



# **Economic and Social Council**

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## **Committee on Economic, Social and Cultural Rights**

### **Consideration of reports submitted by States parties under article 16 and 17 of the Covenant**

#### **Second periodic reports submitted by States parties**

#### **Serbia\***

[24 March 2011]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

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**I. Answers related to concluding observations of the Committee on Economic, Social and Cultural Rights adopted after consideration of the initial report on implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/1/Add.108)**

**Reply to the issues raised in paragraph 39 of the concluding observations (E/C.12/1/Add.108)**

1. The Republic of Serbia has adopted the Law on Prohibition of Discrimination on August 31, 2009, thereby establishing an integral system of protection from discrimination within the country's legal system.
2. Formation of the Judiciary Academy in December 2009 resulted in creation of a clear institutional framework which regulates training related to implementation of international agreements on human rights, the practice of UN bodies, and anti-discrimination standards and judicial practice of the European Court of Human Rights.
3. Paragraph 40 of the Concluding Observations. The Committee urges the State party to investigate incidents of inter-ethnic violence and racially motivated acts against ethnic groups, to bring perpetrators to justice, and to take all necessary measures to raise awareness of the dimensions of ethnic discrimination and intolerance among local authorities and the general public.
4. In 2009, favorable conditions have been preserved in the territory of the Republic of Serbia with regard to inter-ethnic and inter-religious relations and the total number of incidents was reduced by 23.1% as compared to the year of 2008. In recent years, it was noted that the number of physical attacks on persons of different nationality, nationally-motivated fights, damages to religious objects, graffiti and drawing of various symbols, has been reduced.
5. The Ministry of Internal Affairs has intensified its operational work and achieved close cooperation between all operational lines regarding collection of information on possible forms of inter-ethnic provocations, together with more intensive preventative activities of members of the police force in the fields of patrol work (characterized by mixed national composition whenever possible), operational and other police activities. In each specific case, extensive operational-tactical and technical measures are being taken to ensure collection of relevant evidence about committed violations or crimes, to ensure presence and interview injured persons and witnesses, and to take any other required measures and acts with the aim to solve cases and establish motivation behind them.
6. Activities of the Ministry of Internal Affairs aimed at prevention of discriminatory behaviour can be analyzed from the following three viewpoints: preventative and repressive measures for prevention, reduction and punishing of discriminatory behaviour; affirmative measures related to employment of members of national minorities; and education of police employees about protection of and respect for human rights.
7. Significant improvement of inter-ethnic relations is the result of intensified preventative work of the Ministry of Internal Affairs and activities coordinated with relevant state authorities and representative bodies, as well as cooperation with local self-government bodies. Incidents have been reduced to individual and sporadic cases, committed by individuals and in no way can be generalized and interpreted as the attitude of the majority towards national minorities in the Republic of Serbia.

8. The Ministry of Internal Affairs strives to employ more members of national minorities, especially in police administrations in areas with mixed national composition. Contests, promotional posters, brochures, and radio advertisements are being published in Serbia, Albanian, Bulgarian, Hungarian, Roma, Romanian, Ruthenian, Slovakian, Ukrainian and Croatian languages. Apart from this, public discussions have been organized in regions with significant national minorities with the aim to inform the candidates about the police profession, provisions of the contest, conditions offered by the Center for Basic Police Training to its students, as well as the entrance examination.

9. During the previous years, the Ministry of Internal Affairs has taken numerous measures and activities aimed at education of police employees about protection of and respect for human rights, including the rights of minorities in the Republic of Serbia. Numerous courses, seminars, workshops, round tables and conferences have been organized with topics related to modern standards of police work, human rights, the police as a part of the community, strategic management, analysis and problem-oriented police work, with the aim to raise awareness of police employees about modern standards of police work and cooperation with all participants within the community in order to improve security. Aside from this, various forms of education have been introduced within mandatory annual programs of professional advancement of police employees in the field of human rights.

10. As a part of the process of development of the police within the community, steps have been taken to improve communication and cooperation between the police and citizens; to educate the police, the representatives of the community, citizens, and special categories of population; to establish and develop the partnership between the police and the community and develop problem-oriented work aimed at solving security issues.

### **Reply to the issues raised in paragraph 41 of the concluding observations**

11. One of the principles of implementation of the Decade of Roma Inclusion that Serbia has accepted as its obligation by the act of signing the Decade Declaration relates to active participation of members of the Roma community in all activities performed by the state.

12. Representatives of the National Council of the Roma national minority and Roma civil society have taken part in the process of preparation of the Strategy for Improvement of the Status of Roma in the Republic of Serbia and the Action Plan for Implementation of the Strategy, and have participated in working groups that have created them.

13. The Government of the Republic of Serbia has established the Council for Improvement of the Roma Position and Implementation of the Decade of Roma Inclusion that is headed by the Deputy Prime Minister for European Integration. An equal number of representatives of competent ministries and Roma civil sector and the National Council of the Roma Minority participate in its activities. Administrative and expert support to the Council is provided by the Ministry of Human and Minority Rights, in which the relevant assistant minister is a member of the Roma national minority. Within the Ministry there is the Office for Implementation of the Strategy for Improvement of the Status of Roma in which two of the three employees are members of the Roma minority. The Ministry of Human and Minority Rights has initiated the formation of working groups for implementation of the Strategy within 10 competent ministries and the Commissariat for Refugees and representatives of the Roma civil sector participate in their work. Coordinators for Roma issues have been hired in 54 units of local self-government, while

the Ministry of Health and the Ministry of Education have hired 60 health mediators and 180 Roma teaching assistants, respectively.

14. Representatives of the National Council of the Roma Minority and the Roma civil sector, including the networks of Roma non-governmental organizations (League for the Roma Decade and Roma Women's Network), participate in all activities of the Ministry of Human and Minority Rights.

15. After the successfully implemented campaign of the Roma Women's Center 'Bibija', the Gender Equality Council of the Government of the Republic of Serbia has included one Roma woman in its activities.

### **Reply to the issues raised in paragraph 42 of the concluding observations**

16. In the Republic of Serbia refugees are able to exercise all their rights on the basis of the refugee identification card that is issued in accordance with the decision on recognition of the refugee status. In accordance with the Law on Citizenship of the Republic of Serbia, the procedure to acquire citizenship has been simplified and streamlined. The Commissariat for Refugees and UNHCR use international donations and their own budgets to fund programs for legal assistance related to issuance of documents from the country of origin necessary for naturalization and exercise of other rights. In 2009, the Commissariat for Refugees financed the project of issuance of documents from the country of origin to persons placed in old people's homes.

17. The same kind of legal assistance, including representations before courts and other institutions in the Autonomous Province of Kosovo and Metohija, is also being provided to internally displaced persons. The Law on Registries stipulates that maintaining of registries and deciding in first instance administrative proceedings related to registries in the area of the AP of Kosovo and Metohija is performed by city administrations of the cities of Nis, Kragujevac, Kraljevo, Krusevac, Jagodina, Vranje and Leskovac. Only in 2009 and the first half of 2010, 559,379 certificates have been issued on the basis of registries for local self-government units in this area. According to data from city administrations that maintain of the aforementioned registries, 112,594 entries in registries have been renewed. In 2005, the Republic of Serbia reduced by 70% the administrative fees for issuance of documents to refugees and internally displaced persons.

18. In accordance with the obligations resulting from the implementation of the Readmission Agreement with the EZ that has entered into force on January 1, 2008, the Government has adopted the Strategy for Reintegration of Returnees based on the Readmission Agreement. The Team has been formed and the national action plan for implementation of the Strategy has been prepared.

19. On the basis of the Readmission Agreement, the Ministry of Internal Affairs has adopted the obligation resulting from the Strategy for Reintegration of Returnees to provide assistance to returnees in solving their status issues: place of residence, issuance of personal identity documents, as necessary preconditions for issues related to social security, health insurance, enrolment of children at schools.

20. The Ministry of Internal Affairs has formed a special working group for implementation of the Strategy for Improvement of the Status of Roma which is tasked with proposing and implementation of high-priority measures and activities stipulated by the Action Plan. The Ministry of Human and Minority Rights has initiated the formation of working groups for implementation of the Strategy for Improvement of the Status of Roma. The access of Roma in the Republic of Serbia to personal documents relates to two separate

issues: registration of residence for persons without legal basis for residence and entry in the birth registry.

### **Reply to the issues raised in paragraph 43 of the concluding observations**

21. According to the Law on Gender Equality that entered into force on December 24, 2009, gender equality entails equal participation of women and men in all areas of public and private sectors in accordance with generally accepted rules of international law, confirmed by international agreements, the Constitution of the Republic of Serbia and laws. The public authorities develop an active policy of equal opportunities in all areas of public life, which includes equal participation of both genders in all phases of planning, decision-making and implementation of decisions relevant to the position of women and men.

### **Reply to the issues in paragraph 44 of the concluding observations**

22. In the year of 2010, increased funding (3.7 billion dinars) within the budget of the Republic of Serbia was allocated for implementation of active employment policy measures as compared to the year of 2009 (3.5 billion dinars).

23. The total number of unemployed persons that were included in active employment policy measures implemented by the National Employment Service in 2009 totalled 135,784 participants. 57,316 participants have been employed, which amounts to 42% of the total number of the persons involved with active employment policy measures.

24. Unemployment in the Republic of Serbia has a long-term, structural and transitional character. Since the fourth quarter of 2008, as a consequence of the global economic crisis, the labor market indicators have worsened. The labor market still has the same characteristics like high unemployment, low participation of employment in the private sector, and low mobility of the workforce.

25. Unemployment of women in the Republic of Serbia is more pronounced than unemployment of men. In the year of 2008, the rate of activity of women amounted to around 54.5%, while the same rate for men amounted to 71.2%. Lowest rates of activity were noticed in the age group 15-24 (only 25.6%) because young women, more often than young men, take care of the family and the household, delaying their entry in the labor market. The main reasons for the women's inactivity (with the exception of students) are personal, related to family, or "other" reasons.

26. The difference between the unemployment rates of men and women in 2009 was reduced to 3.0 percentage points. The reduction of the differences in base indicators of employment of men and women was noted in the period 2006-2009 and proves that the active employment policy implemented by the Republic of Serbia and stimulation of employment of women have achieved positive results. One of the goals of the National Employment Action Plan in 2010 is equalize the position of women and men in the labor market using the following measures: creation of systemic preconditions for the policy of equal opportunities; gender-aware budgeting at the national level; promotion of flexible forms of work that allow reconciliation between work and family life, creation of preconditions for increased participation of women, and stimulation of women's entrepreneurship and self-employment.

27. Although there are no records of the number of disabled persons, it is estimated that more than 500,000 persons with various forms of disabilities live in the Republic of Serbia,

but only 22,134 of them were registered with the National Employment Service as of February 2010.

28. According to the Survey of Standards of Living, the rate of unemployment of disabled persons was 13.6% in 2007 and amounted approximately the same as the average rate of unemployment according to this survey (13.9%). The main reason for such a low rate of unemployment of disabled persons is the high rate of inactivity (69%).

29. The Law on the Professional Rehabilitation and Employment of Persons with Disabilities has established a legal framework as a basis for more efficient and higher-quality inclusion of persons with disabilities in the open labor market by the means of: using quotas; estimation of working abilities, employment possibilities and setting of personal status; widening of the network of providers of measures and activities related to professional rehabilitation, strengthening of capacities, competence and roles of companies for professional rehabilitation and employment of disabled persons as a special form of employment. The National Employment Action Plan for 2010 includes programs and measures aimed at creation of conditions for inclusion of disabled persons in the labor market and their competitive performance.

30. In accordance with the Law on Planning and Construction, the Republic of Serbia has already in 2006 introduced the obligation that all buildings of public importance and all public areas have to be constructed in accordance with the accessibility standards. Since a large number of buildings constructed before 2006 is inaccessible to disabled persons, the Ministry of Labor and Social Policy has for several years organized public tenders aimed at improvement of the position of disabled persons, and has financially supported the projects of disabled persons' associations whose goal is to remove architectural obstacles and install access ramps at all significant cultural, educational, health care and other facilities in the territory of the Republic of Serbia.

31. Internally displaced persons comprise around 10% of the total number of unemployed persons. According to latest National Employment Service data, 7,572 internally displaced persons have been registered as unemployed, out of which unemployed women comprise 53%. The largest share of unemployed internally displaced persons are persons with educational levels IV and I.

32. With the aim to stimulate employment of refugees, displaced persons and returnees under the readmission agreement, the National Employment Action Plan entails continuation of activities initiated by the previous action plan, especially with regard to improvement of the database, as a basis for monitoring of effects of active employment policy measures.

### **Reply to the issues raised in paragraph 45 of the concluding observations**

33. The Constitution of the Republic of Serbia stipulates that associations can be established without prior approval, and registered with the registry maintained by a state body in accordance with law. Registration of trade unions does not require fulfilment of strict conditions or an approval by the minister of internal affairs, and the minister is not authorized to close down trade unions.

34. In accordance with the Rulebook on Registration of Trade Unions, requests for registration are submitted to the Ministry of Labor and Social Policy not later than 15 days after the forming of a trade union. Together with the registration request, the following documents must be submitted: the founding act of the trade union; a statement on the level of the trade union's formation; a certificate, issued by the trade union that covers the



territory of the Republic, of membership or joining of the trade union that has submitted the request to such trade union, if the requesting trade union is its member, or a certificate issued by the requesting trade union that it is not a member of the trade union that covers the territory of the Republic; a statement on the number of members of the trade union based on issued membership cards, if the number of members of the trade union is a required condition for founding in accordance with the trade union's founding act; the statute or other appropriate general acts of the trade union; authorization to submit the request for registration, if the request is not being submitted by a person authorized to represent the trade union.

35. At the moment, there are around 20,000 registered trade unions in the Republic of Serbia and a large number of employees are members of trade unions. Organization in the form of trade unions is insufficiently present in private companies.

### **Reply to the issues raised in paragraph 46 of the concluding observations**

36. The Law on Strike stipulates that in the "activities of public importance" (electrical power systems, water resources management, traffic, informing, postal services, utilities, production of basic food products, health care and veterinary services, education, social care of children, social protection) striking is not forbidden, provided that the minimum of essential services is ensured.

37. In accordance with the Law on Labor, salaries are paid for the work performed and the time spent on work, which is in accordance with the provision of the Law on Strike which stipulates that "employees who are participating in the strike have all the basic right resulting from their employment, except the right to salary, while the rights related to social insurance are exercised according to regulation on social insurance". Employees participating in the strike retain their social security-related rights.

### **Reply to the issues raised in paragraph 47 of the concluding observations**

38. The financial unemployment benefit is realized as a right resulting from unemployment insurance, under conditions and in a manner prescribed by the Law on Employment and Insurance in Case of Unemployment.

39. The right to financial benefit is recognized to unemployed persons who have been insured against unemployment for not less than 12 months continuously or 18 months non-continuously. A period of insurance shorter than 30 days is also considered to a continuous insurance.

40. The unemployed have the right to financial benefit in the case of termination of employment or termination of mandatory insurance, on the basis of the following: termination of employment due to dismissal by the employer; termination of employment for a definite period of time, temporary and occasional jobs, trial work; ending of the term in office of elected, appointed and assigned persons, unless the rights to temporary suspension of employment or compensation of salary have been used in accordance with the law; transfer of founding rights of a company's owner or a member; initiation of a bankruptcy proceedings, initiation of a liquidation procedure and in other cases of termination of employer's operations; relocation of the spouse, in accordance with special regulation; termination of employment abroad.

41. The National Employment Service maintains records of persons using the right to financial benefit. Records are kept for all Branches of the National Employment Service and disaggregated per gender and age. The data on national or ethnic origin of users of financial benefits is not recorded. The total number of persons that have received financial benefits in 2009 amounts to 211,219, out of which 96,403 were women. There are 81,912 persons who have received the financial benefit in April 2010 and who have fulfilled necessary legal conditions and acquired the right to financial benefit.

### **Reply to the issues raised in paragraph 48 of the concluding observations**

42. The Law on Social Welfare and Social Security of Citizens stipulates the right to financial welfare, the right to allowance for support and care by other person, and the right to increased allowance for support and care by other person. These are the rights of general importance that are the responsibility of the Republic, while the right to non-recurring assistance is the obligation of municipalities or cities.

43. The right to financial welfare belongs to an individual or a family with income lower than the minimal level of social security stipulated by law and which in March 2010 amounted to: 5,445.00 dinars for an individual; 7,481.00 dinars for a family with two members; 9,526.00 dinars for a family with three members; 10,199.00 dinars for a family with four members; and 10,896.00 dinars for a family with five or more members. Aside from the income that is lower than the minimal level of social security, there are other conditions that an individual or a family have to fulfil in order to exercise this right.

44. Financial welfare is allowed without limitation to families in which most of the family members are incapable of work, while with regard to families in which there is an equal number of work-capable and work-incapable family members, and families in which most of the family members are capable of work, this right is recognized with limited duration – up to nine months a year. The financial welfare is not considered a revenue that is subject to taxation and is paid monthly. In February 2010 this right was realized by 68,232 families i.e. 173,467 persons.

**Table 1**

<i>Region</i>	<i>Average number of families using the financial welfare during the year</i>			
	2005	2006	2007	2008
Serbia in total	62,267	65,869	48,766	50,608
Index	129.0	136.5	101.1	104.9

Source: Analysis of the report on activities of social protection institutions in the Republic of Serbia in 2008, the Republic Institute for Social Protection in 2009

45. The allowance for support and care by other person relates to a person who due to the nature and seriousness of injury or sickness needs assistance and care in order to fulfil their basic needs for living, provided that this right cannot be realized on any other legal basis. The need for assistance and care is established by the designated expert body. This allowance does not depend on income. It is approved as a monthly amount which in March 2010 amounted to 6,808.00 dinars. In February 2010 this right was realized by 19,734 persons.

**Table 2**

<i>Age group of recipients of the allowance for support and care</i>	<i>2007</i>	<i>2008</i>
Children and youth	5,481	5,676
Adults	11,152	11,414
Older persons	13,951	14,759
Total number of recipients	30,584	31,849

Source: Analysis of the report on activities of social protection institutions in the Republic of Serbia in 2008, the Republic Institute for Social Protection in 2009

46. The increased allowance for support and care by other person is paid to recipients of the allowance for support and care by other person who have acquired this right within any of the systems of social protection or retirement and disability insurance, and who have been diagnosed with a bodily disability of 100% on one basis. This allowance does not depend on income. It is approved as a monthly amount which in March 2010 amounted to 17,925.00 dinars; however, with regard to the persons who have acquired the right to allowance for support and care on the basis of the retirement and disability insurance regulations, this right is approved in the amount equal to the difference between the increased allowance for support and care by other person (established in accordance with the Law on Social Welfare and Social Security of Citizens) and the allowance for support and care by other person (established in accordance with retirement and disability insurance regulations). In February 2010 this right was realized by 29,860 persons. The total number of persons have acquired the right to receive the allowance for support and care by other person or the increased allowance for support and care by other person amounted to 49,594 in February 2010.

**Table 3**

<i>Recipients of the increased allowance for support and care</i>	<i>2007</i>	<i>2008</i>
Children and youth	2,677	3,321
Adults	7,755	9,977
Older persons	7,015	9,379
Total number of persons	17,447	22,677

Source: Analysis of the report on activities of social protection institutions in the Republic of Serbia in 2008, the Republic Institute for Social Protection in 2009

47. The non-recurring assistance is given to persons who suddenly or momentarily find themselves in a social need, and it can be given in a financial form or in kind. This right is the obligation of municipalities or cities, which regulate the detailed conditions, the manner of realization of this right, as well as the amount of the non-recurring assistance.

### **Reply to the issues raised in paragraph 49 of the concluding observations**

48. One of the biggest problems faced by refugees from the Republic of Croatia is the inability to exercise their acquired rights. Among these rights is the right to receive pension. The problem of pensions in the Republic of Croatia relates to two disputed issues: the validation of years of employment during the war years and payment of pensions in the same period. Legal preconditions for the solution of the first problem have been created in the Republic of Croatia and current problems are mostly related to the non-uniform implementation of law, but with the possibility of legal and judicial protection. The solution

to the problem of unpaid pensions is not in sight, since the Croatian government considers that payment of pensions in this period by the pension para-fund in Krajina frees the Croatian pension fund (to which these persons were paying their pension contributions) from any obligations. What is not being taken into account is the fact that the pensions that were paid in this period had a character of social protection, not an acquired right.

49. The Republic of Serbia has initiated the Ministerial Conference "Durable Solutions for Refugees – Cooperation between Countries in the Region" that took place in March 2010. Ministers of foreign affairs of the Republic of Serbia, the Republic of Croatia, Bosnia and Herzegovina and Montenegro participated in the Conference, with the support of the European Commission, UNHCR, the Council of Europe and OSCE, and the Conference is envisioned to reinvigorate the process of tackling unsolved issues in the region. It is expected that expert groups will be formed that should review all unsolved issues of refugees, including the issue of unpaid pensions.

### **Reply to the issues raised in paragraph 50 of the concluding observations**

50. The latest positive changes in the Criminal Code related to the crime of domestic violence deal with the widening of the definition of a "family member", as well as the increase in criminal sanctions for the crime of domestic violence.

51. 12,105 reported criminal acts of domestic violence were committed during the period 2006 – April 2010. Ten family members died as a result of these crimes. Organization of a large number of campaigns, conferences and public events against domestic violence, aimed at informing the public about its consequences and possibilities to eliminate it, has influenced the increasingly present trend of reporting the instances of domestic violence. It is certain that the number of crimes in this area has been reduced.

52. Women dominate the gender structure of victims – they make 82% of the victims, while men account for 18%. Considering the age, most endangered are the women in the age group 31-40, while in the case of men the same can be said of those older than 60. With regard to minors, who comprise around 9.3% of the victims, children (5.8%) are more endangered than underage youth (3.5%). However, there is an additional problem – children are indirect victims in a much larger number of cases (they witness the animosity between parents and continuous violence, which adversely affects their development).

53. With regard to the employment status of victims, employed persons comprise the largest group – workers with secondary and lower level of education, persons who work in the handicraft industry and perform other services – 36.7%; housewives and persons without occupation – 29%; children and persons who are a part of the education system (pupils/students) – 15%; retirees – 4.4%; employed persons with high and higher education – 3%; agricultural producers – 2.8%; in more than 9.1% of the cases the occupation of victims was not known.

54. Perpetrators of criminal acts of domestic violence come from all social structures and what they have in common is that in a large percentage of cases they commit their acts under influence of alcohol. They are mostly men (94.3%) aged 31-50, and most frequent and most pronounced is the violence among partners.

55. With regard to the employment status of perpetrators, employed persons comprise the largest group – workers with a low level of education, persons who work in the handicraft industry and perform other services – 74%; agricultural producers – 8%; persons who are a part of the education system (pupils/students) – 5.3%; housewives and persons

without occupation – 4.1%; retired persons – 3.2%; employed persons with high and higher education – 2.2%; in 2.7% of the cases the occupation of perpetrators was not known.

56. During the reporting period, most of the perpetrators of criminal acts were the citizens of the Republic of Serbia (11,423) and in a negligible number of cases they were the citizens of Bosnia and Herzegovina (25), Croatia (9), China (7), Italy (6), Macedonia, Romania and Bulgaria (5 each) etc. The Law on Gender Equality stipulates special measures and programs for victims of domestic violence which provide care and social, legal and other forms of assistance and compensation, and with regard to perpetrators of domestic violence with the aim to prevent further violence. Public authorities are obliged to plan, organize, perform and finance measures to raise awareness of the public about the need to prevent domestic violence.

57. In all cases when they are aware of instances of domestic violence, police employees are obliged: to submit a report on performed acts and measures, as well as on the facts of the case, to the competent prosecutor's office and the center for social work; to inform in written form the centers for social work about all submitted criminal charges related to criminal acts against marriage and family; to check whether the perpetrators of criminal acts of domestic violence legally own firearms and to execute the administrative procedure to assess further eligibility for such possession; to perform operative activities necessary to establish whether the person that has committed violence has any illegal firearms; to keep records of all acts performed by police employees in the cases of domestic violence against family members and to periodically gather additional information necessary to establish whether there are elements of a crime or misdemeanor; to provide help to victims, within their authority, in order to protect them from immediate danger; in the case of parents committing the criminal act of domestic violence against his/her child, to perform measures of immediate intervention and to ensure presence of an expert from a caretaking institution that would be present during the interview instead of parents, take appropriate measures, and appoint a temporary caretaker for the child.

58. At the moment, there are nine safe houses in the Republic of Serbia within the network of local services in the community, whose services are offered to women and children who are victims of violence. Aside from them, within Centers for Social Work there are Counselling Offices for Marriage and Family which provide help and assistance to families aimed at solving family problems.

### **Reply to the issues raised in paragraph 51 of the concluding observations**

59. The main achievements in this area are the improved legislation and significantly developed national public policies for protection of children from abuse, neglect, exploitation and violence. In relation to this, the National Millennium Development Goals and the National Strategy for the Prevention and Protection of Children against Violence, together with the Action Plan, have been adopted.

60. The Law on Juvenile Perpetrators of Criminal Acts and Protection of Juveniles under Criminal Law, which regulates the status of juvenile perpetrators of criminal acts, as well as the position of juvenile victims of criminal acts, was adopted in 2005. The Law stipulates a range of measures aimed at protection of, as well as a timely and appropriate reaction towards, juvenile victims.

61. In the period 2004-2008, 21 Local Action Plans for Children were adopted in the Republic of Serbia. The Local Action Plans for Children were adopted with the aim to harmonize the strategic goals and priorities from the National Action Plan for Children with local needs. In accordance with this, trained interdepartmental teams for protection of

children have been formed, while funds have been allocated within annual municipal budgets.

62. Multi-sector work on implementation of child's right to protection from all forms of abuse and neglect is being performed at both national and local levels. During the previous years, the Ministry of Internal Affairs, in cooperation with other institutions and organizations, has performed intensive activities related to training and professional advancement of police employees who work with children and minors. The aim of the training is not only to improve the competence of all professionals, but also to support implementation of new legal solutions. In accordance with the provisions of the Law on Juvenile Perpetrators of Criminal Acts and Protection of Juveniles under Criminal Law, 1347 police employees have been trained since 2005 in treatment of minors, and they have received appropriate certificates. The training in accordance with this Law is mandatory and in the next period it will include new trainees.

63. In cases when life and health of a child are under direct danger, or if there is a reasonable cause to believe that failure to take urgent protective measures would put the child in a serious danger, an immediate intervention is performed (within a period of 24 hours). Its aim is to immediately ensure safety of the child. The immediate intervention can be necessary after the first reporting of abuse or neglect, or in a later phase of the process of protection of the child and family. If the circumstances of the case require that parents be urgently deprived of their right to take care of the child, the caretaking institution (the center for social work) appoints a temporary caretaker for the child until court decision on the case.

### **Reply to the issues raised in paragraph 52 of the concluding observations**

64. The Republic of Serbia is a member of the United Nations Convention against Transnational Organized Crime and the protocols supplementing it, the Police Cooperation Convention for Southeast Europe and the Council of Europe Convention on Action against Trafficking in Human Beings.

65. The National Plan of Action against Human Trafficking in the period 2009-2011 was adopted in April 2009. The Plan includes realization of high-priority activities and allocation of the funds necessary to execute these activities.

66. Solved criminal acts of human trafficking in the territory of the Republic of Serbia in the period 2006 – April 2010 indicate the appearance of the so-called internal trafficking, since it mostly involves human trafficking victims who are citizens of the Republic of Serbia.

67. In 2006, 37 criminal charges were brought for the crime of human trafficking, 34 in 2007 and 32 in 2008.

68. In 2009, 51 criminal charges were brought against 94 perpetrators for the crime of human trafficking. Among them, citizens of the Republic of Serbia were the most numerous group (79 persons or 84%). There were 85 persons injured by these criminal acts (comprising of 66 female and 19 male victims), out of which 48 were minors. Human trafficking was predominantly committed for the purpose of sexual exploitation of victims (53), begging (14), labor exploitation (12), forced marriage (6) and forced committing of criminal acts (3).

69. In the first quarter of 2010, 15 criminal charges were brought for the crime of human trafficking, encompassing 43 perpetrators. Among them, citizens of the Republic of Serbia were the most numerous group (42). There were 26 persons injured by these criminal acts

(comprising of 24 female and 2 male victims), out of which 14 were minors. Human trafficking was predominantly committed for the purpose of sexual exploitation of victims (22), labor exploitation (5) and begging (3).

70. In the period 2006-2009, 285 victims in total were found, out of which 241 (85%) were citizens of the Republic of Serbia (93% in 2006; 72% in 2007; 85% in 2008; 93% in 2009). This trend has become more pronounced during the first four months of 2010, since 25 persons out of 26 victims of trafficking are citizens of the Republic of Serbia. Women comprise the majority of victims of human trafficking, for the purpose of sexual exploitation, and this trend has been evident in each year except 2007, when men were more numerous among the victims of this crime, for the purpose of labor exploitation.

71. In the same period, police officers in the Ministry of Internal Affairs brought 153 criminal charges for the criminal act of human trafficking (37 in 2006; 34 in 2007; 32 in 2008; 51 in 2009), while in the first quarter of 2010 15 criminal charges were brought for the same crime.

72. It is alarming that the number of children and minors among the victims of these criminal acts has increased. In each year except the year of 2007, the number of injured minors and children was larger than the number of injured adults (52% in 2006; 58% in 2008; 56% in 2009).

73. Human trafficking of children for the purpose of adoption is a special form of human trafficking. In the period 2006-2010, 10 criminal charges were brought against 36 persons for 11 criminal acts of human trafficking of children for the purpose of adoption (3 in 2006; 4 in 2007; 3 in 2008). In 2009 and the first quarter of 2010, no criminal charges have been brought for this crime. These criminal acts of trafficking for the purpose of adoption have had 12 victims, out of which 11 were under the age of five (nine girls and two boys), while one child (a boy) belonged to the age group 6-10. The perpetrators of human trafficking of children for the purpose of adoption are predominantly citizens of the Republic of Serbia (34), while two of them are citizens of the Republic of Croatia.

74. Protection of the victims of human trafficking in the Republic of Serbia and their social rehabilitation and integration, performed by the Office for Coordination of Protection of Human Trafficking Victims, is being carried out in accordance with the program that includes the following activities of the Office: identification of victims, immediate assistance, translation, communication, primary care, integration, solving of civil and legal status issues, medical help, legal assistance, psychological and social assistance, education and acquisition of skills, workshops and training, and support aimed at sustainable integration – using funds for independent living. Aiming to advance the efforts in the fight against human trafficking, the minister of internal affairs, the ministers and representatives of several competent ministries, and the Commissariat for Refugees, have signed the Agreement on Cooperation in the Fight against Human Trafficking. The Agreement insists on coordination of activities of state institutions with the aim to ensure sustainability of protection programs and reintegration of victims of human trafficking, especially on the basis of the program that provides housing. Long-term programs of protection and reintegration of victims of human trafficking include the possibility to continue their education and professional advancement.

75. The Ministry of Internal Affairs is taking measures and performing activities to increase the awareness of police employees and citizens about the problem of human trafficking as a form of modern-day slavery. With this aim, since 2007 the month of October has been traditionally marked as a month of the fight against human trafficking, during which campaigns, seminars and educational events take place. In 2007, a public art contest was organized with the subject of "Modern Slavery". Participants in the contest were the primary and high school students in the Republic of Serbia. The contest, as well as

a range of other activities realized in October, were aimed to raise the awareness of children and youth about the existence of this complex and multidimensional social phenomenon, and to select the best work that would be printed on a postage stamp. The sales of the postage stamp with the human trafficking theme in the period January 21-27, 2008 have achieved a revenue of around 60,000 euros. This money is managed by the Office for Coordination of Protection of Human Trafficking Victims and directed to victims.

76. In 2010, police employees in the Ministry of Internal Affairs, in cooperation with the National Employment Service, have initiated and achieved that the October issue of the magazine "Poslovi" ("Jobs"), published by the Service, pay special attention to the problem of human trafficking: thematic posters were published that have covered various forms of exploitation of real and potential victims of human trafficking – labor exploitation, sexual exploitation, and abuse of the internet for the purpose of finding new victims of trafficking.

77. Education of police employees in regional police administrations has been continuously performed in the form of block classes which, aside from other police activities, deal with increased awareness about the scope of this crime and include regular evaluation of police employees with regard to the problem of human trafficking.

### **Reply to the issues raised in paragraph 53 of the concluding observations**

78. In accordance with the Law on Labor, persons under the age of 15 cannot be employed. The Law on Occupational Safety and Health stipulates that persons under the age of 18 cannot be employed in work positions with increased risk of injury and occupational and other diseases. If a person under the age of 18, but not younger than 15, has been employed without parents' written approval, labor inspectors will warn the employer of the obligation to provide a written approval of parents; at the same time, the labor inspector may inform the parents in written form about the fact that their child has been employed without their consent, in which case, if they do not wish to give their consent, they can submit a request to employer to terminate the employment of such person. If the employer fails to subsequently provide parents' consent and a competent health care institutions' finding, the labor inspector will submit a request for initiation of legal proceedings. Fines for the employer range between 600,000 and 1,000,000 dinars for employers that constitute legal persons. Fines range between 300,000 and 500,000 dinars for sole traders. Fines for responsible persons within legal persons range between 30,000 and 50,000 dinars.

79. With regard to employment of persons under the age of 15, during the previous two years the Labor Inspectorate has not received any requests for inspection. Labor inspectors have not found any employed person under the age of 15 in this period.

### **Reply to the issues raised in paragraph 54 of the concluding observations**

80. The Republic of Serbia has defined as one of the significant goals in the process of joining the EU the active participation in the European process of social inclusion and reduction of poverty. As a first step in the creation of an institutional framework for development and implementation of the policy of social inclusion and reduction of poverty, in July 2009, the Government has formed the Team for Social Inclusion and Poverty Reduction. The Team is tasked with strengthening the Government's capacity to develop and implement the policy of social inclusion based on examples of best practice in Europe. The Team assists the Deputy Prime Minister for European Integration to coordinate,



supervise and report on the activities of the Government of Serbia related to social inclusion.

81. In the beginning of 2010, the Government has formed the Working Group for Social Inclusion. The Working Group includes representatives of the Government's institutions that have crucial responsibilities in defining, implementing and monitoring of the policy of social inclusion. The Working Group's task is to make proposals for active participation of the Republic of Serbia in the process of social inclusion within the European integrations and to propose measures for preparation and implementation of the policy of social inclusion.

82. At the same time, the Working Group prepares the text of the annual report on social inclusion until the completion of the Joint Memorandum on Social Inclusion, and the text of the Joint Memorandum on Social Inclusion, after the acquisition of the candidate status for membership in the European Union.

83. In April 2010, the Team for Social Inclusion and Poverty Reduction and the Statistical Office of the Republic of Serbia have prepared a report entitled Monitoring of Social Inclusion in Serbia that is a step towards creation of a system for monitoring of indicators and the process of social inclusion and poverty reduction in the Republic of Serbia. The report offers a good basis for monitoring and adoption of better policy of social inclusion and poverty reduction with the aim to further improve the quality of life of all citizens of Serbia.

84. The Government and the Statistical Office of the Republic of Serbia are actively working to begin the Survey of Income and Standards of Living that would improve the quality of data, achieve better harmonization of monitoring of social inclusion indicators with EU countries, and provide the basis for preparation of the Joint Memorandum on Social Inclusion. It is expected that before the end of 2012 the Government of Serbia will establish the system of monitoring of social inclusion, prepare the Memorandum on Social Inclusion, strengthen and develop the capacity of state administration to implement the process of social inclusion and report on it, and form a sustainable unit that would coordinate the realization of measures and reporting on the progress of the process of social inclusion in the Republic of Serbia.

### **Reply to the issues raised in paragraph 55 of the concluding observations**

85. Analysis of poverty per age groups shows that children not older than 14 and persons older than 60 are most severely affected by poverty in the Republic of Serbia. The rate of poverty in the 65 year-old population of old persons amounted to 7.5%. The rate of poverty in the total population in 2009 amounted to 6.9%. This rate has increased as compared to 2008, when it amount to 6.1%.

86. In accordance with the Law on Social Welfare and Social Security of Citizens, old people's homes are public services intended to satisfy special needs of old persons who cannot live in their homes or family environment due to sickness, old age or other reasons. Currently there are 38 homes for old people with available free capacity in the Republic of Serbia. Accommodation in state homes is realized via centers for social work. In the Republic of Serbia there are also private homes for old people that have been issued a license to perform this activity by the Ministry of Labor and Social Policy and the Provincial Secretariat for Health Care and Social Policy. The state guarantees the quality of service in these private homes.

87. Functioning of homes is controlled by the ministry, social protection inspectorate and social protection institutes.

88. In a certain number of local communities, assistance at home is offered, which is financed from the budgets of local self-governments in accordance with set conditions for usage of this service. In 2009, this service was used by 8,548 old persons in the Republic of Serbia, which is a significant increase as compared to 2001 (with only 1,653 users). This service is performed by trained gerontological nurses who have attended a special accredited training.

89. It is important to note that a trend of increased utilization of day care for old persons has been evident since 2005, when 623 old persons were the users of this service. In 2009, the service was used by 1,798 (which is a three-fold increase).

### **Reply to the issues raised in paragraph 56 of the concluding observations**

90. With the aim to improve the position of Roma and alleviate their poverty in the Republic of Serbia, the competent state bodies are implementing the Strategy of Poverty Reduction and the Strategy for Improvement of the Status of Roma with its Action Plan, thereby performing numerous activities in the areas of employment, housing, education and health.

91. Promotion of social inclusion and equal opportunities in the labor market is one of the priorities in 2010, and within this priority one of the goals is the creation of conditions for social inclusion and employment of Roma, as well as refugees and displaced persons, returnees under the readmission agreement, among whom there are many members of the Roma national group.

92. The Ministry of Economy and Regional Development has been applying the principle of affirmative action in the process of allocation of funds to be used for active employment measures, and has characterized Roma as one of the hard-to-employ categories; in 2010, special public contests with lower criteria have been organized. Within the 2010 budget of the Republic of Serbia, the amount of 3,700,000,000.00 dinars was allocated for programs and measures of the active employment policy.

93. The Ministry competent for the issues of housing has accepted the Guidelines for Legalization and Advancement of Informal Roma Settlements, which provide expert instructions for local self-government units dealing with this problem.

94. Aside from provision of funds for health insurance of the Roma population within the Ministry of Health, the project "Implementation of the Plan of Health Care for Roma" is being realized since 2006. Separate funds have been provided for this project and it is completely in accordance with the adopted Action Plan for Improvement of Health of the Roma within the Roma Decade. Since 2008, the Ministry of Health has been implementing the project of introduction of Roma health mediators in the health care system of the Republic of Serbia. 75 mediators have been employed in 59 health centers, and they have visited and registered 120,708 Roma so far; provided health insurance cards and personal documents for 7,347 of them, vaccination for 7,366 children and a choice of a personal doctor for 12,370 Roma nationals. An electronic database has been created with information about health status of the Roma, their education, employment and living conditions in Roma settlements.

95. A rulebook is being prepared by the Ministry of Human and Minority Rights and the Ministry of Education that would more closely define the criteria for identification of forms of discrimination in educational institutions. The Law on the Fundamentals of the Education

and Instruction System has created conditions for employment of Roma teaching assistants and for changes in the enrollment policy. Aside from the budget, the Ministry of Education has provided donors' funds for the purpose of implementation of the Law. The Ministry of Human and Minority Rights, in cooperation with the Ministry of Education and a team lead by an organization of Roma civil society, has initiated changes in the curriculum aimed at introduction of content that promote Roma culture and tradition.

### **Reply to the issues raised in paragraph 57 of the concluding observations**

96. The number of extremely poor refugees, without sufficient income and adequate housing, is estimated at around 20,000. Insufficient funding is the main obstacle to efforts to solve this problem. In cooperation first with UNHCR, and now with the European Union, as well as other international donors, and using funds from national and local budgets, 4,427 housing units have been provided. Aside from this, more than 4,000 packages with construction material have been provided to allow completion of construction of individual housing units and to create adequate living conditions in them.

97. In the Republic of Serbia, a special program of social housing under protected conditions has been developed, as an extended right of social protection, to provide special forms of support to most vulnerable categories of refugees and internally displaced persons which include non-payment of rent and the costs of electrical power and utilities for as long as these persons are in the situation of social need. Users of these apartments who do not have even a minimal income are also given monthly financial support. The right to benefit from this form of social protection is approved by the center for social work and continually reviewed by the same center. 422 such apartments have been constructed so far. At the same time, implementation began of a 10 million euro loan taken from the Council of Europe Development Bank for the purpose of building social apartments for refugees in Belgrade.

98. Amendments to the Law on Refugees regulate the use, renting and acquisition of ownership of apartments and houses for refugees that have been constructed using funds from the budget or donations.

99. One of the state's priorities is to solve the issue of housing of refugees in collective centers. Since the beginning of planned closure of collective centers, the number of refugees in them has been reduced from around 14,500 to around 1,000, while the number of internally displaced persons in these centers has been reduced from 9,000 to 3,700. Planned closure of collective centers is executed only if adequate housing programs have been provided with regard to their closure. A major problem are closures of collective centers regardless of prepared plans (in cases when the contract is terminated by the owner or due to force majeure), when the only available solution is to perform relocation to another collective center. On average, in the last five years, there has been one unplanned closure of collective centers each year.

100. The Commissariat for Refugees has not executed nor demanded any forced evictions from collective centers. Regarding the forced evictions from unofficial collective centers or illegal settlements outside the authority of the Commissariat, the Commissariat provides accommodation in collective centers for all persons facing forced evictions, if they wish to accept it.

### **Reply to the issues raised in paragraph 58 of the concluding observations**

101. In 2006, the Ministry competent for housing prepared a Draft Study of the Housing Sector of Serbia, creating the basis for preparation of the "National Housing Policy". In the document, the issue of informal Roma settlements was recognized as one of the major problems whose solving should be considered a priority in the future national housing policy. In the general plan of the city of Belgrade until 2021, social and affordable housing is highlighted as a special form of housing, while destitute Roma are specified as one of the groups within the category of socially vulnerable persons who need special assistance to provide adequate housing conditions. The city of Belgrade has adopted action plans for informal Roma settlements and preparation of operational plans is underway.

102. At the initiative of the Ministry for Human and Minority Rights, the Government of the Republic of Serbia has established the Working Group for Preparation of the Plan for Social Inclusion of Roma Temporarily Settled in Informal Settlements. At the same time, the Ministry of Human and Minority Rights has allocated special budget and donor funds within its three-year plan of activities that are intended to provide support to local self-government units and allow them to implement an adequate approach to improvement of housing conditions for the Roma, including funds for specific investments.

### **Reply to the issues raised in paragraph 59 of the concluding observations**

103. The Law on Public Utilities stipulates that public utilities or other companies or sole traders who perform the public service of providing water, with approval of competent bodies of local self-government, decide on the price of products and services paid by end-users. The Directive on the Procedure for Temporary Suspension of Payment of Transfer Funds from the Budget of the Republic of Serbia to Local Self-Government Units or Payment of the Appropriate Share of Income Tax and Corporate Tax to Autonomous Provinces limits the allowed increase in the prices of public utilities, including the Public Utility Companies founded by local self-governments, limiting it up to the projected increase in prices set by the Government in its Memorandum on the Budget and Economic and Fiscal Policy each year; the Directive closely regulates the procedure of temporary suspension of payment of transfer funds from the Budget of the Republic of Serbia to local self-government units.

104. Within the Survey of Standards of Living conducted by the Statistical Office of the Republic of Serbia, a section on Water Supply had a sample of 2,744 households. The results of the research show that 99% of population has access to advanced sources of drinking water – 100% in Belgrade and other cities and 97.6% in rural areas. The main source of drinking water is local water systems. Still, a significant percentage (17.4%) of rural households use closed water wells or hydrants, while additional 2.3% use open sources of water, including lakes and streams. A large number of rural households (26%) has access to urban water systems thanks to their proximity to cities, while 40% of rural communities have their own water system.

### **Reply to the issues raised in paragraph 60 of the concluding observations**

105. In the territory of the Republic of Serbia, 158 health centers have been formed that provide health care to all age groups of citizens at the primary level of health care. Health

centers provide urgent medical assistance, general practice, health care of women and children, visiting nurse services, laboratory analyses, X-ray imaging and other forms of diagnostics, as well as dental prevention and treatment.

106. Residents of the Republic of Serbia exercise their rights within the compulsory health insurance scheme, including both the insured persons and members of the families who have their own basis for health insurance. For these persons, compulsory health insurance is provided on the basis of payment of contributions for compulsory health insurance. Insured persons also include persons belonging to population groups that are exposed to increased risk of becoming ill; persons whose health care is necessary to ensure prevention, elimination, early identification and treatment of illnesses with significant effect on the community; as well as persons who belong to the category of socially vulnerable population. For these persons, contributions for compulsory health insurance are provided from the budget of the Republic of Serbia. Availability of health care to all the aforementioned categories is exactly identical as the availability of health care to all other residents of the Republic of Serbia. As of December 31, 2009, there were 6,786,333 persons with compulsory health insurance.

107. All refugees are included in the health insurance scheme. The procedure of issuance of health insurance cards to members of Roma nationality has been simplified i.e. they are issued on the bases of a personal statement and registration of residence or a personal statement about the place of temporary residence.

### **Reply to the issues raised in paragraph 61 of the concluding observations**

108. The Republic of Serbia has adopted the Tobacco Control Strategy and one of its main goals is to reduce smoking as the most important public health measure that is necessary to improve health of the population of the Republic of Serbia. At the same time, the Law on the Protection of Population from Tobacco Smoke has been adopted that stipulates measures aimed at limiting the usage of tobacco products, and forbids smoking in all closed working and public areas, and for activities of health care, education and upbringing, social protection, social care of children including courtyard areas, as well as in open spaces used for theatrical, cinema and other performances. Implementation of the Law began on November 11, 2010. During the last four years, nine campaigns have been organized in the Republic of Serbia aimed at raising the awareness about negative effects of tobacco consumption and exposure to tobacco smoke; a national campaign entitled "Quit Smoking and Win" ("Ostavi i pobedi") was also organized. National Program for Prevention, Treatment and Control of Cardiovascular Disease in the Republic of Serbia until 2010 was adopted in 2010 and its main goal is defined as a significant reduction in frequency and mortality of cardiovascular disease, improvement of the quality of life of citizens and reduction of the health inequality.

### **Reply to the issues raised in paragraph 62 of the concluding observations**

109. With the aim to inform the professional and general public, the Public Health Institute of Serbia publishes an annual publication in Serbian and English languages entitled "Health and Statistics Yearbook of the Republic of Serbia" which systematically presents fundamental data about the population, births, illnesses and deaths; numerous indicators of the health of the population; the influence of environmental factors on health; the usage of health care services; health care institutions and health workers; organization and activities of the health service. All the available data that has not been made available

in the yearbook's published tables can be acquired from the relevant department of the Public Health Institute of Serbia.

110. The Government regularly monitors and reports on the progress in achieving the Millennium Development Goals, of which the following are related to health care: reduction of mortality of children (the following indicators are monitored: mortality of infants; perinatal mortality; neonatal mortality; mortality of children under the age of 5; coverage of women by antenatal and postnatal health care; mortality of children under the age of 19 caused by external factors; coverage of children by exclusive breastfeeding between birth and the age of 6 months; coverage of children by the compulsory vaccination program), improvement of women's health during the reproductive period (the following indicators are monitored: maternal mortality; fertility rate; the rate of abortions; the percentage of women using modern methods of contraception; mortality of women of fertile age), fight against HIV/AIDS, tuberculosis and other diseases (the following indicators are monitored: reduction of the HIV infection rate; advancement of the tuberculosis control using the DOTS strategy and the achieved coverage of successfully treated patients; standardized rates of mortality caused by leading causes of death; life expectancy and the percentage of population that views their health as bad or extremely bad; presence of high-risk lifestyles like smoking, alcohol consumption, improper diet, lack of physical activity), formation of centers for preventative health services within health centers in the Republic of Serbia and introduction of mechanisms for monitoring of health of children with developmental disabilities and disabled adults.

111. In 2005, the Government adopted the National Strategy for Fight against HIV/AIDS in Serbia, whose general goal is to prevent infection with HIV and sexually transmitted diseases, and to provide treatment and support to persons living with HIV/AIDS. The main components of the National Strategy are the following: prevention of HIV/AIDS in the general population, among young people and vulnerable population groups; care, treatment and support to persons living with HIV/AIDS; epidemiological supervision of HIV/AIDS, monitoring and reporting. For the purpose of monitoring and analysis of achieved progress in implementation of the strategy, specific indicators have been defined: 16 indicators of effect/result in the areas of prevention of AIDS and care, treatment and support to persons living with HIV/AIDS, as well as numerous indicators of coverage related to strategically planned areas of offered services.

### **Reply to the issues raised in paragraph 63 of the concluding observations**

112. In 2007, the Government adopted the Strategy of Development of Mental Health Protection together with the Action Plan. The reform in the field of protection of mental health promotes services within the community that are not discriminating, are easily available, and whose activities (treatment and prevention) are based on proofs and values, while the conventional approach based on treatment of disease should be widened to include a comprehensive, multidimensional approach to mental health and mental illness.

113. Centers for social work provide services of protection and care to all adults and children in their territory who are in any kind of social need. This includes help and assistance to victims of all forms of violence and traumatic experiences (including experiences related to armed conflicts). Procedures used by centers for social work are clearly defined and rely on the method of opening and closing of cases, using a plan of services and measures, in order to define the services and offer them to victims in cooperation with relevant systems within the community.

## **Reply to the issues raised in paragraph 64 of the concluding observations**

114. The Law on the Fundamentals of the Education and Instruction System, the Law on Prohibition of Discrimination and the Law on National Councils of National Minorities provide fundamental legal framework for advancement of protection of rights of national minorities and a form of promotion of national characteristics like language, tradition and culture.

115. Strategic documents that affect improvement and advancement of education and upbringing of members of national minorities and migrants in the Republic of Serbia are the following: the National Strategy of Serbia for the Accession to the EU, the Strategy of the Ministry of Education and Sport for the Period 2005-2010, the Poverty Reduction Strategy, the Strategy for Reintegration of Returnees on the Basis of the Readmission Agreement, the Strategy for Improvement of the Status of Roma in the Republic of Serbia, the Government of the Republic of Serbia's National Action Plan for Children, the General and Special Protocol for Protection of Children and Students from Violence, Abuse and Neglect, the Guide Book for Implementation of the Special Protocol for Protection of Children and Students from Violence, Abuse and Neglect.

116. All refugee children are included in the preschool and primary education. Inclusion of internally displaced children in the education system is also satisfactory. However, the situation is different with regard to internally displaced Roma. Inclusion of children in primary schools is not satisfactory.

117. The situation is quite different when it comes to internally displaced Roma. The coverage of children by the primary education system is unsatisfactory. In 2009 and 2010, the sums of around 500 and 400 million dinars, respectively, were allocated for realization of priority measures of the Action Plan for Implementation of the Strategy for Improvement of the Status of Roma in the Republic of Serbia.

118. The Law on the Fundamentals of the Education and Instruction System has created the basis for inclusive education and an equal approach to education for children from vulnerable social groups. The Law stipulates that educational institutions are obliged to enrol children regardless of whether they have complete documentation or not; at the same time, categorization and placement of children in special schools are no longer allowed and all children undergo the same process of enrollment followed by testing to establish individual needs. The manner of financing has also been changed, introducing financing per child.

119. The educational reform implemented by the Ministry of Education includes, among other things, advancement of education of refugees, internally displaced persons and returnees from Western European countries, especially the Roma, as the most vulnerable national minority in the Republic of Serbia.

120. The Ministry of Education is implementing various international and national projects and programs intended for students, educational workers, local communities, and/or other competent ministries, aimed to create safer and more simulative environment for children of migrants and to inform the majority population about their problems.

121. The Ministry of Education has implemented various measures to protect national minorities, especially the Roma and migrants within the system of education in the Republic of Serbia: free PPP has been introduced for all children; the Integral Action Plan for Improvement of Roma Education in Serbia has been revised and implemented; activities related to introduction of teaching assistants for Roma pupils are still continuing; affirmative action measures aimed at the Roma are being implemented, in cooperation with

the Ministry of Human and Minority Rights and the National Council of the Roma National Minority; experts from the Ministry of Education have been engaged in activities of working groups for returnees; donors' funds have been provided for interventions; program activities of the Ministry of Education and Local Self-Governments have been joined thanks to local Roma mediators; free school textbooks have been provided for pupils in the first and second grades of primary school; enrolment in primary school without documents has been allowed. At the same time, a guide book entitled "Protection of Roma Children from Discrimination in Education" has been prepared and distributed to all primary schools. The Ministry of Education, in cooperation with the Ministry of Human and Minority Rights, is preparing a Rulebook on Monitoring and Reduction of Discrimination of Children in Education.

122. The Ministry of Education is implementing various international and national projects and programs intended for students, educational workers, local communities and/or other relevant ministries, aimed at creation of safer and more simulative environment for children belonging to marginalized groups and children of migrants, and raising of awareness of the majority population about their problems. The project "Education for Everyone" is designed to ensure wider inclusion and higher quality of education of children from marginalized groups at the preschool and primary school levels, by the way of working with teaching assistants within educational institutions and better cooperation with local communities. Within the project, it has been planned to hire teaching assistants in 48 preschool institutions and 80 primary schools. The second part of the project is dedicated to professional advancement of pedagogues and teachers so that they can achieve effective results with children who need an inclusive approach. After the planned completion of the project in 2012, it is expected that proposed solutions will be introduced in all parts of the education system, since the Law on the Fundamentals of the Education and Instruction System defines the possibility of individual work with children and preparation of an individual educational plans for students who need support.

123. The Ministry of Culture organizes annual invitations for co-financing of programs/projects in the areas of public informing, since 2004, and culture, since 2002, which advance projects that improve understanding, tolerance and mutual respect between all ethnic groups living in the territory of the Republic of Serbia. At the same time, the Ministry of Education has realized a range of activities within the Roma Decade whose goal was to utilize the media, as well as various cultural content, to remove obstacles and prejudices related to the sensitive and vulnerable Roma population.

### **Reply to the issues raised in paragraph 65 of the concluding observations**

124. The Ministry of Culture supports projects of the National Council of the Roma National Minority and civil society organizations in the fields of culture, the media and public informing, by the way of public contests. The Ministry of Culture organizes training of members of national minorities aimed at teaching skills necessary to prepare project proposals. In 2007, the "Guide to the Procedure of Public Contests for National Minorities" was published and a training course was organized in 10 citizens of the Republic of Serbia. The training was organized by the Ministry of Culture in cooperation with national councils of national minorities and local partners in the cities where the courses were held.



## **Reply to the issues raised in paragraph 66 of the concluding observations**

125. Within the reform of the system of reporting that has been implemented by the Ministry of Human and Minority since 2008, the associations are actively included in preparation of all state reports about implementation of international agreements in the area of human rights.

## **II. Information about individual articles of the International Covenant on Economic, Social and Cultural Rights**

### **Article 1. The right to self-determination**

126. The Republic of Serbia is the state of Serbian people and all citizens living in it, based on rule of law and social justice, principles of civil democracy, human and minority rights and freedoms, and association with European principles and values. Sovereignty originates from citizens who realized it by the way of referendum, popular initiatives and via their freely elected representatives. No state body, political organization, group or individual can take away this sovereignty from citizens nor create a rule contrary to the freely expressed will of the citizens.

### **Article 3. Gender Equality**

127. The National Strategy for Improvement of the Status of Women and Advancement of Gender Equality is an integral part of the total changes in the society and is coordinated with other strategic documents, especially the Strategy for Poverty Reduction in Serbia and Millenium Development Goals of the UN. The gender aspect is also present in other national strategic documents: the Strategy of Sustainable Development, the National Strategy on Ageing, the Strategy for Improvement of the Status of Disabled Persons and the Strategy for Improvement of the Status of Roma. An Action Plan has been prepared for implementation of the National Strategy for Improvement of the Status of Women and Advancement of Gender Equality.

128. Presidents of the Parliament, the Constitutional Court and the Supreme Court of Cassation are women. Among the representatives in the National Parliament, 51 (20.4%) are women. In the Government, out of 24 ministries, five are headed by women. At the local level, women comprise 27% of councilors. There are seven women among the 159 presidents of municipalities. In the lists of elected judges, 1.703 out of 2.399 judges are women.

129. In Serbian Armed Forces, there are 1,291 female employees: 18 officers (0.4%), 27 non-commissioned officers (0.37%), 355 professional soldiers (5.62%) and 891 civilian employees (27.14%). Out of the total number of women employed in the defense system, 7% are military professionals (professional soldier, non-commissioned officers and officers). One female officer, two female non-commissioned officers and nine female civilian employees occupy operational positions in Serbian Armed Forces.

130. The Republic of Serbia has 10 female ambassadors and four female consuls general. According to the Law on Gender Equality, at least 30% of members of elected or appointed delegations representing the Republic of Serbia have to belong to the less represented gender.

131. During implementation of the National Employment Action Plan for 2009 and the Program of Active Employment Policy, employment of women was realized through the following activities of the National Employment Service involving the indicated percentage of female participants: realization of individual plans (51.9%); job fairs (56.03%), the job-seeking club (72.85%); completed training for active seeking of employment (61.56%); self-efficiency training (76.25%); the program for additional training and education (56.89%); subsidies for self-employment (41.07%); through employers' subsidies (47.25%); public works (35.95%).

132. The largest number of women is employed in the following sectors of economy: agricultural production, forestry and water management – 24.5%; wholesale and retail trade and repairs – 17.7%; processing industry – 15.3%; health care and social work – 11.4%.

### **Article 6. The right to work**

133. In the Republic of Serbia, employment is established by the way of employment contracts concluded in written form, while rights and obligations are realized through employees' labor. The employment relationship has both a contractual and status-related character.

134. The Labor Inspectorate, as an administrative body within the Ministry of Labor and Social Policy, performs supervisory inspection activities in the areas of occupational health and safety and labor relations regarding the enforcement of the Law on Labor, the Law on Occupational Health and Safety, the Law on Sole Proprietorship, the Law on Companies, the General Collective Contract, collective contracts, general acts and employment contracts regulating the rights, obligations and responsibilities of employees in organizations, legal entities and other forms of organization, including institutions. Inspections are performed at employers registered with the Business Registers Agency.

135. The strategy for reduction of illegal employment is a high-priority task for the Inspectorate in 2009, the same as in previous years, and is one of the indirect goals in the process of implementation of the National Employment Strategy.

136. The issue of illegal employment is still present, but is not as widespread as in previous years. Illegal employment is more frequent in the private sector and is especially related to trading, catering and handicraft industries. Most often, the hired persons belong to the categories of the unemployed, refugees, displaced persons, retirees, pupils and students, as well as persons whose employees have ceased their operations i.e. who have not been paid any salaries for a long time.

137. Comparative analysis of the data regarding the number of illegally employed persons and the number of persons who have obtained employment after the inspection show that in 2005 there were 28,735 persons who were found at work, out of which 21,563 consequently obtained employment. In 2006, there were 16,205 persons who were found at work, out of which 11,324 consequently obtained employment; in 2007, there were 10,448 persons who were found at work, out of which 7,517 consequently obtained employment; in 2008, there were 9,054 persons who were found at work, out of which 6,394 consequently obtained employment. In 2009, there were 5,734 persons who were found at work, out of which 4,178 consequently obtained employment.

138. In 2009, the preventative role of labor inspectors was very significant: on one side, it was suggested to accountants hired by employers/entrepreneurs that employment contracts should be concluded, while, on the other side, the employers who were inspected were ordered to conclude contracts in written form with their employees regarding the missing contractual elements related to employment.

## Article 7. The right to fair conditions of employment

139. The Law on Labor regulates the minimum wage. All employees in the Republic of Serbia have the right to minimum wage for standard performance and full-time working hours or time at work that is equivalent to full-time working hours. Employers are allowed to agree on the minimum wage with employees. The minimum wage is set in accordance with decisions made by the Social and Economic Council. If the Council fails to make decision no later than 10 days after the beginning of negotiations, the decision on the amount of the minimum wage is made by the Government. The amount of the minimum wage is established as a net amount per hour of work for the period of at least six months and in the subsequent period cannot be set to a lower amount as compared to the previously established amount. The minimum wage amounts to around 45% of the average "net" salary, and allows purchase of 1.44 minimum consumer goods baskets.

140. The Law on Labor regulates areas that ensure harmonization of the professional, family and personal lives, like working hours, limitation of overtime work, annual leaves and days off work, including the right to maternity leave. In each calendar year, employees have the right to annual leave as defined by the general act and employment contracts, which cannot be shorter than 20 workdays; the legal minimum of 20 workdays is increased on the basis of work performance, conditions at work, work experience, level of education and other criteria defined by the general act or employment contracts.

141. The Law on Labor stipulates the cases when employees have the right to salary compensation, while general acts (collective contracts or labor rulebooks) may specify other cases of a paid leave. According to the Labor Law, employees have the right to salary compensation during: days of public holidays that are not workdays; the annual leave; military exercises and appearances summoned by state bodies; absence from work due to temporary inability to work for up to 30 days; suspension of work or reduction of the volume of work that has occurred without any fault of the employee, for up to 45 workdays in a calendar year; suspension of work ordered by a competent state body or a competent employer's body because of the failure to ensure occupational safety and health which are a necessary precondition for further operations without endangering lives and health of employees or other persons.

142. Employees also have the right to paid absence from work of up to seven workdays in a calendar year in the following cases: entering into marriage; childbirth; serious illness of a close family member; as well as five workdays in the case of death of a close family member and two days for each instance of donation of blood, including the day when the donation was performed. During the absence, employees have the right to salary compensation in the amount of the average salary in the previous three months, in accordance with the general act and employment contracts.

143. The cases in which employers may approve unpaid leave, as well as the duration of the unpaid leave, are not regulated by law. Employers may regulate this issue by the general act or employment contracts. During the unpaid leave, employees' rights and obligations related to employment are temporarily suspended, unless stipulated differently by law, the general act and employment contracts with regard to certain rights and obligations.

144. Employees who are absent from work because of the following: military service or subsequent military service; transfer to a work position abroad ordered by the employer or within international-technical or educational-cultural cooperation programs, in diplomatic, consular or other representative offices; temporary transfer to a work position within other employers; election or appointment to a position within a state body, trade union, political organization or other public positions that requires temporary suspension of work with the employer; serving of a prison sentence or a compulsory safety, correctional or protective measure, for up to six months; have the right to temporary suspension of rights and

obligations acquired at work and on the basis of employment. These rights are also recognized to spouses of employees who have been transferred to work positions abroad within international-technical or educational-cultural cooperation programs, in diplomatic, consular or other representative offices.

### **Article 8. The right to establish and join trade unions**

145. Employees are guaranteed the freedom to organize and operate trade unions without required approval of registration. In accordance with the Law on Labor, trade unions are autonomous, democratic and independent organizations of employees which employees are free to join voluntarily in order to represent, improve and protect their professional, labor, economic, social, cultural and other individual and collective interests. Trade unions are registered in accordance with law and other regulations. The procedure of registration with the Register is stipulated by the Rulebook on Registration of Trade Unions.

146. The Law on Police stipulates that police employees' right to organizations and activities related to trade unions and other professional and other areas must be exercised in accordance with the law. At the same time, in accordance with the Law on the Army of Serbia, professional members of Serbian Armed Forces have the right to organize trade unions, in accordance with Government's regulations.

147. Trade unions are formed in accordance with their general acts that regulate goals, organization, election of trade union's bodies, membership in alliances and international trade union organization, as well as all other issues of significance for activities and actions of trade unions. Employees have the right to directly, or through their representatives, create associations, participate in negotiations about collective contracts, amicably solve collective and individual labor disputes, have consultations, receive information and express their opinions about significant labor-related issues.

148. Collective contracts are acts that regulate rights, obligations and responsibilities related to or based on employment. The law does not stipulate the procedure and manner in which negotiations about conclusion of collective contracts take place, except that the law requires that collective contracts must be concluded no later than 60 days after the day of inception of negotiations.

149. During the negotiating procedure aimed at conclusion of a collective contract with the employer, the representative trade union is required to cooperate with the trade union whose members comprise at least 10% of the employer's workforce, for the purpose of articulating the interest of employees who are the members of such trade union. If it is not possible to reach agreement on conclusion of a collective contract during a period of 45 days after the commencement of negotiation, participants may form arbitration in order to solve disputed issues. Composition, procedures and implementation of the arbitration decision are agreed upon by the participants in the process of conclusion of the collective contract. The period necessary to reach verdict cannot be longer than 15 days after the day of beginning of arbitration.

150. The Law on Amicable Settlement of Labor Disputes stipulates that in order to achieve agreement it is possible to hire a mediator during negotiation. Aside from this, participants in the process of concluding collective contracts are allowed, in the case of disputes related to negotiation of collective contracts or their implementation, to approach the Republic Agency for Peaceful Settlement of Labor Disputes. If the collective contract is being concluded in sectors of public interest, and if there exists a dispute related to conclusion, modification, amending or implementation of the collective agreement, participants are obliged to initiate peaceful settlement proceedings in order to solve the dispute.

151. Depending on their level, there are general collective contracts, special collective contracts and collective contracts with the employer. The general and the special collective contract, including their modifications and amendments, are registered with the ministry competent for labor relations. These collective contracts are then published in the "Official Gazette of the Republic of Serbia". Collective contracts can be concluded for a period of up to three years.

152. The minister may decide that the collective contract or some of its provisions can be applied to employers who are not members of the employers' associations that participate in the collective contract. The minister may make such a decision if there are justified reasons, and especially in two cases: in order to implement the economic and social policy in the Republic of Serbia, with the aim to ensure equal working conditions that constitute a minimum of employees' rights related to or based on employment; and in order to reduce differences in salaries within certain branches of economy, groups, subgroups or activities, which differences have a significant influence on the social and economic position of employees, resulting in unfair competition, provided that the collective contract whose scope is being extended would bind employers who employ not less than 30% of employees in a certain branch of economy, group, subgroup or business activity.

### **The right to strike**

153. The Constitution of the Republic of Serbia stipulates that employees have the right to strike, in accordance with the law and collective contracts. The right to strike may be limited only in accordance with law, taking into account the form and type or activity. According to the Law on Police, police employees are not allowed to strike in the case of: war or immediate risk of war or state of emergency; armed rebellion, uprising or other forms of threatening democracy and constitutional order of the Republic of Serbia or the fundamental freedoms and rights; a natural disaster or immediate risk of natural disaster in the area of two or more regional police administrations of the Ministry or in the whole territory of the Republic of Serbia; other disasters and accidents that hinder normal everyday activities and threaten safety of people and property; risk of large-scale violations of public order. In accordance with the Law on the Army of Serbia, professional employees of the Serbian Army are not allowed to strike.

## **Article 9. The right to social security**

### **1. Financial support to family and children**

154. Rights related to social security, which are covered by the activities of the Ministry of Labor and Social Policy, include the financial support to family and children. The rights stipulated by the Law on Financial Support to Families with Children are as follows: compensation of salary during maternity leave, absence from work due to care of child, and absence from work due to special care of child; parental allowance; children's allowance; compensation for costs of preschool services for children without parental care; compensation for costs of preschool services for children with developmental problems; subsidy for costs of preschool services for children from destitute families. Exercise of these rights is administered by the Republic, except for the subsidy for costs of preschool services for children from destitute families which is administered by local self-government, in accordance with law. Aside from this, if local self-governments can provide appropriate funds, they may define other rights, extend the coverage of the existing rights, or create more favorable conditions for their realization.

## **2. Children without parental care**

155. Children without parental care are specifically protected by the Family Law. According to the Analysis of Reports on Activities of Institutions of Social Protection in the Republic of Serbia for 2008, prepared by the Republic Institute for Social Protection, among the users of services of centers for social work, within the group 'children and youth' (172,381 users), there were 5.7% or 9,790 children and youth without parental care, while the same number in 2007 amounted to 9,572 children and youth. Also, it was noted that children with disabilities and children with developmental problems (12,004 children) include a certain number of children without parental care. In December 2008 there were 1,516 children at risk from the lack of parental care, comprising 12.6% of the total number of registered children and youth with developmental problems. Using as the basis the analysis of data about active cases of children at the end of 2008 (8,664 children without parental care) disaggregated by age and gender, it was noted that the most numerous group consists of children aged 8-17 and that male children are slightly more numerous than female children and youth.

156. Services of social and family legal protection are funded by the budget of the Republic in the case of children without parental care and children with disabilities. With regard to children without parental care, it is evident that there is an increased number of measures, forms and services in the domain of public authority: adoption, care, temporary care, and professional training. The most significant increase of measures and services related to these children was noted with regard to services of placement in foster families and financial welfare. Reduction of services related to these children was noted with regard to services of placement in a social protection institution, allowance for care by other person, and increased allowance.

157. In 2008, children with disabilities have used an increasing number of measures and services financed by the budget of the Republic of Serbia, except for the service of placement in a social protection institution. According to data collected by the Republic Institute for Social Protection during preparation of the report on activities of centers for social work in the Republic of Serbia in 2009, there were 9,790 (out of the total number of 164,772) children and youth without parental care in 2008, while in 2009 there were 11,252 children and youth without parental care (out of the total number of 186,592).

158. Social and family legal protection to non-citizen families and children in the Republic of Serbia is provided in cases of social need i.e. in a situation when it is necessary to provide non-recurring assistance in the field of social and family legal protection (non-recurring financial aid, temporary housing in an institution or a housing center, temporary care and protection); at the same time, their consular representative office is informed about these activities. Communication with other countries is performed by the Ministry of Labor and Social Protection, in accordance with administrative procedure regulations.

## **3. Pension and disability insurance**

159. The Law on Old Age Pension and Disability Insurance stipulates the right to the minimum pension. This right is exercised by insured persons whose pensions are lower than the lowest legal amount (guaranteed minimum). Prescribed conditions for acquisition of the right to old age pension are as follows: at the age of 65 (men) or 60 (women) and with a minimum of 15 years of insurance; after 40 (men) or 35 (women) years of insurance and at minimal age of 53; after 45 years of insurance (same for both insured men and insured women).

## **Article 10. The right to protection of family**

### **Maternity leave**

160. In 2008, the Government of Serbia adopted the Birth Incentive Strategy. The Strategy includes activities aimed at direct financial support to families, active measures for employment of young unemployed parents, more favorable conditions for housing of parents with children, development of various programs and services in preschool institutions and schools, development of various services offered to families, strengthening of parental competence, maintaining and advancement of parents' and children's health.

161. Employed women have the right to maternity leave, absence from work due to care of child, and absence from work due to special care of child. Employed women have the right to begin maternity leave on the basis of finding issued by appropriate health institution at the earliest 45 days and not later than 28 days before the term for delivery. Maternity leave and absence from work due to care for child cannot last longer than 365 days after the beginning of maternity leave for the first and second child.

162. Employed women have the right to a total of two years of maternity leave and absence from work due to care of child: for the third, fourth and each subsequent child; the same right is granted to first-time mothers who gave birth to three or more children, and to women who have given birth to one, two or three children in previous deliveries, while subsequently giving birth to two or more children in a single delivery.

163. After the expiry of maternity leave and absence from work due to care of child, parents of children who need special care because of health problems have the right to be absent from work or to work half-time until not later than the child's age of five.

164. The right to maternity leave and absence from work due to care of child can also be exercised by father, provided that he can prove that the mother is unable to take care of the child. The right to maternity leave can be granted to child's father. The father may begin using the absence from work due to care of child three months after his wife's delivery. The same right is granted to the father even if mother is unemployed.

## **Article 11. The right to appropriate standard of living**

### **The poverty threshold**

165. The Poverty Reduction Strategy defines poverty as a multidimensional phenomenon, with absolute and relative thresholds of poverty used to measure poverty in the Republic of Serbia.

166. The main source of data for monitoring of poverty is the Survey of Standards of Living conducted in 2003 and 2007. Data taken from the 2007 Survey of Standards of Living show that poverty in this period amounted to 6.6% and that the percentage of people under the poverty threshold was reduced by half as compared to 2003.

167. Aside from the Survey of Standards of Living, poverty in the Republic of Serbia is currently being measured using the Household Consumption Poll. The absolute threshold of poverty, as well as the nationally specific indicator of the relative threshold of poverty, are being measured on the basis of aggregate consumption. The relative threshold of poverty is calculated in accordance with EU indicators on the basis of income. The Household Consumption Poll is regularly conducted by the Statistical Office of the Republic of Serbia on the basis of recommendations by Eurostat and the International Labor Organization. According to the Household Consumption Poll, after the period of decrease and stagnation

of the number of people below the poverty threshold (6.1% in 2008), during 2009 the number of people below the absolute threshold of poverty has increase (6.9% in 2009).

## **Article 12. The right to health**

168. Citizens of the Republic of Serbia, as well as other persons who reside or live in the Republic, have the right to health protection in accordance with the Law on Health Care, and the duty to maintain and improve their own and other persons' health, as well as the living and working environment. The care of population's health is being implemented at the level of the Republic, autonomous provinces, municipalities, cities, employers and individuals. Within the social care of health, health care is provided that includes the following: maintaining and advancement of health; diagnosis and reduction of disease risk factors; knowledge and habits regarding healthy lifestyle; prevention, reduction and early diagnosis of illness; timely diagnosis, treatment and rehabilitation of the ill and injured; information that citizens and individuals need to be able to act responsibly to exercise their right to health.

169. The rights from the compulsory health insurance scheme are as follows: the right to health protection; the right to compensation of salary to insured persons during temporary inability to work; the right to compensation of transportation costs related to health care services. The right to health protection provided by the compulsory health insurance scheme includes: measures of prevention and early diagnosis of illness; examination and treatment of women related to planning of family size and during pregnancy, childbirth and maternity for up to 12 months after delivery; examinations and treatment in case of illness or injury; stomatological examinations and treatment; medical rehabilitation in case of illness or injury; medicines and medical means; prosthetics, orthoses and other orthopaedic devices to facilitate movement, standing and sitting; speech, sight and hearing aids, stomatological and other devices.

## **Article 13. The right to education**

### **1. Main goals of education**

170. The right to education is regulated by the Constitution of the Republic of Serbia, the Law on the Fundamentals of the Education and Instruction System and the Law on Higher Education. The adopted strategic documents in the area of education are the following: the Strategy of Development of Vocational Education and the Action Plan for Development of Secondary Vocational Education, as well as the Strategy for Development of Education of Adults in the Republic of Serbia.

171. Primary goals of education and upbringing in the Republic of Serbia are the following: complete intellectual, emotional, social, moral and physical development of each child and pupil, in accordance with their age, developmental needs and interests; acquisition of high-quality knowledge and skills, formation of values and linguistic, mathematical, scientific, artistic, cultural, technical and computer literacy necessary for life and work in today's society; development of ability to communicate, achieve dialog, feel solidarity, realize high-quality and efficient cooperation with others, work as a part of a team, and maintain friendships and acquaintanceships; development of awareness about the significance of sustainable development, protection and preservation of natural environment, ecological ethics and protection of animals; formation of attitudes, opinions and values; development of personal and national identity; development of awareness and a sense of belonging to Serbia; respect for and cultivation of Serbian language and own language, tradition and culture of Serbian people, national minorities and ethnic



communities, and other nations; development of multiculturalism, respect for and preservation of national and global cultural heritage; development of and respect for racial, national, cultural, linguistic, religious, gender and age equality; tolerance and respect for differences.

172. Preparatory preschool program is compulsory for at least nine months and four hours a day; it is financed for the period of 12 months before enrollment at school. Primary education and upbringing from the first to eight grade is compulsory and free. Secondary education is free in state schools for full-time and part-time students, under equal conditions for all. Passing of the entrance examination is a required precondition for four-year schooling. Persons who have acquired secondary education and want retraining or additional training, or wish to acquire special or vocational training, are required to pay school fee whose amount is set by the Ministry of Education depending on the type of education. In order to achieve full equality in education, certain attendees or groups of attendees may be freed from the obligation to pay school fee. All citizens have access to higher education under the same conditions.

## **2. Educational profiles**

173. In the school year 2009/2010, there were 62 active, modernized educational profiles within 13 fields of work. School directors are trained to manage educational institutions in accordance with today's standards; teachers, who teach up-to-date educational profiles, have completed extensive training in the ability to convey their knowledge which has been harmonized with aims and results, as well as training in ability to cooperate with the local community and social partners, including training in new specific methods of teaching school curricula. Schools are equipped with up-to-date equipment necessary to teach school programs. The structure of modules allows acquisition of knowledge, skills and abilities (competences) and interdisciplinary and inter-subject linking. Curricula of vocational schools are being constantly updated. At the moment, in the school year 2009/2010, there were 43 trial educational profiles in four-year vocational secondary schools, and 18 trial educational profiles in three-year vocational secondary schools (in 178 secondary vocational schools); trial computer course is being taught in 17 grammar schools, while trial mathematical course is being taught in 3 grammar schools (for gifted pupils of 7th and 8th grades of primary schools). As of school year 2010/2011, curricula and teaching programs of 9 educational profiles will be substituted and modernized (7 in the area of agricultural production, manufacturing and processing of food; 1 in the area of electrical engineering; and 1 in the area of geodesy and civil engineering). Within the Program of Reform of Vocational Secondary Education as a part of innovations in the system of education, trials have been introduced in 9 areas: agricultural production, manufacturing and processing of food; mechanical engineering and metalwork; geodesy and civil engineering; electrical engineering; forestry and wood processing; chemistry, nonmetals and graphics; economy, law and administration; health care, social protection and traffic.

## **3. Members of national minorities**

174. Members of national minorities, directly or via their representatives, within their collective rights, participate or make their own decisions on individual issues related to their culture, education, informing and official use of language and writing system. When education and instructing activities are realized in Serbian language, members of national minorities are given the possibility to study their own history, tradition and culture during the course Native Language with Elements of National Culture (realized for members of Croatian, Bosniak, Bunjevac, Macedonian, Bulgarian and Roma national minorities). Classes can be held in a national minority language (teaching is realized in Hungarian, Romanian, Ruthenian, Slovakian, Turkish, Croatian and Albanian languages) or in two languages, if there are at least 15 interested students, or after approval by the minister in

case of smaller groups (realized for members of the Bulgarian, Hungarian, Slovakian and Romanian national minorities). Apart from the subject 'Native Language with Elements of National Culture', the subject 'Civic Education' also offers a wide range of opportunities for intercultural upbringing and education.

175. The autonomous province of Vojvodina was tasked with the adoption of education programs for primary and secondary education and upbringing for members of national minorities, at the proposal of National Councils of National Minorities and on the basis of the opinion of the National Education Council, while the duties of the Institute for Advancement of Education and Upbringing related to educational work performed in languages of national minorities have been given to the Pedagogical Institute of Vojvodina. Primary schools may also teach individual education programs in a national minority language intended for pupils who do not speak the language in which lessons are given.

176. In accordance with the Law on Higher Education, institutions of higher education are allowed to teach education programs in languages of national minorities if such programs have been accredited. Adoption of education programs and deciding on their content is within the scope of activities of autonomous institutions of higher education (universities, colleges, vocational academies, and vocational colleges), in accordance with the principle of autonomy. All regulations that have been adopted as a part of the educational reform are harmonized with the recommendations of the Council of Europe.

### **Article 15. The right to culture**

177. The Law on Culture specifies the principles of cultural development in the Republic of Serbia, which are the following: freedom of expression in the fields of cultural and artistic creative work; autonomy of cultural subjects; openness and availability of cultural content to the public and citizens; respect for cultural and democratic values belonging to the European and national traditions and for the diversity of cultural expression; integration of cultural development into the social, economic and political long-term development of the democratic society; democracy of cultural policy; equal position of all subjects regarding formation of institutions and other legal entities in the field of culture; decentralization in decision-making, organizing and financing of cultural activities; stimulation of cultural and artistic creative work and preservation of the cultural and historical heritage; promotion of sustainable development of the cultural environment as an integral part of the living environment. The Law, aside from the existing practice of giving awards for most significant contributions to national culture, also stipulates introduction of an award for stimulation of cultural creativity. In accordance with the Law, the cultural policy is realized through the National Cultural Council.

178. Public contests for financing of projects and programs are a part of regular procedures of the Ministry of Culture that are being constantly improved. The year of 2007 saw the introduction of the public contest related to creative work of national minorities and ethnic groups. In 2008, a public contest was introduced that is intended for Serbs living abroad – children, youth, disabled persons – and related to scientific and research works, as well as translation of Serbian literature to other languages.

179. As a special measure aimed at decentralization of culture in 2009, a project entitled 'Serbia in Serbia' ('Srbija u Srbiji') that includes guest tours of programs of national institutions and renowned artists in provincial and lesser developed regions of the Republic of Serbia.

180. In 2007, the system of national pensions was introduced in a form of permanent monthly allowance, independently from any existing pensions, for significant individual contribution to culture.

181. The Ministry of Culture organizes annual public contest for co-financing of projects/programs in the field of public informing whose contents contribute to realization of the right to objective public informing of all categories of the society, especially using specific information technologies and programs intended for children and youth.

**Protection from abuse of scientific and technical progress**

182. The latest legislative changes related to protection of human dignity and children's rights from the abuse of scientific and technical progress introduce a criminal act (within the chapter XVIII of the Criminal Code as the article 185-b) that is defined in the following way: "Usage of computer networks or other technical means of communication to commit criminal acts against gender freedom of juveniles". In 2009, as a part of the campaign "Protection of Children on the Internet", the Ministry of Telecommunications and Information Society has organized numerous round tables and discussions in more than 120 cities in Serbia. Brochures for children and parents were published, and a TV advertisement and a web site with detailed information were created. On February 10, 2009, the Ministry declared the year of 2009 to be the year of protection of children on the internet.

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