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Committee on Economic, Social and Cultural Rights Seventy-first session

Summary record of the 16th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 23 February 2022, at 3 p.m.

Chair: Mr. Abdel-Moneim

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The meeting was called to order at 3 p.m.

Consideration of reports *(continued)*

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Third periodic report of Serbia (continued) (E/C.12/SRB/3; E/C.12/SRB/Q/3; E/C.12/SRB/RQ/3)

1. *At the invitation of the Chair, the delegation of Serbia joined the meeting.*
2. **The Chair** invited Mr. Mancisidor de la Fuente to ask his questions on articles 13 to 15 of the Covenant, for which there had not been time at the previous meeting.
3. **Mr. Mancisidor de la Fuente** (Country Task Force) said that he would be interested to know what impact the measures taken to tackle the coronavirus disease (COVID-19) pandemic had had on the enjoyment of the right to education. For example, he wished to know whether the measures had caused greater inequality because of different levels of access to resources such as online education and, if so, what steps had been taken to remedy that situation. He would also like to know whether the measures had affected the school dropout rate, especially among vulnerable population groups.
4. He asked what indicators had been used to measure the improvement in the quality of teaching mentioned in paragraph 109 of the State party's replies to the list of issues in relation to its third periodic report (E/C.12/SRB/RQ/3). The delegation might comment on reports that up to 2.9 per cent of the school-aged population was not enrolled in school or had dropped out and indicate what additional measures were planned to address that problem. Despite the various actions taken by the State party, the educational situation of Roma children remained problematic, particularly when it came to access to preschool and higher education. It would be helpful to know the reasons for that situation and what extra measures were planned to improve access to education among that group.
5. Despite the State party's efforts, there were also persistent problems in relation to education for persons with disabilities. The delegation might comment on the criticism of the new Law on Dual Education by the Ombudsman and others. It might also indicate what programmes were in place to ensure a sufficient number of properly trained teachers to cater for pupils with disabilities.
6. He would be interested to hear about any measures being considered to improve access to education for children in street situations and, more generally, children living in poverty and asylum seekers. He asked whether there were language training programmes for asylum seekers and whether there were any indirect costs that might hinder their access to education. He would also welcome information on measures to ensure and promote access to education in the country's prisons.
7. He would appreciate clarification of what was meant by the "unity of the cultural space of the Republic of Serbia", mentioned in paragraph 114 of the replies to the list of issues, and how that was compatible with cultural diversity. With reference to paragraph 115 of the replies, he would welcome practical examples of how the national councils of national minorities took care of the implementation of the cultural policy of national minorities, participated in the decision-making process and decided on certain issues related to their culture. The delegation might wish to comment on the reasons why, as noted in a special report published in 2020 by the Ombudsman, the national councils of national minorities made only limited use of the powers conferred on them by law, and whether the Ombudsman's recommendations in that regard would be implemented. He also wished to know whether the Ombudsman's 2021 recommendations concerning the official use of the Bulgarian language would be followed.
8. In the light of the controversy in recent weeks surrounding the vaccination rate in the State party – which international statistics put at less than 50 per cent, while national sources put it at 60 per cent – he wished to know the reason for the discrepancy in the figures, and which data the Committee should rely on. In its general comment No. 25 (2020) on science and economic, social and cultural rights, the Committee recalled the obligations of States

parties to promote accurate scientific information and refrain from disinformation and to adopt mechanisms to protect people from the harmful consequences of false, misleading and pseudoscience-based practices. In that connection, he would be interested to know whether the State party was working to protect the public against misinformation in relation to COVID-19 and vaccinations.

9. **Ms. Čomić** (Serbia), speaking via video link, said that, following the adoption of the national deinstitutionalization strategy, two social dialogues on mental health had been held and another two were planned. The recommendations made by United Nations bodies and in the report *Serbia's Forgotten Children* concerning children in institutions would be implemented. The objective was to remove the stigma related to mental health and to introduce measures at the local level.

10. All of the Ombudsman's recommendations concerning the councils of national minorities had been implemented. As to the recommendations on the Bulgarian language, the presidents of Bulgaria and Serbia had met in May 2021 to discuss issues of concern to the Bulgarian minority in Serbia. All national minorities were enabled to exercise their rights, and efforts were made to combat patronizing attitudes towards minorities. Work was under way on an action plan on national minorities. Further replies to the Committee's questions would be provided in writing.

11. **Ms. Minić** (Serbia), speaking via video link, said that the State endeavoured to provide a timely and multisectoral response to all forms of violence, especially violence against children. Capacities were being developed and existing mechanisms improved. A zero-tolerance approach to all forms of violence against children had been adopted, and the protection afforded to children was continuously being improved. In April 2021, the Council for Child Rights had been established with a view to harmonizing government policies relating to children and young people in such areas as health, culture and social affairs. The Council worked very closely with the National Assembly's committee on children's rights and submitted quarterly reports.

12. Work was under way on the drafting of a new Family Law, which contained provisions on underage marriage and corporal punishment, among other amendments. Under the amended law, which was scheduled for adoption in 2022, the exception whereby underage marriage was permitted with parental consent had been removed. Early marriage was defined as a form of violence that violated children's rights. The National Coalition to End Child Marriage set up in 2019 had submitted those proposed amendments to the Family Law. The Government's determination to prohibit child marriage in all circumstances was clear.

13. A new general protocol on protecting children against violence was in the process of being adopted. It had been developed in response to the emergence of new forms of violence against children and with the participation of all relevant stakeholders. An International Labour Organization project to raise awareness of child labour had been conducted in cooperation with the Ministry of Labour, Employment, Veterans and Social Affairs. In 2021, an interministerial platform had been established to help protect children against violence and provide a timely and multisectoral response.

14. Lastly, foreign nationals with permanent residency in Serbia were entitled to child benefits for their first four children.

15. **Ms. Čukić Vlahović** (Serbia), speaking via video link, said that there were 10 licensed service providers for victims of violence and 7 safe houses, with a capacity of 110 persons. In April 2021, a strategy on the prevention of violence against women and domestic violence for the period 2021–2025 had been adopted. It provided for the establishment of a central registry of all types of violence against women and domestic violence. In 2021, the national hotline for children who were the victims of violence had received a total of 5,791 calls. Eleven training programmes had been run in the area of social protection relating to violence against children and domestic violence. An application for the follow-up of cases of violence against children was currently being developed for inclusion in the IT system for social protection and welfare. The country's 141 social welfare centres provided information and legal and financial aid to victims of violence.

16. The proportion of the population at risk of poverty had decreased from 24.3 per cent in 2018 to 21.7 per cent in 2020. The European Union average had been 17.1 per cent in 2020.

17. Unaccompanied minor migrants were offered foster care. In 2015, at the height of the migrant crisis, Serbia had adopted instructions on the treatment of unaccompanied minors in social welfare institutions. In cooperation with non-governmental organizations, the Government had organized a number of seminars and workshops for professionals and volunteers in contact with unaccompanied minors. There was capacity to accommodate a total of approximately 20 unaccompanied minors in two institutions in Belgrade and one in Niš, where they received food, health care, psychological and legal support, and interpretation services and could stay until they decided to apply for asylum, at which point they would be transferred to an asylum seeker centre. The standard operating procedures and model of professional foster care adopted in 2019 had been recognized by the Council of Europe as examples of good practice in the protection of children in the context of migration.

18. **Ms. Pantić Aksentijević** (Serbia), speaking via video link, said that the per capita number of doctors fluctuated depending on such factors as retirement and emigration. Despite the ban on new recruitment, 23,418 new doctors had been hired between 2014 and 2020 with the agreement of the Government. The recruitment of 1,669 additional staff for newly established health-care facilities and COVID-19 hospitals had also been approved. In 2021, 4,297 new medical professionals had been recruited. Health-care institutions had also been given the option of applying the old rules, whereby they could recruit staff according to their needs without Government approval. Accordingly, in January 2022, 705 workers, across all educational profiles, had been recruited.

19. Regarding the financial sustainability of the health-care system, the Government prepared an annual programme budget based on identified needs. During the pandemic, a contingency response plan had been implemented, and some earmarked funds had been reallocated to crisis management. During the pandemic, the priority had been the provision of health-care services to COVID patients.

20. All persons insured under the National Pension and Disability Insurance Fund enjoyed equal access to health care, irrespective of their income level. The range of health-care services covered by the Fund, in both public and private hospitals, was being expanded year on year, which had the effect of reducing waiting lists and improving quality. Health-care mediators worked to identify the health requirements of vulnerable groups such as Roma persons and migrants. The role of health-care mediator had been established by the Ministry of Health in 2014, with support from the United Nations Children's Fund (UNICEF), the United Nations Population Fund and the World Health Organization.

21. The Government was running a national programme to promote reproductive health and raise awareness of the importance of birth control. The purpose of the programme was to ensure that contraception was available on prescription and that abortion was not used as a means of family planning. Action was being taken to destigmatize mental health problems, and health workers were receiving special training in that connection. A policy of zero tolerance towards drugs was applied to persons in professions where the possession or use of narcotics could endanger themselves, other people or the environment. At the same time, efforts were made to reintegrate recovering addicts back into the workplace.

22. **Ms. Viček** (Serbia), speaking via video link, said that the COVID-19 pandemic had affected the right to education in Serbia, just as it had in other countries. However, within a few days of the declaration of a state of emergency, resources had been mobilized to provide distance learning, via both the television network and the Internet, in Serbian and in eight minority languages. Efforts had been made to improve the digital skills of teachers and students alike, and more than 5,000 computers for distance learning had been distributed to students from vulnerable social groups. Students unable to access the Internet had been provided with educational material in printed form. An assessment of the measures taken had shown that over 99 per cent of all students and 96 per cent of students with disabilities had been able to receive some form of distance education during the two-month period in which schools had been closed. Currently, students were back in school although sanitary precautions, such as physical distancing and the wearing of masks, were still in place.

23. Permanent online distance-learning platforms were being developed in case of future need, and a project to bridge the digital divide for the most vulnerable groups was being run with support from UNICEF and the European Union. As part of the project, computer devices and monetary grants had been provided to schools in disadvantaged areas frequented mostly by students from the Roma community and other vulnerable groups.

24. The improvement in the quality, relevance and coverage of education was demonstrated by statistics, including those compiled under the Programme for International Student Assessment. The statistics showed that, with respect to other States, the education system in Serbia produced more favourable outcomes for students from economically or socially disadvantaged groups, in particular girls studying science and technology. Action to assist the Roma population in the education system was taken in good faith and on the basis of available information, and the State hoped that, in time, such action would yield results. Nonetheless, any guidance from the Committee about how to correct shortcomings and improve outcomes would be very welcome.

25. Dual education, which had been introduced a few years previously, was intended to develop new competencies and thus adapt education to the needs of the economy and the labour market. Some aspects of the dual approach had proved not to be viable in the case of children with disabilities. However, affirmative measures were taken for students with disabilities, and the final examination for the high-school diploma was adapted to the specific educational needs of each student. An early childhood education and care project had been launched in 2018, which envisaged the construction of new preschool facilities and the reform of the curriculum. One of the anticipated outcomes of the project was to improve preschool attendance rates of Roma children. Migrant children in Serbia were entitled to free education up to the end of the secondary level. Newly arrived children went through an intensive Serbian language course, which was also provided free of charge, after which they were integrated into primary or secondary school, depending on their age. They could also enrol in vocational education, if spaces were available.

26. She did not know what data the Committee was using as the basis for its concerns about the number of young people in prison. A total of 142 minors were held in detention at an institution in Kruševac, where they were able to pursue their primary and secondary education in a school located next to the facility.

27. **Ms. Aleksandra Đorđević** (Serbia), speaking via video link, said that the strategy to preserve the unity of the cultural space of Serbia was not antithetical but complementary to the pursuit of cultural diversity. In implementing that strategy, the Ministry of Culture and Information remained wedded to the principles and goals of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. In fact, the Ministry encouraged the decentralization of cultural production, promoted the cultural activities of the country's many national minorities, financed diverse cultural projects, promoted dialogue with civil society and cooperated with schools to ensure the inclusion of culture and art in the curriculum.

28. Levels of cooperation with the national councils of national minorities were generally very high. Recently, the councils had received training in how to compete for funds from the Ministry of Culture and Information, which had led to good results. The councils were consulted on matters affecting the minorities they represented and the data thus collected were used as a basis for addressing any problems that arose. In cooperation with the Bulgarian National Minority Council, the Ministry had recently financed the translation and publication of a number of literary works.

29. **Ms. Ristić** (Serbia), speaking via video link, said that, thanks to a database on Roma settlements that had been compiled in 2017, it had been possible for the measures taken during the COVID-19 pandemic to be targeted at communities most in need. In doing so, account had also been taken of the recommendations made by the Special Rapporteur on adequate housing following her visit to Serbia in 2016. Local self-government units were required to report on housing conditions and needs in the areas under their jurisdiction, and guidelines were currently being drafted for those units on how to implement the Law on Housing and Building Maintenance, which included provisions to prevent irregular evictions. Efforts were being made to ensure that private property investors in Belgrade fulfilled their obligation to allocate a certain number of units for social housing.

30. **Ms. Velimirović** (Serbia), speaking via video link, said that in 2000, the Office of the United Nations High Commissioner for Refugees and the Swiss Government had compiled a register of internally displaced persons. The 187,179 persons on the register had received the identification documents they required and were able to use those documents to exercise their rights in their place of residence.

31. **Mr. Mancisidor de la Fuente** said that he would appreciate information about the status of COVID-19 vaccination coverage in the State party. He wished to encourage the Government to consider the Committee's general comment No. 25 (2020) on science and economic, social and cultural rights when designing science and technology policies.

32. **Mr. Uprimny** (Country Task Force), speaking via video link, said that he would appreciate more details of how the Government intended to give effect to the constitutional reforms designed to strengthen the independence of the judiciary that had been approved in the referendum held in January 2022. He would also be interested to hear how the independence of prosecutors was ensured.

33. He would welcome information on the measures that the authorities intended to take to address the large disparity between the numbers of men and women who were active in the labour market.

34. **Mr. Nonthasoot** (Country Task Force) said that he wished to encourage the State party to consider business and human rights as a cross-cutting issue.

35. He would appreciate more details about the State party's policy instruments, including the new social identity cards, that were designed to improve data collection.

36. He would welcome the delegation's comments on the apparent inadequacy of the resources allocated to the prevention of trafficking in persons, particularly among vulnerable groups.

37. He was concerned at reports that the parental allowance was dependent on preschool enrolment. How did the authorities ensure that vulnerable groups such as Roma, who faced difficulties in obtaining access to preschool education, were not excluded from the safety net?

38. **Mr. Windfuhr** (Country Rapporteur) said that he would be interested to hear the delegation's reflections on what the State party had learned from its experience of providing online education during the pandemic. If it ever became necessary to revert to remote schooling again, how would the Government ensure that vulnerable groups were not excluded?

39. **Ms. Čomić** (Serbia) said that the draft human rights strategy contained a specific section on business and human rights.

40. The Government was continuing its efforts to improve its data-collection capacities in all areas, including data on Roma and persons with disabilities.

41. Under the Law on Gender Equality, every sector was obliged to increase the representation of the less-represented sex to at least 40 per cent of workers. While attracting women to predominantly male sectors was relatively straightforward, attracting men to predominantly female sectors, where salaries tended to be lower, was more difficult.

42. Following the approval of the constitutional reforms in the recent referendum, a number of social dialogues had been organized. The Government planned to invite civil society organizations to set up a platform to monitor the implementation of the new regulations governing the independence and work of the judiciary and the Prosecutor's Office.

43. Details of the many sources of information used to compile statistics on COVID-19 vaccination coverage would be provided in writing. Despite the Government's best efforts to fight its spread, fake news had abounded during the pandemic and had affected the uptake of vaccinations against COVID-19. The authorities would continue their work to address inequality in vaccination coverage.

44. **Ms. Viček** (Serbia) said that efforts were ongoing to improve data collection, including through the new social identity card scheme and the digitalization of services. The education system also had new integrated data-collection mechanisms.

45. The pandemic had shown that in a crisis, vulnerable groups faced even greater challenges. The shift to online learning during the school closures had revealed the need for new teaching and learning techniques and had accelerated the use of information technologies in the education system. In the new era to come, solidarity and human relationships would be more important than ever.

The meeting rose at 4.50 p.m.