



Economic and Social Council

Distr.: General
15 April 2024

Original: English
English, French and Spanish only

Committee on Economic, Social and Cultural Rights

Information received from Serbia on follow-up to the concluding observations on its third periodic report*

[Date received: 1 March 2024]

* The present document is being issued without formal editing.



Follow-up information relating to paragraph 17 (b) of the concluding observations (E/C.12/SRB/CO/3)

1. “The Guidelines for the inclusion of Civil Society Organisations in the Working Groups for drafting public policy documents and regulation proposals”¹ facilitate the inclusion of Civil Society Organizations in these processes as well. Provision of Article 12 of these Guidelines stipulates that the Ministry for Human and Minority Rights and Social Dialogue provides a Description of good practice for acting in procedures for the selection of CSO representatives in Working Groups for drafting public policy documents and regulation proposals. The Description of good practice regulates the selection procedure and the procedure of cooperation and consultations with the competent proposer, and provides the proposal and content of the necessary forms and selection criteria as well as other instructions.² We would like to stress that the Local Self-Government Units, that implemented the CSO inclusion procedure in accordance with the Guidelines, have also been recorded.
2. “Strategy for Creating an Enabling Environment for the Development of Civil Society in the Republic of Serbia for the period from 2022 to 2030”³ was adopted in February 2021.
3. “Action plan for the implementation of the Strategy for Creating an Enabling Environment for the Development of Civil Society in the Republic of Serbia for the period from 2022 to 2030 for the period from 2022–2023”⁴, under the specific objective 4 – Ensured greater participation of CSOs in the process of European integration, envisages the measure “Improving the position of CSOs through the provision of effective legal protection for CSO members and human rights defenders” (4.4). This measure is implemented through the following three activities: 4.4.1. Holding of consultative meetings with the representatives of CSOs in order to assess the situation regarding threats/attacks on members of CSOs dealing with human rights and the implementation of preventive measures; 4.4.2. Carrying out activities with the aim of increasing the capacity of CSOs to initiate procedures for protection against discrimination; and 4.4.3 Organizing round tables with CSOs, twice a year, on the implementation of activities from the Fundamental Rights sub-chapter from the revised Action Plan for Chapter 23 within the framework of European integration.
4. At the session held on 28 September 2023, the Government had adopted the Decision on the formation of the Council for Creating an Enabling Environment for the Development of Civil Society.⁵ The Council was formed for a period of 5 (five) years with a total of 20 members, of which 11 are representatives of Civil Society Organizations and nine are representatives of public administration bodies. The Council represents an important mechanism for strengthening the principle of participation, openness of public administration and inclusiveness of the public policy-making and space for dialogue on key issues related to the work and activities of civil society (associations, foundations and endowments).
5. On 14 August 2023, the Ministry of Human and Minority Rights and Social Dialogue announced a Public Call for Civil Society Organizations to submit their candidacies for membership in the Special Working Group for drafting the “Draft Strategy for Monitoring and Promotion of Human Rights in the Republic of Serbia for the period 2024–2030”, which shall partly deal with improving the position of human rights defenders. A Special Working Group for drafting the Strategy was formed on 18 September 2023, and consists of representatives of relevant ministries, services, institutions, independent state bodies, the Coordination of National Councils of National Minorities and representatives of 16 Civil Society Organizations. The Ministry has prepared a proposal for the Basic Principles for this strategic document, which will be sent to the members of the Special Working Group for providing comments, and the consultations process shall commence in accordance with the Law on the Planning System. The Special Working Group has held three meetings –

¹ “Official Gazette of the RS”, No. 8/20 and 107/21.

² <http://minljmpdd-minljmpdd.apps.wh.gov.rs/institucionalni-okvir.php>.

³ “Official Gazette of the RS”, No. 12/22.

⁴ “Official Gazette of the RS”, No. 112/22.

⁵ The text of the Decision on the formation of this body is available at the following link: <https://www.minljmpdd.gov.rs/savet-podsticajno-okruzenje.php>.

19 and 27 October and 21 November 2023, at which the members of the Working Group discussed and adopted additional comments on the basic principles of this strategic document. The expedited work on the development of this strategic document, in accordance with the stages prescribed by the Law on the Planning System, is expected immediately after the formation of the Government.

6. Mechanisms established for transparency of work on improving the environment for the safety of journalists are the “Working Group for Security and Protection of Journalists of the Government of the Republic of Serbia, and the Permanent Working Group for Safety of Journalists”; SOS hotline that is available 24/7; a platform for recording cases of assault and pressure on journalists, created in cooperation with the Protector of Citizens with 10 media and journalist associations and unions, and the General Binding Instruction of the Public Prosecutor’s Office for immediate action in solving cases of assault on journalists.

7. During 2022, the Permanent Working Group had introduced the practice of organizing meetings with journalists throughout the Republic of Serbia, thus holding the meetings in Vranje, Niš, Loznica and Novi Sad. Also, the representatives of the Public Prosecutor’s Office took part in trainings on the topic of journalist protection which were organized during 2022 and 2023 by the Association of Independent Electronic Media in Niš and the Independent Journalists’ Association of Vojvodina in Sombor, Pančevo, Indija, Dimitrovgrad, Kragujevac and Novi Pazar.

In Public Prosecutor’s Offices, on the basis of submitted criminal charges/reports, in connection with events to the detriment of persons who perform tasks of public importance in the field of information

<i>Period</i>	<i>Number of originated cases</i>	<i>Number of first-instance and final decisions/%</i>
1 January – 31 December 2022	84	41/48.81%
1 January – 31 December 2023	75	23/30.67%

Follow-up information relating to paragraph 19 (a) of the concluding observations

8. Since March 2023, the Chamber of Commerce and Industry of Serbia has been included in the work of the Council for Monitoring the Implementation of the Recommendations of UN Human Rights Mechanism, in order to implement the recommendations related to the development of the National Action Plan on Business and Human Rights.

9. In September 2023, the Republic of Serbia ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.⁶ With this, the system of protection in this area has been consolidated and, at the same time, the recommendation that the Republic of Serbia received in the Fourth Cycle of the Universal Periodic Review, which was sent by the Committee on Economic, Social and Cultural Rights in March 2022, has been implemented.

10. The Optional Protocol was promoted at the Conference on Effective Grievance mechanisms – Empowering the Voice of Workers in Serbia, on 8 September 2023, as well as on 25 September 2023 at the forum “What does the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights bring us?”.

11. At the invitation of the Chairperson of the UN’s Working Group on Business and Human Rights, the Assistant Minister for Human and Minority Rights and Social Dialogue had participated in the “Forum on Business and Human Rights”, which was held on 28 November 2023, in Geneva, at which she presented the efforts of the Republic of Serbia in the implementation of the UN Guiding Principles on Business and Human Rights.

⁶ “Official Gazette of the RS – International Treaties”, No. 7/23.

12. The Ministry of Human and Minority Rights and Social Dialogue, in partnership with the United Nations Development Programme, the Belgrade Center for Human Rights, the Chamber of Commerce and Industry of Serbia and OSCE, had organized the “Business and Human Rights Conference”, which was held on 11 December 2023 at the premises of the National Assembly.

13. During the Conference, two panels were held – the first on the role of the corporate sector in achieving international and national standards in practice, during which the representatives of the Chamber of Commerce and Industry of Serbia, the German Development Agency GIZ and the UN Human Rights Unit in Serbia made their address. The second panel was dedicated to the protection of human rights in the corporate sphere, during which the representatives of the Independent Trade Union of Serbia and United Branch Trade Unions “Independence”, the Republic Agency for Peaceful Settlement of Labour Disputes and the Commissioner for the Protection of Equality, as well as of the International Labour Organization, engaged in discussion.

14. The importance of starting a dialogue and partnership between relevant state institutions, independent bodies such as the Commissioner for the Protection of Equality and the Protector of Citizens, the Chamber of Commerce and Industry of Serbia, trade unions, companies, business associations, civil society and the academic community, was pointed out. The Belgrade Center for Human Rights is among the first Civil Society Organizations in the Republic of Serbia that has recognized the importance and role of the NGO sector in the implementation, education and protection in the field of business and human rights.

15. During the conference, the Minister for Human and Minority Rights and Social Dialogue signed two Memoranda of Cooperation with the Republic Agency for Peaceful Settlement of Labour Disputes and the Chamber of Commerce and Industry of Serbia. The Memorandum of Cooperation with the Republic Agency for Peaceful Settlement of Labour Disputes will create a basis for special cooperation in the field of protecting the labour rights of minority communities and vulnerable social groups through alternative mechanisms for resolving disputes and exchange of experiences related to the protection and promotion of human and minority rights in the field of labour. Also, the Memorandum of Cooperation will enable the improvement of cooperation in the area of promotion of the services of the Chamber of Commerce and Industry of Serbia, such as the Responsible Business Hub (RBH), encouraging the development and promotion of company codes of ethics and anti-discrimination policies, work on the development of seminar programmes, trainings for the business sector in order to improve knowledge in the field of human rights and internal procedures in the business sector, in accordance with the international standards.

16. A certain number of companies in the Republic of Serbia are already improving their internal procedures and setting new standards in terms of human rights and inclusive work environment, as well as in the sphere of socially responsible business, and in this sense they have excellent cooperation with Civil Society Organizations. In particular, the necessity of joint action of all subjects, employers and trade unions, as well as of Civil Society Organizations and the academic community, was pointed out in order to establish the basis for common standards which will be applicable for all.

17. At this conference, it was announced that business and human rights will be the subject of a project that will be supported by UNDP in Serbia and the Embassy of the Federal Republic of Germany in Serbia through the exchange of good practices and experiences with countries from the region.

18. On the same day, “the Manual for the implementation of the International Covenant on Economic, Social and Cultural Rights” was presented to students and the academic community at the Faculty of Law in cooperation with the UN Human Rights Unit in Serbia.

19. We would like to emphasize that Mr. Michael Windfuhr, a member of the Committee on Economic, Social and Cultural Rights, had also participated in both of the mentioned events on 11 December 2023 via video call.

20. Also, on 13 December 2023, the panel “The role and importance of the Optional Protocol in protecting the economic, social and cultural rights of youth” was held at the Faculty of Law in Belgrade.

21. “The Council for Socially Responsible Business of the Chamber of Commerce and Industry of Serbia” was formed in 2021, and gathers actors who are recognized for their engagement and commitment to the principles of socially responsible business. The Council consists of representatives of the following institutions: Ministry of Human and Minority Rights and Social Dialogue, Fund B92, Trag Foundation, Foundation Ana and Vlade Divac, Catalyst Balkans, Smart Kolektiv, KPMG, Delhaize Serbia, NELT, Direktna Banka, Nordic Business Alliance, Živković Samardžić Law Office, Elixir Foundation, NURDOR, Bosis Valjevo, Mastercard, NORBS Plus Foundation, Telekom, IT DOES MATTER Foundation, DM drugstores, Black Rock, MK Group, Erste Bank, Nordeus and Chamber of Commerce and Industry of Serbia.

22. The task of the Council is to promote a responsible way of doing business in the economy, while maintaining a constant dialogue with the representatives of state bodies and institutions. It is particularly engaged in encouraging the introduction of principles and standards of socially responsible business among the members of the Chamber of Commerce and Industry of Serbia; launching national campaigns and actions of wider social importance, in accordance with the agreed annual plan of activities; promoting transparency and regularity in reporting on socially responsible business; providing information on the possibilities of engagement in the field of socially responsible business; collecting and exchanging information about the activities of members of the Chamber of Commerce and Industry of Serbia in this field; education of members of the Chamber of Commerce and Industry of Serbia regarding specific areas of socially responsible business; creation of proposals for the improvement of regulations in order to stimulate contributing to the common good.

23. At the Council meeting held on 28 October 2023, the activities of the Ministry of Human and Minority Rights and Social Dialogue, concerning the legislative framework and the role of companies in respecting and protecting human rights, have been presented, and it was indicated that in the Strategy for Monitoring and Promotion of Human Rights, which will be connected to the 2030 Agenda, the business sector will have a particularly important role, in order to, among other things, encourage it to analyse the risk of human rights violations and define the current situation and the improvements achieved.

Follow-up information relating to paragraph 31 (b) end (c) of the concluding observations

24. The third Memorandum of Understanding between the Ministry of Public Administration and Local Self-Government, the Protector of Citizens and the UNHCR was signed on 10 February 2022. The activities from this Memorandum are also related to the end of the ten-year global campaign “I Belong” (#IBelong), which aims to end statelessness worldwide by November 2024.

25. The Operational Group which operates within the framework of this Memorandum, and which, in addition to the parties to the Memorandum, consists of representatives of the ministries whose scope includes the issues of importance for solving legal invisibility (Ministry of the Interior, Ministry of Health, Ministry of Family Welfare and Demography, Ministry of Justice, Ministry of Human and Minority Rights and Social Dialogue), undertakes and coordinates activities within the purview of various ministries in order to resolve the remaining cases of persons who have not exercised their right to be entered into the Register of Births and to prevent the occurrence of new cases.

26. Also, one of the activities undertaken are informational campaigns, so in December 2022, an informational campaign was held in Belgrade for representatives of the Roma community, who were informed about how and who they can address in order to exercise their right to be entered into the Register of Births and obtain personal documents. This way of supporting members of the Roma population through informational campaigns has continued in 2023.

27. To this end, on 30 May 2023, an informational campaign was held in Niš for the representatives of the Roma community, who were informed on this occasion about how and whom they may address in the event that the parents have not registered the birth of a child

within the legal deadline of 15 days, i.e. if they did not exercise their right to be entered into the Register of Births and obtain personal documents, all with the aim of both solving the remaining cases and preventing the occurrence of new cases of persons who were not entered into the Register of Births.

28. On the following day, 31 May 2023, training was held for employees from the area of 23 Local Self-Government Units, namely employees in maternity wards in charge of registering the birth of a child, registrars, police officers, employees at Centres for Social Work, providers of free legal aid and trustees for refugees. The topic of the training, which was attended by 92 participants, was exercising the right to enter newborn children whose parents do not have personal documents into the Register of Births, determining the child's personal name, registering residence, citizenship, and exercising the right to free legal aid.

29. From 8 December 2012 until 9 June 2023, the Ministry of the Interior has reached a decision on the residence in respect of 4,530 persons, among whom the majority are Roma nationals living in informal settlements, at the address of the competent Centres for Social Work, after which personal documents were also issued to them, while in the period from 20 December 2017 until 9 June 2023, the residence in respect of 2,072 persons was determined at the address of the competent Centres for Social Work.

30. The Ministry of the Interior, within its jurisdiction, actively participates in the implementation of the Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for the period 2016–2025, in the area of registration of residence and issuance of personal documents, which are required for the exercising of social, healthcare and other rights.

31. Through the legal norms of the “Law on Permanent and Temporary Residence of Citizens, the Rulebook on Form of Registration for Permanent Residence at the Address of Institution or Centre for Social Work”, as well as the “Rulebook on the Procedure for Registering and Deregistering Permanent and Temporary Residence of Citizens, Reporting Temporary Residence Abroad and Returning from Abroad, Passivization of Permanent and Temporary Residence, the Forms and Method of Keeping Records” and the “Rulebook on Form of Registration for Permanent Residence at the Address of Institution or Centre for Social Work”, the determination of residence by the decision of the competent authority is enabled for all citizens of the Republic of Serbia, including internally displaced Roma nationals, at the address of the Centre for Social Work, i.e. the institution where such persons are permanently placed, with the citizen's notification to the institution, i.e. to the Centre for Social Work that his/her address will be at the address of the institution, i.e. the Centre for Social Work.

32. In the report “Mapping of Persons at Risk of Statelessness in Serbia”,⁷ prepared in November 2023 by the non-governmental organization Praxis, one of the conclusions is that the Republic of Serbia has made enormous progress in eradicating statelessness in the past 15 years at both the legislative and practical level, which is an example of good practice not only for countries in the region, but also for other countries that are faced with this issue.

33. The Ministry of Human and Minority Rights and Social Dialogue has held a series of social dialogues about homeless people in the previous three years, one of which was dedicated to children in a street situations. As part of the programme marking “75 days for 75 years since the adoption of the Universal Declaration of Human Rights”, the Report on the State of Homelessness in the Republic of Serbia on the topic “Homelessness and personal documents” was presented at the social dialogue “Persons in a situation of homelessness – forgotten and on the margins of society”. This is a contribution from one of the members (adra.org.rs) of the Working Unit for Combating Homelessness, which was formed on 31 January 2023 as a result of social dialogues on the topic of homelessness. The Working Unit consists of representatives of institutions, Civil Society Organizations, independent institutions, a representative of the UN Human Rights Unit in Serbia, the media and the academic community. The task of the Working Unit is to formulate key questions which will

⁷ Within the project “Legal Assistance to Persons at Risk of Statelessness in Serbia”, funded by UNHCR, www.unhcr.org/rs/wp-content/uploads/sites/40/2023/12/MAPIRANJE-LICA-U-RIZIKU-OD-APATRIDIJE-U-SRBIJI-ANALIZA_FINALNA.pdf.

be the subject of social dialogues on this topic, as well as to produce a report on homelessness. Among the priorities, the Working Unit had identified the “issue of personal documents, access to healthcare, social and other services, definition of homelessness, keeping statistics, as well as housing policy”. The Unit is headed by the Minister for Human and Minority Rights and Social Dialogue.
