;
- Beneficiaries of family disability allowance, or monthly cash benefit according to regulations on the protection of combatants, military invalids and civilian invalids of the war;
- Beneficiaries of financial social assistance, i.e. beneficiaries of accommodation in social welfare institutions or other families, i.e. beneficiaries of special financial compensation for parents, according to regulations on social protection;
- Unemployed persons whose monthly income is below income determined pursuant to the Law governing health insurance;
- Beneficiaries of assistance – members of family whose foster parent is serving military service;
- Persons of Roma ethnicity who due to traditional way of life have no residence, i.e. residence in Serbia;
- Victims of domestic violence;
- Victims of human trafficking;

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<sup>27</sup> Annex 2 – Tables 72–77.

- Veterans whose time spent in the war/armed actions was counted in special period of pension coverage according to regulations regulating pension and disability insurance, i.e. whose status of veterans was established according to regulations governing protection of veterans;
- Persons whose refugee or displaced person status from former SFRY republics or displaced person status was established by competent state authority if they fulfil requirement to be beneficiaries of financial social assistance, i.e. beneficiaries of accommodation in social protection institutions or other families, i.e. beneficiaries of special benefits for the parent, according to the regulations on the social protection and if they have residence in the territory of the Republic of Serbia;
- Persons provided with mandatory and recommended immunization pursuant to regulations governing protection of population from infectious diseases;
- Persons provided with targeted preventive examinations, i.e. screening, according to appropriate national programmes.

Healthcare for enumerated persons covered by compulsory health insurance is provided from the funds of compulsory health insurance, and funds for providing health care for those persons not covered by compulsory health insurance are provided from the budget of the Republic of Serbia.

217. The availability, scope and content of health care for all categories of insured persons is provided in identical manner, regardless of the grounds on which they are mandatorily insured.

218. The Law on Patients' Rights adopted in 2013, envisages that patient is guaranteed equal right to quality and continuous health care in accordance with his/her state of health, generally accepted professional standards and ethical principles, in the best interest of patient and respecting his/her personal attitudes.

219. In accordance with the Strategy for development of mental health protection, in 2013 the Law on the Protection of Persons with Mental Disorders was adopted, and two by-laws.<sup>28</sup>

220. MoH continuously organizes activities related to implementation of the Law on Patients' Rights, Law on the Protection of Persons with Mental Disorders and of bylaws. Certain documents were prepared as instructions and forms (total of 18) and accepted by the Republic Commission of Experts on Mental Health, and delivered in April 2015 to all health institutions treating persons with mental disorders.

221. MoH and PSH are working to expand the network of mental health centers in the community. New Strategy for the Protection of Mental Health in the Republic of Serbia was prepared for 2019–2026, planned to be adopted in 2019.

## Article 13

### Access of children asylum seekers to primary and secondary education (Recommendation 34)

222. The Law on Foundations of Education System stipulates that every person has the right to education. Within MESTD, Working Group was established to provide support to education of refugee students and asylum seekers in institutions of education and training.

223. After the experience that schools had in the second half of school 2016/17 year, the Professional Instruction for the Inclusion of Refugee/Asylum Seekers in the Education System was adopted thus starting an institutional solution to this issue. The Professional Instruction was forwarded to all schools and it is planned that Expert Team for Inclusive

<sup>28</sup> Rulebook on detailed conditions for the application of physical impairment and isolation of persons with mental disorders who are on treatment in psychiatric institutions and the Rulebook on the type and more detailed conditions for the education of organizational units and performing mental health protection activities in the community.

Education (which each school has) should draw up School Support Plan for the Inclusion of Students who are Refugees/Asylum Seekers.

224. MESTD implements the MADAD 2 Project (201-18), which aims to respond to the needs of migrants and asylum seekers in the Republic of Serbia through support to institutions, including improving accommodation and service provision.

225. During school year 2016/17, 101 students in six primary schools were included in the educational system of the Republic of Serbia. In the next school year, the coverage of migrant students by primary education was over 95%. During September and October 2018, total number of migrant students was 315, educated in 50 schools (37 primary schools and 13 secondary schools), which makes up 97% of the coverage.

226. Support was organized in the following areas:

- Mentoring support for schools by 10 mentors;
- Training for 1,265 employees from 17 municipalities that are near 18 collective centers;
- Allocation and distribution of school bags and accessories (2,188 packages);
- Continuous monitoring of the inclusion process, support for employees and students.

### **Right to education<sup>29</sup> (Recommendation 35)**

#### *Prevention of discrimination and violence*

227. The Rulebook on conduct of the institution in the event of suspicion or established discriminatory behaviour and insulting the reputation, honour or dignity of a person prescribes the manner of conducting preventive and interventional activities, obligations and responsibilities of child, pupil, adult, parent, or other legal representative, employee, third person in institution, authorities and bodies of institution and other issues of importance for protection against discrimination, with particular emphasis on prevention of segregation, and measures for desegregation. The institution in which the problem is identified undertakes the following measures and activities in the process of desegregation:

- Extends the composition of team for protection against discrimination, violence, abuse and neglect, as needed;
- Desegregation plan is prepared;
- It coordinates and monitors implementation of desegregation plan through measures and activities appropriate to the specificities of situation of segregation in the institution.

228. In order to prevent violence and discrimination MESTD developed training manual for prevention of digital violence “*Digital violence – prevention and protection*” received by each school. MESTD is involved in the design of Guide for parents for child protection against digital violence. Since 2018, pilot project “*Safe Internet for entire family in five cities of Serbia*” was realized in preschool and school institutions.

229. Trainings were held for applying preliminary indicators to identify child victims of trafficking, and school manuals were published. SOS counsellors were trained to work on telephone line for protection against violence in schools in three groups, in total 90 counsellors. An inter-ministerial working group was formed for the protection of children from violence. Professional instruction was signed providing guidelines for cooperation between educational institutions and CSWs in protecting children from violence. In cooperation with MIA was enabled implementation of programme for students of the fourth and sixth grade in the field of security and protection against violence. Cooperation with the National Contact Center for Children’s Safety on the Internet was established.

<sup>29</sup> Annex 2 – Tables 78–80.

*Inclusive education*

230. The Strategy for Development of Education in Serbia until 2020 envisages that persons with disabilities and special needs, people with learning disabilities and persons from disadvantaged backgrounds and social groups have full right to quality education, respecting their specificity. The basic strategic orientation in education of these people is an inclusive approach to education that ensures their rights and enables their social inclusion.

231. Educational reforms in Serbia aimed at deinstitutionalization and inclusion in regular schools of an increasing number of children requiring additional support have also reflected on schools for education of students with special needs and disabilities. The total number of students in special education was reduced, as a key target group, children with severe and multiple disorders who were out of the system got included in these schools preventing somewhat unjustified enrolment of a large number of Roma children in these institutions. Special classes in regular schools retained the traditional form, although legal solutions were directed to a different practice.

232. According to criteria of the European Agency for Special Needs and Inclusive Education, Serbia is among the countries with complete inclusion with less than 1% of students in segregated education, which includes special schools and special departments. Although the trend of reducing the number of students in segregated environment was realized, the Serbian education system has primary and secondary schools and special departments for education of students with special needs/disabilities. While the number of “special” classes in regular schools is significantly reduced, all “special” primary and secondary schools (total of 48) continue to work.

233. Support measures for students requiring additional support include: measures to support children with special needs and disabilities through writing individual educational plans – IOP (in 2017/18, their number was 14,046 in regular schools and 3,133 in schools students with special needs/disabilities) and additional support measures falling within the scope of the Commission for determining the need for additional educational, health and social support to child, student and adult.

*Roma and affirmative action*

234. Measures of support that children and students can achieve on the basis of education regulations are:

- Affirmative measures of enrolment in pre-school institutions;
- Primary education of each child in the nearest school, i.e. the right of parents to choose the school to be attended by the child – regardless of type (source) or degree of need for additional support;
- Affirmative measures for enrolment in secondary schools and higher education institutions, right to individual education plan at all levels of pre-university education;
- Free transport to school during compulsory preparatory preschool program and compulsory primary education, and free transport for students with developmental disabilities and their companions;
- Support of pedagogical assistant;
- Free textbooks, i.e. custom textbooks for students required in compulsory education; education in special educational group (development groups in pre-school institutions), or in school or department for children with special needs and disabilities;
- Adjustment of admission, final and graduation examination;
- Support for students in a typical school by staff at the school for the education of students with special needs/disabilities.

235. Results of affirmative measures: since the systematic introduction of affirmative measures of enrolment in secondary schools (from school year 2005/06, ending with

2018/1919), 8,324 students (55% of girls) enrolled. MESTD collects data on impact of these measures by cooperating with school administrations. More than 65% of those enrolled through affirmative measures, and scholarship beneficiaries and with mentoring support, do complete secondary education. Following application of the Affirmative Measure Programme for enrolment of Roma students under favourable conditions in secondary schools, in 2017/18 1,969 Roma students enrolled in secondary schools through this programme, while in 2018/19, 2,220 pupils of Roma ethnicity (56% of girls) enrolled through affirmative measures. Affirmative action for enrolment at higher education institutions dates back to 2003/2004, and 1,623 students (51% of girls) enrolled so far. In academic 2016/17 year through the implementation of this programme, 182 students enrolled in the first year (88 boys, 94 girls), while in academic 2017/18, 154 enrolled (71 boys and 83 girls).

236. In order to establish systematic and sustainable scholarship for Roma minority, the Rulebook on student and university student loans and scholarships was amended in the part of milder criteria for sensitive social groups – criterion of performance for Roma students, pupils without both parents and pupils with disabilities was removed.

237. In cooperation with the University in Kragujevac – Center for Lifelong Learning, which has accredited training for pedagogical assistants of 36 ECTS points, a five-day introductory training was organized for 65 assistants in two groups in October 2018.

238. The Public Interest Training List includes an accredited Training for early identification of students at risk of dropping out and the prevention of drop-out. The Group for Minority Education, Social Inclusion and Protection against Violence and Discrimination is the organizer of the above training. The target group are representatives of 50 selected schools, and in total 225 participants are involved in training. After training, schools are obliged to make Action Plans for Preventing Drop-out which will be an integral part of the institution's Development plan.

## Article 15

### Cultural rights<sup>30</sup> (Recommendation 36)

239. The Serbian Culture Development Strategy (2018–2027) is in adoption phase. By its adoption, conditions will be created to define local strategic documents.

240. In order to decentralize and demetropolize culture, in 2016, the MCI launched Programme *CITIES IN THE FOCUS*. This programme indirectly influences the equal cultural development of all parts of Serbia and enables high level cultural and artistic content to be accessible to all citizens. Including this year's competition, in the past three years, in total 38 LSGs received RSD 450 million from MCI for improving culture.

241. Data on the situation in culture in Serbia are monitored and regularly updated by state-founded institution – Institute for Study of Cultural Development. The Institute's capital and long-term project is "*E-Culture*" Project. It is an information system in culture that has been developing continuously since 2001. Since 2013, "e-Culture" was developed in partnership with SORS. The Institute and SORS publish data on the situation and changes in culture in a joint publication, and in other publications of relevant institutions. The publication contains tabular and graphical presentations of data on museums, theatres, cinemas, publishing and media in Serbia.

242. The Institute for Study of Cultural Development, together with MCI, was designated as the contact point in Serbia for the promotion and implementation of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (UNESCO, 2005).

243. In 2016, MCI formed Sector for Development of Digital Research Infrastructure in Culture and Arts. Shortly upon establishment, the sector implemented several projects. Rulebook on the digitization of library materials and resources, Rulebook on more detailed conditions for the digitization of cultural heritage for cultural institutions founded by the

<sup>30</sup> Annex 2 – Tables 81–85.

state, Guidelines for digitization of cultural heritage in Serbia; introduction of unique information system for museums, archives and for immovable cultural property in Serbia, and four databases for museums, libraries, archives and institutions for the protection of cultural monuments were created, which will be the main content of the National Cultural Portal of the Republic of Serbia, aimed at promoting culture and arts on Internet.

244. In cooperation with the Republic Geodetic Authority, in December 2018, MCI created database in two categories: protected cultural goods, and cultural institutions. Edited data, sorted into categories and sets, are available to users in four languages (Serbian, English, Russian, Chinese) and published on the website of the National Geospatial Data Infrastructure. Metadata created for each unit are harmonized and linked to other spatial data. This way of processing and organization allows them to combine with remaining 214 sets of public sector data, also available on this website.

245. MCI commissioned study entitled “*Models of local cultural policies as a basis for increasing cultural participation*” created in September 2018. The study includes analysis of cultural systems of 15 cities, comparative analysis at the level of these cities, theoretical analysis of models of local cultural policies and identities, and recommendations for improvement of local cultural policies by instruments at the republic, provincial and local levels.

246. Starting in 2015, MCI announced Competition for co-financing the mobility of artists and professionals in the field of culture and arts – Mobility. Its aim was the systemic support to promotion of international cultural cooperation, i.e. promotion of culture and art of Republic of Serbia abroad, exchange and networking through mobility of artists and professionals invited to international events and manifestations, and study and residential stays in all areas of culture and arts.

247. AP Vojvodina is responsible for implementation of cultural policy in the territory of AP Vojvodina, for establishment of archives, museums, libraries, theatres, institutes and other institutions of provincial importance in the field of culture.<sup>31</sup>

248. The activities of twelve provincial cultural institutions were funded from the provincial budget for 2016–2018. The Provincial Secretariat for Culture, Public Information and Relations with Religious Communities also co-financed activities of five culture institutions (in Hungarian, Romanian, Ruthenian, Slovak and Croatian languages) as part of current expenditures and spending of cultural institutions and other entities.

249. Provincial institutions, through their regular activities, funded from the provincial budget, within 2016–2018 also financed numerous other projects making the funded cultural heritage available and accessible to all segments of society, age and other groups, including:

- Setting up ramps for people with disabilities;
- Realization of special pedagogical-educational programmes;
- Organizing thematic workshops;
- Projects with the Association of blind and visually impaired persons are aimed at ensuring availability of museum funds to persons with disabilities.

250. Professional institutions for cultural heritage protection in AP Vojvodina and institutions for cultural heritage protection founded by AP Vojvodina implement programmes of research, valorization, recording, digitization, protection and presentation of immovable and movable cultural goods and intangible heritage, conservation and restoration of art objects and archival material, ethnographic research, publication of valuable books in this field in all languages represented in AP Vojvodina, professional development, permanent museum settings, etc. Within their annual programmes, institutions implement several projects of research on cultural heritage, customs and traditions of national minorities and the influence of different cultural traditions on coexistence of all inhabitants in AP Vojvodina.

<sup>31</sup> The Statute of AP Vojvodina.

251. Support to projects in the field of culture takes place exclusively through competitions. Funds are distributed through public competition for individual areas and are non-refundable.

252. There is no difference in protection of cultural heritage in Serbia between cultural goods relating to their origin or having the national sign. In cultural activities of national minorities, priority is given to projects which contribute to strengthening capacities of cultural entities to make cultural content available, to projects of cooperation, networking, co-production, hosting in the country and the region. Financing offered to national minorities is accessible to all minorities without distinction, regardless of whether they have an organized self-government represented in the national councils as the body that represents them.

253. The Bosniak national minority enjoys all rights as all other national minorities, and according to the statistics of competition for cultural activities of national minorities, the funds allocated for this minority are at the top of their level. For Serbia, the Advisory Committee of the CoE's Framework Convention for the Protection of National Minorities did not have any observations regarding cultural rights of the Bosniak national minority, nor was the area of culture identified as problematic.

254. The Provincial Secretariat for Education, Regulations, Administration and National Minorities – National Communities (PSERANM-NC) carries out its responsibility to promote and implement the cultural and social rights of national minorities in AP Vojvodina through co-financing regular activities and projects/manifestations of organizations and associations of national minority in AP Vojvodina in the form of regular annual competitions.

255. Within 2014 to 2018, the provincial budget allocated RSD 251,011,815.00 to competitions. PSERANM-NC co-finances work of national councils of national minorities in AP Vojvodina. Within 2014–2018, national councils of national minorities were allocated RSD 295,200,000.00 from the provincial budget. PSERANM-NC performs competitions and co-financing of work of national councils of national minorities based on the Provincial Assembly's decision on the budget, adopted annually, and special regulations adopted by the Assembly of AP Vojvodina.

## **Other recommendations**

### **Ratification of international human rights treaties (Recommendation 37)**

256. National legislation constitutes adequate framework for protection of migrant workers because they are guaranteed the same rights enjoyed by domestic workers. For the effective implementation of the Protocol to the International Covenant on Economic, Social and Cultural Rights, it is necessary to amend relevant domestic regulations.

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