



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Concluding observations on the third periodic report of Serbia\*

1. The Committee considered the third periodic report of Serbia<sup>1</sup> at its 12th, 14th and 16th meetings,<sup>2</sup> held on 21, 22 and 23 February 2022, and adopted the present concluding observations at its 30th meeting, held on 4 March 2022.

#### A. Introduction

2. The Committee welcomes the submission by the State party of the third periodic report and the supplementary information provided in the replies to the list of issues.<sup>3</sup> The Committee appreciates the constructive dialogue with the State party's high-level interministerial delegation.

#### B. Positive aspects

3. The Committee welcomes the legislative, institutional and policy measures taken to increase protection of economic, social and cultural rights in the State party, such as the adoption of the Law on Amendments to the Law on Prohibition of Discrimination in 2021, the Free Legal Aid Act in 2018, and the Law on Housing and Building Maintenance in 2016, and the measures mentioned in the present concluding observations.

#### C. Principal subjects of concern and recommendations

##### Domestic application of the Covenant

4. The Committee notes the indication by the delegation of a concrete plan for the ratification of the Optional Protocol to the Covenant by the end of 2022. However, the Committee remains concerned at the absence of court decisions invoking provisions of the Covenant, and the lack of specialized training for judges, prosecutors and lawyers on the justiciability of the provisions of the Covenant. It is also concerned about the lack of awareness of the State party's obligations under the Covenant among public officials, especially those responsible for the implementation of the Covenant (art. 2 (1)).

##### 5. The Committee recommends that the State party:

(a) **Regularly provide specialized training, including through the Judicial Academy, on the provisions of the Covenant and their justiciability, for judges, prosecutors and lawyers;**

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\* Adopted by the Committee at its seventy-first session (14 February–4 March 2022).

<sup>1</sup> E/C.12/SBR/3.

<sup>2</sup> See E/C.12/2022/SR.12, E/C.12/2022/SR.14 and E/C.12/2022/SR.16.

<sup>3</sup> E/C.12/SBR/RQ/3.



(b) **Enhance awareness of economic, social and cultural rights among State and non-State actors responsible for the implementation of the Covenant, such as labour inspectors, social workers, health-care personnel and teachers, and among rights holders;**

(c) **Pursue the plans to ratify the Optional Protocol to the Covenant.**

#### **State party's obligations**

6. The Committee is concerned about regional disparities in access to social services, due to the low and varying levels of financial and administrative capacity of local governments and the lack of coordination between national and local governments. While noting numerous legislative and policy measures that have been adopted in the areas relating to the Covenant rights, the Committee is concerned about the lack of incorporation of economic, social and cultural rights implications in formulating and implementing such measures (art. 2 (1)).

7. **The Committee recommends that the State party take all measures necessary to:**

(a) **Strengthen the financial and administrative capacity of local governments with a view to ensuring that people in the State party enjoy Covenant rights on an equal basis regardless of their place of residence;**

(b) **Systematize a human rights impact assessment in the process of formulating legislation and policies in the areas of economic, social and cultural rights;**

(c) **Ensure meaningful participation of and consultation with affected individuals and groups, with sufficient time frames.**

#### **Judiciary**

8. The Committee notes the constitutional referendum held on 16 January 2022 and other steps taken to strengthen the independence of the judiciary. However, the Committee remains concerned about potential political influence on the work of the prosecution, due to the election process for prosecutors and the composition of the High Prosecutorial Council, which are not in compliance with international standards (art. 2 (1)).

9. **The Committee recommends that the State party intensify its efforts to enhance the independence and effective functioning of the judiciary as a means of safeguarding the enjoyment of economic, social and cultural rights. It also urges the State party to improve the election process for prosecutors and the composition of the High Prosecutorial Council in line with international human rights norms and best practice, with a view to guaranteeing that prosecutors fulfil their functions independently and accountably.**

#### **Free legal aid**

10. While welcoming the adoption of the Free Legal Aid Act, the Committee is concerned about:

(a) The insufficient and uneven provision of free legal aid service by local governments;

(b) The lack of clarity on the procedure for civil society organizations to provide free legal aid under the Act, which has effectively impeded access to free legal aid for those who are most in need;

(c) The lack of awareness, particularly among disadvantaged and marginalized individuals and groups, of the availability of free legal aid and of the application procedure (art. 2 (1)).

11. **The Committee urges the State party to intensify its efforts to make free legal aid available and accessible to all persons in need. In particular, it recommends that the State party:**

(a) **Ensure that the persons eligible receive quality free legal aid regardless of their place of residence, by strengthening the capacity of local governments;**

(b) **Provide clear guidelines to local authorities on the procedure for the provision of free legal aid by civil society organizations, including on the eligibility criteria for free legal aid;**

(c) **Raise public awareness about the availability of free legal aid and the application procedure, particularly among workers in social welfare centres and disadvantaged and marginalized individuals and groups, including women, young people, persons with disabilities, Roma, refugees, asylum seekers, migrants, internally displaced persons, and victims of human trafficking.**

#### **Data collection**

12. The Committee is concerned about the lack of systematic collection of disaggregated data in the areas of economic, social and cultural rights, which hampers accurate assessment of the realization of the rights as well as the development of effective and targeted policies and programmes (art. 2 (1)).

13. **The Committee recommends that the State party:**

(a) **Improve its system for data collection, management and analysis, with a view to regularly tracking progress in the realization of the Covenant rights, developing public policies based on evidence and designing targeted measures for disadvantaged and marginalized individuals and groups;**

(b) **Systematically collect data in the areas of economic, social and cultural rights, disaggregated on the basis of prohibited grounds of discrimination, including sex, age, disability, ethnic origin, and region, and include such data in its next periodic report;**

(c) **Take into account the conceptual and methodological framework on human rights indicators that was developed by the Office of the United Nations High Commissioner for Human Rights.<sup>4</sup>**

#### **National human rights institution**

14. While noting that around half of the individual complaints dealt with and legislation and policies reviewed by the Protector of Citizens are related to the Covenant rights, the Committee is concerned about the lack of compliance by public authorities with his or her views and decisions (art. 2 (1)).

15. **The Committee recommends that the State party take measures necessary to enhance the compliance by the relevant public authorities with the views and decisions of the Protector of Citizens, and that it provide his or her Office with financial and other support necessary to strengthen its expertise in the field of economic, social and cultural rights.**

#### **Human rights defenders**

16. While noting the adoption of the strategy for creating a stimulating environment for the development of civil society in Serbia for the period from 2022 to 2030, the Committee is concerned at repeated allegations of harassment, intimidation and physical and verbal attacks by both non-State and State actors on human rights defenders advocating for economic, social and cultural rights. It also regrets the lack of information from the State party regarding investigations carried out into such cases and the prosecution of perpetrators (art. 2 (1)).

<sup>4</sup> [HRI/MC/2008/3](#).

17. **The Committee recommends that the State party:**

(a) **Ensure that all the reported cases of intimidation, harassment and violence against human rights defenders are promptly and thoroughly investigated and the perpetrators are brought to justice;**

(b) **Take effective measures, including through the implementation of the strategy for creating a stimulating environment for the development of civil society in Serbia for the period from 2022 to 2030, to protect human rights defenders and provide a safe and favourable environment for their work;**

(c) **Take into account the Committee's statement on human rights defenders and economic, social and cultural rights,<sup>5</sup> adopted on 7 October 2016.**

#### **Business and economic, social and cultural rights**

18. Owing to incidents of human rights abuse from, inter alia, human trafficking, mining operations, and discrimination in providing protection and benefits, involving the activities of corporations of the State party, the Committee notes with grave concern the absence of a policy framework to ensure that business entities respect rights and provide effective remedies under the Covenant.

19. **The Committee recommends that the State party:**

(a) **Develop and adopt the national action plan on business and human rights to implement the Guiding Principles on Business and Human Rights, which will provide a coherent and systematic framework for identifying priority national issues, mitigating and preventing human rights abuses by businesses and providing victims with an effective grievance mechanism;**

(b) **Take appropriate legislative and administrative measures to ensure that business entities apply human rights due diligence in their operations and their supply chain;**

(c) **Take all measures necessary to ensure the legal liability of companies operating in the State party and those based in or managed from the State party's territory for violations of economic, social and cultural rights resulting from their activities, and to provide adequate remedies to victims;**

(d) **Be guided by and follow the Committee's general comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities.**

#### **COVID-19 pandemic**

20. The Committee is concerned about:

(a) Unequal access to coronavirus vaccination and the constraints on the provision of other health-care services owing to the COVID-19-related health-care services;

(b) The absence of specific COVID-19 response measures to protect disadvantaged and marginalized individuals and groups;

(c) The failure to reach out to the most disadvantaged and marginalized individuals and groups and business entities in the informal economy sector through the measures taken under the decree on fiscal benefits and direct benefits to economic entities in the private sector and financial assistance to citizens (arts. 9, 11 and 12).

21. **The Committee recommends that the State party:**

(a) **Facilitate universal and equitable access to COVID-19 testing, treatment and vaccination, and ensure that the provision of health-care services is not disturbed due to the COVID-19-related health-care services;**

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<sup>5</sup> [E/C.12/2016/2](#).

(b) **Immediately rectify the situation by providing the COVID-19-related cash benefits to those who were excluded, including due to a lack of permanent residence and identity documents;**

(c) **Adopt targeted measures to protect disadvantaged and marginalized individuals and groups, including workers and business entities in the informal economy and workers in non-traditional forms of employment, in the context of the COVID-19 recovery.**

#### **Austerity measures**

22. The Committee notes the measures taken by the State party to respond to the financial crisis after 2014, including the introduction of a property tax on social housing, increased rates of value added tax, the pension cut and the reduction in the number of public sector employees. The Committee is concerned that those measures were adopted without adequate public consultation, human rights impact assessments or concrete timelines for phasing the measures out. It is also concerned about the significant adverse impact of these measures on the enjoyment of economic, social and cultural rights by disadvantaged and marginalized individuals and groups (arts. 2 (1), 6, 9 and 11).

23. **The Committee recommends that the State party:**

(a) **Review, while applying human rights standards, measures that have been taken in response to the financial crisis, with a view to ensuring enjoyment of economic, social and cultural rights by all;**

(b) **Ensure that such austerity measures are gradually phased out and that effective protection of the rights under the Covenant is enhanced in line with the progress achieved in the post-crisis economic recovery;**

(c) **Restore the pre-crisis levels of public services and social benefits and ensure the effective functioning of State institutions;**

(d) **Take into consideration the Committee's open letter dated 16 May 2012 to States parties on economic, social and cultural rights in the context of the economic and financial crisis, and its statement on public debt, austerity measures and the Covenant issued in 2016.**

#### **Maximum available resources**

24. The Committee is concerned about:

(a) The lack of progressivity of the State party's tax system, as illustrated by the heavy reliance on consumption taxes, the non-progressive and low level of personal and corporate income taxes and the very low inheritance tax rate;

(b) The high level of income inequality in the State party and the minimal redistributive effect of taxes and transfers to narrow the inequality;

(c) The persistently low level of funding allocations, as well as the frequent incidence of diversion of funding, allocated for the realization of economic, social and cultural rights, for other purposes, including military expenditure (art. 2 (1)).

25. **The Committee recommends that the State party**

(a) **Adopt a more efficient, progressive and socially just fiscal policy with a view to expanding the tax base and fiscal space for the progressive realization of economic, social and cultural rights, and to increasing its redistributive effect;**

(b) **Increase the level of budget allocation to employment services, social protection services, social housing, health care, education and other areas relating to the Covenant rights;**

(c) **Refrain from diverting funding earmarked for the realization of economic, social and cultural rights, and, if strictly necessary, ensure that the decision is made in a transparent manner with appropriate consultation.**

### Corruption

26. The Committee is concerned about the widespread corruption and the practice of bribery in accessing public services, and the failure of the Anti-Corruption Agency to investigate cases of corruption, especially those involving high-level officials. The Committee also regrets the lack of information on the steps taken to review the legal provisions that provide for the exemption of selected infrastructure projects of strategic importance from public procurement rules. In the light of a number of corruption cases, including cases involving high-level officials, in the procurement process, the Committee is concerned about the potential adverse effect of those provisions on the obligation of the State party to use maximum available resources (art. 2 (1)).

27. **The Committee recommends that the State party:**

(a) **Ensure that all cases of corruption, particularly those involving high-level officials, are thoroughly and independently investigated and prosecuted without impunity;**

(b) **Strengthen the powers and capacity of anti-corruption bodies, including the Anti-Corruption Agency, to independently and effectively carry out their mandate;**

(c) **Review the Law on Special Procedures for the Implementation of the Project of Construction and Reconstruction of Line Infrastructure of Particular Importance to Serbia, with a view to bringing the law, and particularly the provisions on exemption, into line with relevant international norms and best practice.**

### Non-discrimination

28. The Committee is concerned about the substantive discrimination faced by disadvantaged and marginalized individuals and groups, in accessing work, social protection, housing, health-care services and education. The situation has further deteriorated due to growing hate speech, including through social media (arts. 2 (2), 6, 9, 10, 11, 12, 13 and 14).

29. **The Committee urges the State party to intensify its efforts to promote equality and combat discrimination against Roma and persons belonging to national minority groups, persons with disabilities, refugees, asylum seekers, internally displaced persons, and lesbian, gay, bisexual, transgender and intersex persons. In particular, it recommends that the State party:**

(a) **Take the steps necessary to remove all discriminatory legal provisions and adopt the pending anti-discriminatory legislation without delay, and strengthen the enforcement of anti-discrimination legislation, with a view to ensuring the equal enjoyment of economic, social and cultural rights in practice;**

(b) **Take measures necessary to ensure that public authorities conduct an equality test when preparing new regulations or policies that have impact on the enjoyment of economic, social and cultural rights by disadvantaged and marginalized individuals and groups, as provided for in the Law on Amendments to the Law on Prohibition of Discrimination;**

(c) **Enhance awareness and sensitization, including regarding online hate speech, among public officials and the public.**

### Identity documents

30. In light of the fact that the possession of identity documents is a prerequisite for accessing most social services, the Committee is deeply concerned about the large number of children whose birth cannot be registered and persons whose residence cannot be registered at the address of a social welfare centre as provided for in the Law on Permanent and Temporary Residence of Citizens and the consequent restrictions on their access to social services (arts. 2 (2), 6, 9, 11, 12, 13 and 14).

31. **The Committee urges the State party to take immediate steps to:**

(a) **Rectify the situation where persons without identity documents are denied access to social services, including social protection, health-care services and education;**

(b) **Expand the application of the Law on Permanent and Temporary Residence of Citizens to the internally displaced persons living in informal settlements who have registered their permanent residence in Kosovo,<sup>6</sup> with a view to allowing them to register their residence at the address of a social welfare centre;**

(c) **Review legislation relating to birth registration, including by-laws, with a view to ensuring that the birth of all children in Serbia is registered.**

#### **Refugees, asylum seekers and migrants**

32. The Committee is concerned about the shortcomings of the asylum procedure, the continuing inadequate reception conditions, and the insufficient protection and support provided for unaccompanied and separated children (arts. 2 (2) and 10).

33. **The Committee recommends that the State party:**

(a) **Improve the asylum procedures, with a view to ensuring the consistency of decisions and compliance with the statutory deadlines;**

(b) **Improve the conditions of reception centres and access to health care and other basic services;**

(c) **Provide all unaccompanied and separated children with alternative care arrangements and guardianship protection, and ensure that they continue education with adequate support, including adequate language learning.**

#### **Persons with disabilities**

34. The Committee is concerned that the denial of reasonable accommodation for persons with disabilities is not recognized as a form of discrimination and that public facilities and public transport are largely inaccessible by persons with disabilities. It is also concerned about the continuing institutionalization of persons with disabilities and the limited availability of community-based services. It is further concerned about the persistently low level of employment and social integration of persons with disabilities (arts. 2 (2) and 6).

35. **The Committee recommends that the State party:**

(a) **Ensure that denial of reasonable accommodation is legally recognized as a form of discrimination, and ensure the provision of reasonable accommodation, particularly in the workplace and at school;**

(b) **Improve accessibility to public facilities, including medical clinics and public transport;**

(c) **Facilitate the deinstitutionalization of persons with disabilities and expand community-based services for them;**

(d) **Improve the employment of persons with disabilities, including by establishing incentives and special measures, and integrate workers with disabilities in the mainstream labour market.**

#### **Equality between men and women**

36. While noting the adoption of a new national strategy for gender equality for 2021–2030, the Committee is concerned about the insufficient impact of the national strategy for gender equality for 2016–2020, particularly in relation to women's participation in the labour force and employment. It is also concerned about the lack of protection and support provided for women to face the increased care responsibilities due to school closures and the heightened risk of domestic violence during the pandemic (art. 3).

<sup>6</sup> References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

37. **The Committee urges the State party to:**

(a) **Fully implement the new national strategy for gender equality for 2021–2030;**

(b) **Identify root causes that hinder women from participating in the labour force and obtaining decent job opportunities, tailor the employment services and vocational education and training to address these, and provide social services for a better harmonization of work and family life;**

(c) **Expand social care services with a view to attaining a more equal distribution of care responsibilities between men and women and facilitating women’s participation in the labour market and public life;**

(d) **Step up its efforts to prevent and punish sexual and gender-based violence in all settings, including the home, the workplace and school, including through the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).**

#### **Right to work**

38. The Committee is concerned about the high level of unemployment, particularly long-term unemployment, and the excessive number of young people not in education, employment or training. It is also concerned about the low efficacy of the measures taken, including the active employment policy measures, to improve the employment of persons belonging to the hard-to-employ category. It is also concerned that students on the dual education system and young people on internship programmes are paid less than the minimum wage and often work in substandard conditions (arts. 6 and 7).

39. **The Committee urges the State party to:**

(a) **Intensify its efforts to reduce unemployment, particularly among young people;**

(b) **Improve the active employment policy measures by identifying the root causes regarding persons belonging to the hard-to-employ category and designing concrete programmes to address these, with a view to providing them with decent and sustainable job opportunities;**

(c) **Take effective measures to protect students on the dual education system and young people on internship programmes such as the “My First Salary” programme from labour exploitation and to ensure that they are protected by labour regulations.**

#### **Trafficking in persons**

40. While welcoming the establishment of the Centre for Protection of Human Trafficking Victims, the Committee remains concerned about allegations of trafficking and economic exploitation, the lack of support and protection provided to victims of trafficking, and the insufficient level of funding allocated for the prevention of trafficking in persons (art. 6).

41. **The Committee recommends that the State party intensify its efforts to prevent and combat trafficking in persons, in particular by:**

(a) **Ensuring adequate training of law enforcement officers and the judiciary with a view to improving early identification of victims;**

(b) **Improving the protection and physical, psychological and legal support for victims, in coordination with civil society organizations;**

(c) **Allocating sufficient funding for the prevention of trafficking in persons and for support for victims.**

#### **Right to just and favourable conditions of work**

42. The Committee is concerned about the narrow definition of “employed persons” in the Labour Law, which has excluded the large number of workers in the informal economy and non-traditional forms of employment from labour and social protection (art. 7).

43. **The Committee recommends that the State party bring the definition of “employed persons” in the Labour Law into line with article 7 of the Covenant and international labour standards and ensure that all workers, regardless of their sectors, industries or forms of employment, are equally protected under the Labour Law and the related labour regulations. It also recommends that the State party take effective measures to transition workers in the informal economy to the formal economy.**

#### **Minimum wage**

44. The Committee is concerned about the inadequate amount of the minimum wage, which is lower than the minimum consumer basket, and regrets the absence of information on the enforcement of the minimum wage (art. 7).

45. **The Committee recommends that the State party:**

- (a) **Raise the minimum wage and regularly adjust it to the cost of living so as to ensure a decent living for workers and their families;**
- (b) **Ensure that the minimum wage applies to all workers in all sectors and in all forms of employment;**
- (c) **Ensure full compliance with the minimum wage;**
- (d) **Take into account the Committee’s general comment No. 23 (2016) on the right to just and favourable conditions of work (paras. 18–24).**

#### **Labour Inspectorate**

46. The Committee is concerned about the narrow scope of labour inspections carried out by the Labour Inspectorate, which has led to situations such as the case of workers at the Linglong Tyre Plant, where violations of labour regulations were not detected despite a number of labour inspections being carried out. It is also concerned about the limited powers and capacity of the Labour Inspectorate to carry out its mandate effectively (art. 7).

47. **The Committee recommends that the State party expand the scope of labour inspections, strengthen the capacity and powers of the Labour Inspectorate and improve the quality of labour inspections. It also recommends that the State party provide sufficient financial and human resources to the Labour Inspectorate and specialized training for labour inspectors.**

#### **Trade union rights**

48. While noting the ongoing drafting of a law amending the Law on Strikes, the Committee is concerned about the provisions in the Law on Strikes regarding minimum services, which restrict the rights to strike of a wide range of workers (art. 8).

49. **The Committee recommends that the State party amend the Law on Strikes in line with its obligations under article 8 of the Covenant as well as under the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and Right to Organise and Collective Bargaining Convention, 1949 (No. 98). In particular, it recommends that the State party limit the scope of the definition of minimum services, so as to ensure the effective exercise of the right to strike without undue restrictions.**

#### **Right to social security**

50. The Committee is concerned about the insufficient budget allocation for social protection as well as the inadequate coverage and amount of social security benefits overall, which has led to the ineffectiveness of the social security system in reducing poverty. It is also concerned about certain conditions attached to social assistance benefits, which effectively deny access by certain disadvantaged and marginalized groups to social security benefits. These include the conditioning of parental allowances on certain criteria, such as school attendance and vaccination of children, which has a significant discriminatory effect on Roma families, and the conditioning of financial social assistance on the performance of

unpaid work. It is also concerned about the complicated administrative procedure for claiming financial social assistance (arts. 9 and 11).

**51. The Committee recommends that the State party:**

(a) **Raise the budget allocation for social protection and increase the coverage and amount of social security benefits;**

(b) **Review the conditions attached to social assistance benefits, particularly to the parental allowance and financial social assistance, with a view to removing the conditions that are discriminatory or have a discriminatory effect and contradict human rights norms, and take effective measures to improve uptake rates of such benefits;**

(c) **Streamline the administrative procedure, with a view to making it easily accessible and user-friendly.**

#### **Child marriage**

52. While noting that the Family Act sets the age of marriage for both sexes at 18 years, the Committee is concerned about the continuing practice of child marriage, in particular of girls, and its serious impact on economic, social and cultural rights (arts. 3 and 10).

**53. The Committee urges the State party to ensure strict adherence to the legal provision that sets the minimum age for marriage at 18 and to take all measures to eliminate child marriage and to sensitize the public to the harmful effects of the practice.**

#### **Poverty**

54. The Committee is concerned about the continuing high incidence of poverty, particularly among Roma, persons belonging to national minority groups, persons with disabilities and internally displaced persons, despite some progress achieved. The Committee notes with regret the closure of the Social Inclusion and Poverty Reduction Unit, and it is concerned about the absence of concrete policy and an institutional framework on poverty reduction (arts. 9 and 11).

**55. The Committee urges the State party to intensify its efforts to accelerate poverty reduction. In particular, it recommends that the State party:**

(a) **Adopt a framework policy on poverty reduction, specifically focused on those who are in systemic poverty, including Roma, persons belonging to national minority groups, persons with disabilities and internally displaced persons;**

(b) **Put in place a mechanism that will coordinate the implementation of the poverty reduction policy by various actors and monitor the progress;**

(c) **Allocate sufficient human and financial resources to poverty reduction measures and design them so as to reach persons living in poverty, with a view to enhancing the efficacy of poverty reduction measures.**

#### **Right to adequate housing**

56. The Committee is concerned about the limited provision of social housing to Roma and other disadvantaged and marginalized individuals and families. In addition, it is concerned about the deteriorating standard of living of those living in social housing. It is also concerned about the substandard living conditions in informal settlements, which include irregular access to safe drinking water, adequate sanitation and sewage facilities, heating and electricity. It is also concerned about the evictions, allegedly carried out without following the due process provided for in the Law on Housing and Building Maintenance, which have rendered many of the evicted persons homeless (art. 11).

**57. The Committee recommends that the State party:**

(a) **Increase the number of social housing units provided to disadvantaged and marginalized individuals and families;**

(b) **Lift the property tax imposed on social housing;**

(c) **Provide durable housing solutions to people living in informal settlements and illegal buildings, and in the meantime improve their living conditions in the informal settlements;**

(d) **Ensure that evictions, when unavoidable, are carried out in accordance with due process of law, are preceded by consultation with the persons concerned and consideration of alternatives, are subject to appeal, and result in adequate compensation or the provision of adequate alternative housing;**

(e) **Take into account the Committee's general comment No. 7 (1997) on forced evictions.**

### **Right to health**

58. The Committee is concerned about the adverse impact of the measures taken in response to the financial crisis and the pandemic on the health-care system, particularly as regards the financial sustainability of the system. It is also concerned about the large disparities between different socioeconomic groups in access to health-care services. It is further concerned that persons without a registered residence are often restricted from accessing basic health-care services, though the law allows this, and that refugees and asylum seekers, particularly those living in private accommodation, are limited to receiving emergency health-care services (arts. 2 (2) and 12).

59. **The Committee recommends that the State party:**

(a) **Increase the level of budget allocated to the health-care sector and ensure that it is not affected by any austerity measures taken by the State party;**

(b) **Expand the scope and coverage of and improve the quality of health-care services provided under the national health insurance, with a view to eliminating the socioeconomic disparities in access to health-care services;**

(c) **Ensure that primary health care is provided to all persons living in the country.**

### **Mental health**

60. While noting the ongoing process for adopting a mental health bill, the Committee is concerned about the weak legal protection for persons with mental health conditions, particularly in relation to forced treatments. It is also concerned about the insufficient implementation of the national Mental Health Programme, particularly relating to deinstitutionalization and the expansion of community-based mental health services (art. 12).

61. **The Committee recommends that the State party:**

(a) **Expedite the adoption of a mental health law that is in line with article 12 of the Covenant and international human rights norms, and that includes a safeguard with regard to patients' right to consent;**

(b) **Take efficient measures to deinstitutionalize persons with mental health conditions and to improve the availability, accessibility and quality of community-based mental health services, by investing in training medical professionals and in infrastructure and raising public awareness about mental health.**

### **Drug use**

62. The Committee is concerned about the criminalization of the possession of small quantities of drugs, which has led to the incarceration and marginalization of drug users. It is also concerned about the limited availability of harm reduction programmes (art. 12).

63. **The Committee recommends that the State party decriminalize drug possession for personal consumption and review its drug policy and legislation to bring them into line with international human rights norms and best practice. It also recommends that the State party improve the availability, accessibility and quality of harm reduction programmes and provide specialized health-care services available to drug users.**

**Environment and climate change**

64. The Committee is concerned about the high level of air pollution, which is mainly due to thermoelectric power plants. While noting the commitment of the State party to develop a green agenda, the Committee remains concerned that the plans and initiatives are not adequate to reduce the emission of greenhouse gases to meet its obligations under the Paris Agreement (art. 12).

**65. The Committee recommends that the State party take effective measures, including in connection with its climate change policy, to reduce air pollution. It also recommends that the State party enhance its efforts to reduce the emission of greenhouse gases, with a view to meeting its obligations under the Paris Agreement, and address, within its adaptation framework, the adverse impacts of climate change on economic, social and cultural rights. It refers the State party to its statement on climate change and the Covenant,<sup>7</sup> adopted on 8 October 2018.**

**Right to education**

66. The Committee is concerned about:

(a) The disproportionately high dropout rates at the primary and secondary education levels as well as the low attendance rates in preschool and secondary education among Roma children;

(b) The continuing segregation of children with disabilities in special schools and classes, despite the progress achieved;

(c) The disproportionate impact of COVID-19 on disadvantaged and marginalized children in access to education (arts. 2 (2), 13 and 14).

**67. The Committee recommends that the State party:**

(a) **Take measures to ensure that all children, particularly Roma children, complete compulsory education, by addressing the root causes that prevent them from doing so;**

(b) **Continue to expand inclusive education opportunities to children with disabilities;**

(c) **Make up for the learning opportunities lost due to the pandemic, particularly by disadvantaged and marginalized children, and prevent further disruption of education.**

**Cultural rights**

68. The Committee is concerned about the lack of effective functioning of the National Minority Councils, due to the lack of a clear understanding of their mandate and powers, as well as the insufficient capacity of the Councils to carry out their mandate (art. 15).

**69. The Committee recommends that the State party provide the members of the National Minority Councils with adequate training on the mandate and powers of the Councils, and provide the Councils with adequate financial, administrative and technical resources for their effective functioning.**

**D. Other recommendations**

**70. The Committee recommends that the State party consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

**71. The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the**

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<sup>7</sup> E/C.12/2018/1.

national level, including in the recovery from the COVID-19 pandemic. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and by treating beneficiaries of public programmes as rights holders who can claim entitlements. Moreover, the Committee recommends that the State party support the global commitment of the decade of action to achieve the Sustainable Development Goals. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State party's attention to its statement on the pledge to leave no one behind.

72. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the national and municipal levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee encourages the State party to engage with the Protector of Citizens, non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

73. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 17 (b) (human rights defenders), 19 (a) (a national action plan on business and human rights) and 31 (b) and (c) (identity documents) above.

74. The Committee requests the State party to submit its fourth periodic report in accordance with article 16 of the Covenant by 31 March 2027, unless otherwise notified as a result of a change in the review cycle. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.

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