

**Economic and Social Council**

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Committee on Economic, Social and Cultural Rights**List of issues in relation to the third periodic report of Serbia*****I. General information**

1. Please provide information on the court cases and decisions that have explicitly referred to the International Covenant on Economic, Social and Cultural Rights. Please provide information on the measures taken by the State party to raise the awareness of judicial officials of Covenant rights and their justiciability. Please also inform the Committee of whether the State party is considering ratifying the Optional Protocol to the Covenant.
2. Please provide information on how the State party plans to ensure the effective implementation of the Law on Free Legal Aid in order to guarantee the right to access justice for victims of discrimination and for individuals and groups in vulnerable situations, in particular internally displaced persons and migrants.
3. Please inform the Committee of how the State party guarantees the independence of the Office of the Ombudsman, as well as on the actual impact of the Ombudsman's work on the observance of Covenant rights, including data concerning legislative initiatives, monitoring activities and interventions on behalf of victims of violations of Covenant rights.

II. Issues relating to the general provisions of the Covenant (arts. 1–5)**Maximum available resources (art. 2 (1))**

4. Please explain how the State party assesses the impact of the austerity and similar measures since 2014 on the enjoyment of Covenant rights of persons living in poverty and at risk of poverty, and whether these measures meet the criteria specified in the letter dated 16 May 2012 from the Chair of the Committee addressed to States parties to the Covenant on austerity measures.
5. In order to assess whether the State party uses its maximum available resources to give effect to Covenant rights, please provide disaggregated data on the trends over the past 10 years concerning:
 - (a) The proportion of persons living below the poverty line and the level of inequality, defined as the ratio of the total income of the richest decile of the population to the total income of the poorest 40 per cent of the population;
 - (b) The proportion of public revenue that is financed through taxes;

* Adopted by the pre-sessional working group at its sixty-fifth session (21–25 October 2019).



(c) The rates of tax levied on corporate profits and on personal income, the rates of value added tax (excluding taxes on luxury items, on tobacco and alcohol, on sugared drinks and snacks and on gasoline) and the percentage of total revenue generated from personal income taxes collected from the richest decile of the population;

(d) Public expenditure as a percentage of the gross domestic product and the proportion of total public expenditure that is devoted to social spending (employment, social security, food, housing, water and sanitation, health, education and culture) and, in the event of a decrease in social spending, the mitigation measures that have been adopted to ensure the progressive realization of economic, social and cultural rights;

(e) Absolute levels of social spending adjusted for inflation.

Non-discrimination (art. 2 (2))

6. Please provide information on the measures taken to raise awareness of the State party's equality and non-discrimination laws among members of the public and State officials.

7. Please provide information on the impact of measures taken to counter discriminatory acts and attitudes against persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons and people living with HIV, specifically in the areas of employment, health, education and family life.

Roma

8. Please provide information and data on the impact of the implementation of the strategy for Roma inclusion 2016–2025 and its action plan. Please describe the mechanisms established to guarantee the meaningful participation of the Roma population in the implementation of the strategy and in its coordination and monitoring body.

9. Please provide details on the steps taken and envisaged to enable Roma from Kosovo who live in informal settlements to move into regular and adequate accommodation and to register a legal address where they effectively reside.

Refugees, asylum seekers, migrants, returnees and internally displaced persons

10. Please provide information on the steps taken by the State party to guarantee that the Asylum Office applies a fair and efficient asylum procedure, as recommended by the Committee in its previous concluding observations.

11. Please describe the impact of social welfare services, the agreement on grants and the initiatives mentioned in the State party report on economic, social and cultural rights, including on conditions in reception centres for unaccompanied minors, refugees, asylum seekers, migrants in irregular situations and internally displaced persons (E/C.12/SRB/3, paras. 64, 65 and 223). Please explain the geographical reach and envisaged expansion of the initiatives throughout the State party, especially in the border regions and in migration centres. Please also provide information on the support extended to civil society organizations providing assistance to these groups.

12. Please elaborate on the measures taken to provide access to naturalization procedures and to procedures for the registration of births and places of residence of refugees, asylum seekers, migrants, returnees and internally displaced persons.

Equal rights of women and men (art. 3)

13. Please provide information and data on the impact of the implementation of the national strategy for gender equality 2016–2020.

III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Right to work (art. 6)

14. Please provide information on the impact of the National Employment Strategy (2011–2020) and the active employment policy on people’s access to formal employment and, specifically, for “hard-to-employ” persons (E/C.12/SRB/3, para. 94).

15. Please explain how the State party plans to increase the participation of unemployed persons in the labour market, specifically unemployed women, migrants in irregular situations, temporary residents, victims of human trafficking, Roma (especially Roma women), youth and persons with disabilities (especially women with disabilities).

Right to just and favourable conditions of work (art. 7)

16. Please provide information on the impact of the measures taken to enforce the principle of equal pay for work of equal value guaranteed in the State party’s labour law. Please provide sex-disaggregated data on the complaints related to violations of the principle of equal pay for work of equal value, including on the proportion of cases in which the discriminated employee received compensation.

17. Please explain how the minimum wage is calculated in order to guarantee the right to a decent standard of living for workers and their families and indicate the mechanisms in place to ensure that the minimum wage is respected. Please also provide information and data regarding the level of the minimum wage in comparison to the average salary during the past five years.

Trade union rights (art. 8)

18. Please provide an update on the new draft law on strikes and explain how the State party has consulted the relevant stakeholders, including trade unions and civil society, and, if it has not, how it plans to do so. Please also provide details on the measures in place to safeguard members of trade unions under this new law.

Right to social security (art. 9)

19. Please provide an update on the implementation of the new Law on Social Welfare and the economic reform programme for 2019–2021 and explain how these contribute to reducing the number of people in the State party who are at risk of living in poverty. Please also explain the extent to which social security benefits under the new Law are calculated in such a way as to ensure that beneficiaries in vulnerable situations enjoy the right to an adequate standard of living and other Covenant rights. Moreover, please provide data on the number of beneficiaries who have been required to perform unpaid work in order to maintain their social benefits. Please indicate whether the increase mentioned in the State report (E/C.12/SRB/3, para. 201) has compensated for the cuts that have been applied to pension benefits since 2014.

Protection of the family and children (art. 10)

20. Please provide information on the steps taken by the State party to amend the law on financial support to families with children in order to:

- (a) Ensure that families with children with disabilities benefit from their social entitlements (parental leave and carer’s allowance);
- (b) Increase access to social protection services for the Roma population;
- (c) Grant the right to parental allowance irrespective of either parent’s legal status in the State party.

Right to an adequate standard of living (art. 11)

21. Please provide information on the steps taken to introduce a minimum-income benefit, as recommended by the Committee in its previous concluding observations, in order to ensure an adequate standard of living for all, in particular for individuals and groups in vulnerable situations.

22. Please provide information on the enjoyment of the right to housing, including sex-disaggregated data covering the past five years, on:

(a) The number of persons with disabilities who have access to social housing, also indicating the extent to which the 10 per cent quota of accessible housing for persons with disabilities has been met;

(b) The number of households, including Roma households, who have benefited from the housing projects mentioned in the State party report (E/C.12/SRB/3, paras. 210–211);

(c) The number of forced evictions carried out, the number of households affected and the compensations or alternative accommodations provided;

(d) The consultative processes conducted with affected communities and the redress and control mechanisms available to ensure that evictions are carried out in conformity with international standards.

23. Please provide information on any assessment undertaken on the application of the tax imposed on beneficiaries of social housing that was introduced in 2012 under the law on personal property tax.

Right to physical and mental health (art. 12)

24. Please provide an update on the strategy for the protection of mental health 2019–2026, as well as on the steps taken by the State party to amend the law on the protection of persons with mental disorders with a view to prohibiting interventions and treatments to be forced on such persons. Please provide information on how deinstitutionalization and the development of community-based services are foreseen in the strategy.

25. Please provide information on the measures taken and envisaged to guarantee universal health coverage and unhindered access to health care and related services, in particular for Roma, refugees, asylum seekers, migrants in irregular situations, internally displaced persons, persons deprived of their liberty and cancer patients.

Right to education (arts. 13–14)

26. Please provide information on the impact of the measures taken to decrease school dropout rates and to counter the discrepancy between enrolment rates and actual attendance rates in secondary education.

27. Please explain the impact of the Strategy for Education Development in Serbia 2020 on the ability of children with disabilities to access education, including those living in institutions, and on the State party's efforts to promote diversity in mainstream school classrooms. Please also provide sex-disaggregated data on the number of children with disabilities enrolled in mainstream schools and in special education schools during the past five years.

28. Please provide information on the impact of the measures taken to increase the enrolment and completion rates of Roma students in compulsory education and in higher education. Please also provide sex-disaggregated data for the past five years on the proportion of children enrolled in special education classes and in mainstream schools who are Roma children.

Cultural rights (art. 15)

29. Please provide more information on:

(a) If and how civil society organizations and national minorities were consulted for the drafting of the strategy for the development of Serbian culture 2018–2027, how national minorities are reflected in the strategy and what mechanisms are available to guarantee the meaningful participation of national minorities in the implementation of the strategy;

(b) The impact of the law on culture on the enjoyment of cultural rights by national minorities, if and how national minorities are consulted in evaluating its impact on their cultural rights and how the State party supports the cultural activities of national minorities.

30. Please provide an update on the measures taken by the State party to promote the linguistic rights of minorities, interculturalism and multilingualism in the education system, in order to ensure equal access to a quality and inclusive education for all.
