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Summary record of the 14th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 22 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 the delegation to continue replying to the questions raised by Committee members at the previous meeting.
3. **Ms. Čomić** (Serbia), speaking via video link, said that the authorities had faced challenges in collecting up-to-date statistical information on Roma and were awaiting the outcome of the census in order to establish reliable data. It was not possible to provide details of the number of Roma in employment because employers were prohibited from asking their employees about their national or ethnic identity. The action plan for Roma inclusion, which would be ready by the end of April 2022, would include measures designed to ensure the collection of verifiable information on a range of indicators relating to Roma. Representatives of 22 minority groups, including Roma, were involved in the consultation on the new action plan for minorities.
4. **Ms. Vasić** (Serbia), speaking via video link, said that implementation of the National Employment Strategy for 2011–2020 had been assessed in partnership with the World Bank and the European Commission. The proportion of unemployed women covered by active employment policy measures had risen from 53 per cent in 2011 to 56 per cent in 2019. In the same period, the proportion of unemployed persons who were Roma had increased from 2 per cent to 5 per cent, while the proportion of unemployed persons covered by financial measures who were Roma had risen from 2 per cent to about 8 per cent. Important steps forward had therefore been taken as a result of the Strategy.
5. The categories of hard-to-employ persons included people under 30 years of age, older persons, persons with disabilities, Roma, long-term unemployed persons and those with few qualifications. Incentives were available to employers who hired people belonging to some of those groups. Persons whose employability was affected by multiple factors were offered individual guidance. The active employment policy measures in place included career counselling, skills acquisition, education and training programmes, and support for self-employment.
6. Local governments were encouraged to be proactive in shaping employment policies based on local needs. Local employment action plans enabled the use of both local and national funding for active employment measures. In 2020, 107 requests for co-financing had been approved, benefiting 3,439 persons. Local governments also had the option of providing full funding themselves and receiving technical assistance from the National Employment Service. In 2020, 50 such arrangements had benefited approximately 2,000 persons.
7. A new National Employment Strategy for 2021–2026 had been adopted with the goal of creating stable and sustainable employment growth underpinned by knowledge and decent work. There would be a particular focus on hard-to-employ persons in high-risk categories, who would receive career counselling and financial support. The second objective in the new strategy was to secure an improved labour-market position for the unemployed. Priority groups included women, Roma, ethnic minorities, persons with disabilities, young persons and recipients of welfare benefits.
8. In November 2021, 28,254 Roma, half of them women, had been registered as unemployed by the National Employment Service, representing 5 per cent of the total number of persons registered. In contrast to the general population, young Roma were more likely than older Roma to be unemployed. Roma accounted for 89 per cent of unemployed persons with few or no qualifications, which limited their ability to benefit from employment measures that required a secondary-level education as a minimum. The new National

Employment Strategy included a specific measure for improvement of the labour-market position of unemployed Roma.

9. At the end of 2020, the National Employment Service had 19,000 persons with disabilities on record who had been registered as unemployed, including 8,000 women. In that same year, 4,000 persons with disabilities had participated in active employment policy measures. Under the new National Employment Strategy, which had been adopted in February 2021, greater efforts would be made to provide support to ensure that persons with disabilities were fully integrated into the workplace.

10. With regard to the impact of the coronavirus disease (COVID-19) pandemic, studies conducted in 2020 by, inter alia, the International Labour Organization and the European Bank for Reconstruction and Development had found that the labour market had undergone no major changes, perhaps as a result of timely intervention by the Government. However, many young people had not joined the labour market. Women had also been identified as a group that had experienced difficulties, mainly owing to family obligations and school closures. In 2020 and 2021, a programme to encourage employment among young people under 30 years of age had been implemented with the goal of enabling at least 10,000 such persons with secondary- or university-level qualifications to acquire additional skills. Under the scheme, in 2020 8,224 participants had completed 9-month unpaid apprenticeships with 5,152 employers, approximately 5,000 of which belonged to the private sector. Similar numbers had participated in 2021.

11. **Ms. Ćikarić** (Serbia), speaking via video link, said that efforts were ongoing to amend the Act on Professional Rehabilitation and Employment of Persons with Disabilities, with a particular emphasis on assessments of working capacity. Under the Act, employers with more than 20 staff were obliged to employ persons with disabilities. Alternatively, they could sign a cooperation agreement with the Institute for Professional Rehabilitation or make a financial contribution to the State budget. All persons were entitled to request an assessment of working capacity. The number of persons undergoing such assessments had risen since 2009. Compliance with the obligations set out in the Act was monitored by the taxation authorities. As specified in the action plan for the new National Employment Strategy, the Act on Employment and Unemployment Insurance would be reviewed and amended by the end of 2023.

12. **Ms. Kralj** (Serbia), speaking via video link, said that under the legislation in force, including the Law on Salaries of Civil Servants and Public Employees, wages were calculated in the same way for both men and women. The Labour Law stipulated that workers should receive equal pay for equal work, the latter being defined as work requiring the same skills and qualifications and providing the same contribution at the same level of responsibility. Under that Law, employees would be entitled to compensation if their employers calculated wages differently.

13. The minimum wage, which was applicable to all sectors, was set by the Social and Economic Council, a tripartite body, on the basis of a range of parameters including basic needs, the value of the consumer basket, employment rates and the growth of the gross domestic product (GDP). Since 2010, the minimum wage was updated annually rather than quarterly. In 2021, the minimum wage had risen 6.6 per cent to 183 dinars (din), while in 2022 it had increased by 9 per cent to din 201.

14. The Agency for Amicable Settlement of Labour Disputes had played an important role in resolving labour disputes since 2005. The relevant law had been amended in 2018 to expand the Agency's role in both individual and collective labour disputes. Individual disputes involved such matters as dismissals, working hours, annual leave and payment of salaries and other compensation. Since its establishment, the Agency had resolved more than 20,000 labour disputes, some 19,000 of which had concerned individual cases. Between 2016 and 2021, a total of 5,933 procedures had been initiated in relation to failure to pay employees' salaries, benefits or severance or retirement payments. Pursuant to 2014 amendments to the Labour Law, when paying salaries, employers had an obligation to provide a salary calculation document, which could be used in court in the event of a dispute. In 2021, the Labour Inspectorate had issued decisions in response to 28 complaints from

employees concerning non-receipt of the salary calculation document and 42 in relation to the method of calculation used.

15. The term “employee” was defined in the Labour Law as a natural person subject to an employment contract with the employer. All the provisions concerning the establishment of trade unions and participation in trade union activity related to employees, and not to other workers who did not have an employment contract. In any case, the Labour Law would be aligned further with European Union law and international labour standards. The Government would work with the social partners on different options for a new definition of the term “employee”, taking into account more flexible forms of work and international standards in that field.

16. A working group with a broad range of members had been established to draft the new law on strikes. After it had completed its first draft, a public hearing had been organized to gather comments and proposed amendments from interested parties. The working group had considered all of the proposals and incorporated many of them into the draft. The law on strikes would apply to both the public and private sectors. As to the compatibility of the law with the International Labour Organization (ILO) Right to Organize and Collective Bargaining Convention, 1949 (No. 98), an ILO representative had actually participated in the working group, and in 2019 the Organization had issued a technical memorandum on the compatibility of the draft with international standards. One of the major changes introduced by the new draft law concerned the minimum work process, which would now be established by collective agreement between trade union members and the employer. The draft law provided for alternative arrangements if such an agreement was not possible. As a last resort, proceedings could be brought before the arbitration chamber of the Agency for Amicable Settlement of Labour Disputes. The draft law envisaged that the Agency would keep records on strikes.

17. **Ms. Bogdanović** (Serbia), speaking via video link, said that, under the Law on Simplified Work Engagement in Seasonal Jobs in Certain Activities, seasonal workers could be hired in the agriculture, forestry and fisheries sectors. The implementation of that law contributed first and foremost to the employment of long-term unemployed persons, most of whom were between 46 and 60 years old. Seasonal workers enjoyed all the basic labour rights, were paid not less than the minimum wage and were insured against occupational injury or illness. During their period of employment, seasonal workers were not removed from the unemployment register, and remuneration for their seasonal work did not interfere with their right to receive social benefits. There were no special requirements for the employment of foreign citizens under the Law. In 2019, when the Law had entered into force, 311 employers had employed 26,630 seasonal workers, of whom only 3 had been foreign citizens. By 2021, a total of 405 employers had employed 38,791 seasonal workers, 172 of them foreign citizens. In 2021, the Labour Inspectorate had conducted 14 inspections with registered employers in the area of agriculture and family farms. The inspectors had identified 146 seasonal workers, all of them Serbian nationals, of whom 13 had not been registered with the tax administration. The Inspectorate had filed eight requests to initiate misdemeanour proceedings for the employment of seasonal workers in violation of the Law.

18. **Ms. Milosavljević** (Serbia), speaking via video link, said that the Labour Inspectorate conducted inspections to monitor labour relations, employment conditions and workplace health and safety in accordance with a number of laws that dealt with the obligations of employers and employees. The Inspectorate’s objectives were to reduce the number of occupational health and safety incidents and to combat illegal employment. The Inspectorate, which was made up of 27 units and had 269 inspectors on its staff, submitted annual reports on its activities. Recruitment competitions were being run to expand capacity. In 2021, labour inspectors had conducted 63,670 inspections: 30,504 had concerned labour relations, 32,920 health and safety, and the remainder unregistered economic operators. Among various other measures, the inspectors had requested that 3,708 misdemeanour proceedings should be initiated and that criminal charges should be brought against 75 individuals. A total of 1,096 inspections had been conducted in response to workplace accidents. The Labour Inspectorate had conducted thousands of enhanced and extraordinary inspections throughout the country to monitor implementation of the Rulebook on Health and Safety in order to prevent the spread of COVID-19. It had also conducted many joint inspections with other State

inspection bodies to monitor implementation of anti-COVID measures. The Labour Inspectorate conducted inspections ex officio or upon request. Some 93 per cent of inspections were unannounced, in accordance with the relevant ILO conventions.

19. The Ministry of Labour had set up a hotline in 2019 for reporting irregularities related to maternity leave and childcare leave. Following inspections, the Ministry had published a list of employers where irregularities had been discovered in relation to the rights of pregnant women and new mothers. The Labour Inspectorate also attached particular importance to monitoring the ban on child labour; inspectors received special training in that area and a special inspection protocol had been adopted. Further data on the work of the Labour Inspectorate would be submitted to the Committee in writing.

20. **Ms. Čukić Vlahović** (Serbia), speaking via video link, said that the Ministry of Labour, Employment, Veteran and Social Affairs had taken measures to mitigate the effects of the COVID-19 pandemic in social welfare institutions. The Ministry kept records of persons in such institutions infected with COVID-19; the records were publicly accessible and were submitted to the Ministry of Health at regular intervals. Social welfare benefits had been extended for beneficiaries whose entitlements had expired during the first wave of the pandemic. With the help of the United Nations Children's Fund, aid had been distributed to a number of Roma settlements and other institutions during the state of emergency at the beginning of the pandemic. Regulations had been introduced to allow the delayed payment of utility bills. The Ministry had concluded an agreement with the Serbian Red Cross in 2020 and 2021 to provide packages of basic necessities to the most affected families, and another such agreement would be signed in 2022. Social welfare institutions had increased their medical and non-medical staff, and all institutions had been provided with protective equipment to protect residents and employees throughout the COVID-19 crisis. Persons residing in the institutions had been informed about the nature and impact of the measures being implemented to combat the pandemic. Beginning in December 2020, those residents, as well as migrants and homeless persons, had been offered COVID-19 vaccines. Computers had been distributed to children in need and to older persons, and digital skills training had been provided. A hotline had been established for female victims of domestic violence.

21. Thanks to steps taken by the Government during the pandemic, the at-risk-of-poverty rate had fallen by 1.5 per cent to 21.7 per cent in 2020. That was slightly above the European Union average of 17.1 per cent. Just 2.9 per cent of GDP was currently allocated to social welfare. That was insufficient to meet requirements and it was hoped that the new Government to emerge from forthcoming elections would increase the welfare budget. A working group established in 2021 to study amendments to social protection laws was examining the possibility of increasing benefits for children, particularly children with disabilities, via the provision of free meals, textbooks, transportation and kindergarten. That, together with the rights already envisaged under the Law on Financial Support to Families with Children, would have a great impact on reducing poverty.

22. A new law on social identity cards was expected to facilitate the reallocation of funds across existing programmes and lead to a fairer distribution of benefits. It included provision for a social register and database, which would simplify data collection and analysis and facilitate State response to any future emergency, such as a pandemic. Work was currently under way to connect all social welfare centres in the country via a unified online network. Foreign citizens, stateless persons and asylum seekers, including children, were entitled to apply for social benefits under conditions regulated by law.

23. It was never the intention of the authorities that social welfare beneficiaries should be involved in unpaid work in order to maintain their benefits, and the few instances where that had occurred (in 20 out of 170 social welfare centres) were due to misinterpretation of the relevant directives on the part of local self-government units and welfare centres. In fact, the directives governing the social inclusion of welfare beneficiaries did not oblige beneficiaries to undertake community work but gave them the option of doing so, if they so wished. Only if they took on such an obligation then failed to fulfil it did they risk a reduction in their benefits. A study of the directives had been completed in 2021, and the authorities would shortly be analysing the findings and recommendations, in consultation with civil society organizations. The Economic Reform Programme for 2019–2021 had, in line with the Covenant, focused on improving the quality of social protection measures.

24. **Ms. Minić** (Serbia), speaking via video link, said that the Law on Financial Support to Families with Children envisaged special allowances for children with disabilities or developmental difficulties, including the payment of preschool fees. In the case of children who fell into more than one category of disability, allowances could be increased by up to 80 per cent.

25. **Mr. Nonthasoot** (Country Task Force) said that he hoped the authorities would find creative ways to collect and disaggregate data, particularly following the introduction of the new law on social identity cards.

26. Combating human trafficking should be a national priority and the Government should consider including that issue in its national plan on business and human rights. Once a person had been identified as a victim of trafficking, he or she was entitled to immediate support and protection by the State, including material assistance, medical care, accommodation, legal aid and representation in criminal proceedings. In that connection, he wished to commend the establishment by the Government of the National Coordinator for Combating Trafficking in Human Beings. He hoped that the Coordinator would help the Centre for the Protection of Human Trafficking Victims to work more effectively, particularly in the light of concerns about the Centre's capacity and operating procedures. Could the delegation assure the Committee that the Centre operated in line with internationally recognized standards, particularly the Council of Europe Convention on Action against Trafficking in Human Beings, and that it and other stakeholders, including civil society organizations, would be provided with adequate resources?

27. One of the great challenges to emerge from the COVID-19 pandemic was the rise in domestic violence. He would be interested to hear about the number of cases of domestic violence since 2017, including cases reported via the hotline and any prosecutions that had been launched; about the number of licensed social protection organizations, their caseload and any budget allocations or subsidies they received; and about any training for officials, particularly judges.

28. The 2021 amendments to the Law on Financial Support to Families with Children had gone some way to meeting the Committee's concerns regarding parental allowances. However, since many Roma children were outside the formal education system and had not been fully vaccinated, he remained concerned that they and their families might fall outside the scope of the Law. The complex procedures involved in obtaining financial assistance seemed to have the effect of inhibiting or prohibiting access for a number of disadvantaged people. He hoped that the authorities would address an existing imbalance in social welfare regulations whereby children born to a stateless mother were ineligible for such assistance.

29. He would be interested to hear whether progress had been made in the treatment of unaccompanied foreign minors, particularly in the light of the 2017 concluding observations of the Committee on the Rights of the Child ([CRC/C/SRB/CO/2-3](#)). Could the delegation provide the Committee with statistics on alternative care arrangements, guardianship protection, training and capacity-building programmes, and the alignment of asylum decision-making procedures with the Law on Asylum and Temporary Protection? Lastly, he would be interested to hear about any legislation, policies or practices intended to reduce child marriage, especially among the Roma population.

30. **Mr. Uprimny** (Country Task Force), speaking via video link, said that Serbia had relatively high levels of poverty and social inequality for an upper-middle-income European country. One problem in that regard was the weak redistributive capacity of the country's fiscal system, which was overly reliant on regressive taxes such as value added tax and insufficiently so on progressive taxes such as income tax and profit tax. He wished to know which elements of the country's poverty reduction strategy were not working and whether the COVID-19 pandemic had caused poverty to increase. He welcomed the new social identity card system and hoped that the delegation could inform the Committee about any specific strategies in place to combat poverty among particularly vulnerable groups such as Roma, persons with disabilities and internally displaced persons.

31. He wished to know what action had been taken to implement recommendations made by the Special Rapporteur on adequate housing following a visit to Serbia in 2016. He was concerned that a tax on housing introduced as an austerity measure was, in fact, having a

regressive effect, and he wondered whether there were any plans to abolish it. The Committee would welcome disaggregated statistics on housing, particularly social housing for socially vulnerable groups. Although the 2016 Law on Housing and Building Maintenance seemed to offer adequate protection for persons who suffered eviction, the Committee remained concerned about reports of forced evictions, particularly of Roma persons. What other measures had the Government taken to ensure that evictions complied with international standards?

32. Serbia was rightly proud of the achievements of its health-care system. Nonetheless, he would be interested to know what effect the austerity measures imposed in 2012 and the COVID-19 pandemic had had on that system, particularly in the light of persistent concerns about its financial sustainability. Moreover, recent reports, including one by the World Health Organization, had pointed to disparities in access to health care between different social and economic groups. Were there any strategies in place to address such discrepancies?

33. The mental health bill, which was currently under consideration, needed to be amended to include an explicit prohibition of forced treatment, also in line with recommendations made by the Committee against Torture. He would be interested to hear about the outcome of the evaluation of the National Mental Health Programme, particularly as it did not appear to have achieved all its goals. Did the authorities intend to continue to pursue a strategy of deinstitutionalization and to strengthen community-based mental health services?

34. Criminalization of the possession of even small quantities of drugs merely led to the incarceration and marginalization of users. In that connection, he wished to know if there were plans to decriminalize drug consumption and to strengthen harm reduction programmes.

The meeting rose at 5.05 p.m.