



# Economic and Social Council

Distr.: General  
24 February 2022

Original: English

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

### Summary record of the 12th meeting\*

Held at the Palais Wilson, Geneva, on Monday, 21 February 2022, at 3 p.m.

*Chair:* Mr. Abdel-Moneim

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Consideration of reports (*continued*)

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

*Third periodic report of Serbia*

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\* No summary records were issued for the 11th meeting.

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports** *(continued)*

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

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

1. *At the invitation of the Chair, the delegation of Serbia joined the meeting.*
2. **Ms. Čomić** (Serbia), speaking via video link and introducing her country's third periodic report (E/C.12/SRB/3), said that Serbia – as a party to eight core international human rights instruments and a candidate for membership of the European Union – was committed to strengthening democracy, promoting the rule of law and respecting human and minority rights. Moreover, as a member of the Council of Europe, Serbia had ratified, inter alia, the European Convention on Human Rights and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Under the Constitution, ratified international treaties formed an integral part of the domestic legal order and were directly applicable. The government workplan for 2022 envisaged the ratification of the Optional Protocol to the Covenant. Serbia had adopted the working definition of anti-Semitism proposed by the International Holocaust Remembrance Alliance. A referendum the previous month had endorsed constitutional amendments aimed at promoting the independence of the judiciary.
3. Efforts had been made to reduce public debt, implement structural reforms, improve public sector efficiency, create new jobs, increase the minimum wage and reform the system of social benefits. Although Kosovo and Metohija were an integral part of the Republic of Serbia, pursuant to Security Council resolution 1244 (1999) their administration was entrusted to the United Nations Interim Administration Mission in Kosovo (UNMIK). For that reason, the Government was unable to monitor the implementation of the Covenant in that portion of national territory.
4. Serbia had established a council to monitor the implementation of recommendations made by United Nations human rights mechanisms. The council undertook its activities in a spirit of inclusiveness and transparency, engaging with civil society groups so as to draw on their thematic expertise with a view to fulfilling its mandate in the most effective manner. In addition to the Council for National Minorities, a body had been established that aimed to improve the social status and inclusion of Roma men and women. The social inclusion strategy for that category of persons had been revised and an action plan for its implementation was in the process of being drafted. The Government also held regular meetings with the European Commission on the social inclusion of Roma persons, particularly women. The Ministry of Health was implementing an action plan to improve the health of the Roma population as a whole. For its part, the Ministry of Human and Minority Rights and Social Dialogue had held 25 thematic social dialogues with civil society during 2021 on issues of common interest.
5. Though hampered by the coronavirus disease (COVID-19) pandemic, legislative activity had continued over the previous two years. Laws on gender equality and on the rights of users of temporary accommodation services in the social protection system had been enacted, while a number of laws governing cultural affairs had been amended with a view to supporting cultural institutions and protecting the status of independent artists. A law regulating financial support to families with children had undergone several amendments, under one of which the parental allowance for a first child had been raised to 300,000 dinars. Proposed amendments to the Family Law envisaged provisions to abolish the possibility of child marriage and to prohibit the use of corporal punishment as an educational tool. However, owing to the scope and complexity of the amendments, definitive enactment of the law had been postponed until after forthcoming elections.
6. Over recent years, the Government had launched various strategies aimed, inter alia, at protecting children against violence, promoting the status of persons with disabilities, preventing gender-based and domestic violence against women, combating discrimination, achieving gender equality, creating a stimulating environment for civil society organizations,

preventing and controlling HIV/AIDS and developing the public information system. Each strategy was accompanied by its own action plan, while each action plan had its own monitoring mechanism. The authorities had begun online public consultations with a view to drafting a strategy for monitoring and improving human rights in Serbia for the period 2023–2030.

7. In all, 14.8 per cent of gross domestic product (GDP) was dedicated to social assistance programmes, with pensions accounting for 72.4 per cent of the total, or 10.7 per cent of GDP. Just 2.9 per cent of GDP went on social aid, which was insufficient to meet the needs of the most vulnerable beneficiaries. Thanks to government incentives to protect jobs and income, the at-risk-of-poverty rate had fallen to 21.7 per cent in 2020.

8. Regulatory plans had been drafted with a view to providing infrastructure and utilities in Roma settlements, and several resettlement operations had been successfully conducted. During the COVID-19 pandemic, steps had been taken to identify settlements that lacked adequate sanitary conditions, in order to provide urgent support and access to drinking water for vulnerable groups. With assistance from the United Nations Children’s Fund (UNICEF), humanitarian aid packages had been distributed to a number of Roma settlements and steps had been taken to facilitate the deferred payment of utility bills.

9. In order to mitigate the consequences of the pandemic, the human resources of the social protection system had been strengthened with an additional 947 employees between 2020 and 2021, while all adult citizens of Serbia had received universal financial assistance in 2020, 2021 and 2022. The crisis had also highlighted the problem of unequal access to digital technology, especially among older persons, and the Ministry of Social Affairs had responded by providing support to institutions for the procurement of technical equipment and for training users in the acquisition of digital skills.

10. The Government’s approach to the issue of migration was based on human rights standards. Migrants, regardless of their status, were entitled to accommodation, food, clothing and emergency health care, according to need. The latter was partly funded by a European Union project. Refugees and asylum seekers who had regularized their status had the right to work, health and social protection on an equal footing with Serbian citizens. Particular attention was paid to migrant children, particularly unaccompanied minors, and all migrants were covered by national operational procedures for protection against gender-based violence and human trafficking. Migrants had been significantly affected by the COVID-19 pandemic owing to the downturn in economic activity, reduced support from non-governmental organizations and the redistribution of budget funds. The situation had been particularly challenging for persons accommodated in reception centres, where capacities had had to be increased by 50 per cent during the state of emergency. However, preventive steps had been taken and none of the residents of the centres had become infected.

11. As a result of reforms to the school system, a greater number of students with disabilities were following individualized education plans in regular schools rather than being sent to special institutions. Support for the education of Roma children had led to a 7 per cent fall in the dropout rate, while attendance in preschool education had increased by 20 per cent and in primary education by 15 per cent. The high school completion rate had also increased by 20 per cent and currently stood at 61 per cent. The percentage of Roma girls attending secondary school had increased by 12 per cent over the previous three years.

12. As a whole, the school system had shown flexibility in the face of the COVID-19 pandemic, while maintaining a focus on ensuring that no one was left out, especially students from vulnerable groups. The digital competencies of both teachers and students had improved and more than 5,000 computers for distance learning had been distributed to needy students. Pedagogical assistants working with Roma students had been issued with laptops and trained in how to provide psychosocial support. An online distance-learning platform had been set up, which hosted more than 7,000 pre-recorded lessons in eight minority languages as well as 3,000 lessons in Serbian for primary and secondary school students. Action had also been taken to reduce the negative impact of the pandemic on education of students with developmental and other disabilities, and more than 11,000 teachers had been trained in how to prevent school dropout, promote inclusive education and protect such students against violence and discrimination.

13. On 21 May 2020, the World Day for Cultural Diversity for Dialogue and Development, Serbia had joined the “ResiliArt” movement, which had been launched by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as a forum for online debate on how to deal with the consequences of the COVID-19 pandemic in the cultural sector. For its part, the Institute for the Study of Cultural Development had participated in Europe-wide artistic initiatives intended to respond to the pandemic. It had also organized an online debate on gender and culture in Serbia with the aim of raising awareness of the importance of culture during the pandemic and of emphasizing the importance of female artists. In 2020 and 2021, the Ministry of Culture and Information had given 3,139 independent artists, cultural experts, performers and cultural associations a one-time financial grant of 30,900 dinars each for a period of two months.

14. **Mr. Windfuhr** (Country Rapporteur), welcoming the State party’s decision to ratify the Optional Protocol to the Covenant, said that he would like to hear about the Government’s plans to provide training on the Covenant to prosecutors, lawyers and public sector employees working with vulnerable groups.

15. The Committee wished to commend the State party on the reaccreditation of the Office of the Ombudsman with category A status. It would, however, be grateful for details of whether the Office’s mandate would be extended to enhance its interaction with civil society and the international human rights system, as well as whether the Office’s budget and premises would be expanded. The Committee would also appreciate information on how the Government intended to improve the implementation of the Office’s recommendations and ensure that the Office’s independence was respected.

16. Human rights defenders in the State party reportedly operated in a hostile environment. He would like to know how the authorities planned to ensure better protection for human rights defenders, particularly those who worked with vulnerable groups such as Roma and lesbian, gay, bisexual, transgender and intersex persons and those who were involved with complex issues such as truth and reconciliation. It was unclear whether cases of harassment of human rights defenders were investigated and perpetrators held to account.

17. The Committee had been informed that the regulations determining the procedure for the provision of free legal aid by civil society organizations lacked clarity. It would be useful to know whether the relevant legislation had been evaluated, particularly with regard to its impact on the vulnerable groups it had been designed to help, such as stateless persons. It would be helpful to hear about any plans to attempt to clarify the legal uncertainties surrounding the legislation in question.

18. He would welcome the delegation’s response to reports that the design of public policies relating to rights protected under the Covenant rarely involved the participation of the groups affected by them and that the time frames allocated for public consultations, such as those concerning the draft housing strategy, were too short.

19. He wished to learn about any evaluation of the measures that had been put in place to counter the COVID-19 pandemic and any disproportionate impact they might have had on vulnerable groups. He would like to know how the pandemic recovery plan took account of the most vulnerable groups and how the authorities would ensure that the plan was applied equally in all regions of the State party.

20. He would be interested to hear about any plans to adopt binding legislation on human rights due diligence in business activities. Given the scale of the mining industry in the State party, he would appreciate information on whether the Government planned to increase the number of mining inspectors. He would also welcome details of any measures intended to combat corruption.

21. He wished to know whether the Government intended to reverse the decrease in the percentage of the national budget that was allocated to social protection. He would welcome the delegation’s reflections on the possibility of shifting towards a more progressive income tax policy and its comments on reports that funding earmarked for Covenant rights and the pandemic response package had been diverted for other purposes, including military expenditure.

22. It would be useful to hear about the Government's priorities concerning the rights of persons with disabilities, particularly with regard to accessible buildings and public transport. It would be helpful to know what measures the Government planned to take to combat the poverty, discrimination and social marginalization faced by ethnic minorities and to make sure that the Strategy for Social Inclusion of Roma Men and Women was implemented. He also wished to know how the authorities intended to improve the situation of internally displaced Roma persons from Kosovo and Metohija who were living in informal centres. He would welcome an update on the State party's extradition of a political dissident to Bahrain in January 2022, despite the existence of an order by the European Court of Human Rights specifically prohibiting the individual's extradition. It would be interesting to hear how the Government intended to tackle the problem of statelessness. He would appreciate an update on the status of legislation on same-sex unions.

23. The Committee would be grateful for the delegation's assessment of the national gender equality strategy. How did the Government intend to address staffing shortages in social protection centres?

*The meeting was suspended at 4.05 p.m. and resumed at 4.20 p.m.*

24. **Ms. Čomić** (Serbia) said that a gender equality action plan had been agreed on by all the relevant ministries and would receive official approval in the near future. Gender equality also featured in the draft human rights strategy, which was the subject of a public consultation exercise scheduled to end on 1 March 2022.

25. Although the draft legislation on same-sex unions had been approved by experts from the Council of Europe, the President of Serbia had declared that he was unable to sign it owing to incompatibilities with the Constitution. To date, the Constitutional Court had not been asked to rule on the matter. The Ministry of Human and Minority Rights and Social Dialogue had taken steps to reduce online hate speech and planned to conduct social dialogues on human rights in the digital age.

26. With regard to the participation of civil society organizations in the drafting of the civil society development strategy and the Roma inclusion strategy, the Government was open to dialogue and well-founded criticism. Civil society was a necessary pillar in the development of a democracy.

27. **Ms. Ristić** (Serbia), speaking via video link, said that the draft housing strategy had undergone a 20-day public consultation exercise, as set out in the applicable legislation. It had been drafted with support from the Office of the United Nations High Commissioner for Human Rights (UNHCR), and the updated version, which took account of the findings of an ex post analysis and reflected the concerns that had been raised by civil society organizations, was now available online.

28. Amendments to property tax legislation had been drafted. The authorities had implemented the measures proposed by civil society that had been deemed realistic.

29. The Government had undertaken a programme to improve the accessibility of public buildings using funding provided by the European Union. The implementation of the regulations on accessibility, which had been put in place in 1986, had been interrupted by the hostilities during the 1990s; nevertheless, the Government was committed to making improvements in that area.

30. Approximately 45,000 internally displaced Roma lived in informal settlements. The majority of them had been displaced for more than 20 years. The Government would welcome assistance from UNMIK in resolving that situation.

31. **Ms. Čukić Vlahović** (Serbia), speaking via video link, said that the Ministry of Labour, Employment, Veterans and Social Affairs had continued the trend of hiring additional workers in social welfare centres, with a further 25 employees taken on in the first month of 2022.

32. The majority of persons with disabilities lived with their families. The number of such persons living in social welfare accommodation had decreased by 8 per cent over a 10-year period and had stood at 4,000 in 2020. In January 2022, a deinstitutionalization plan had been approved, and community-based welfare services would be expanded.

33. The social welfare budget was currently insufficient to systematically lift people out of poverty. The Government planned to establish a registry to integrate existing databases on persons with disabilities and social welfare recipients. Persons in receipt of benefits also received assistance with utility bills, schoolbooks and transport and childcare costs.

34. **Mr. Radinović Kapralović** (Serbia), speaking via video link, said that while cases relating to Covenant rights often came before the courts, the provisions of the Covenant were rarely referred to in court rulings. An action plan was in place to provide regular training on the Covenant to judges and public prosecutors.

35. Free legal aid was available to persons in receipt of child support and to persons who did not meet the financial criteria but who would experience hardship if required to pay for their own legal assistance. It was also available to, inter alia, minors, persons undergoing mandatory psychiatric treatment, persons with disabilities, persons who had suffered domestic violence, torture or ill-treatment, victims of trafficking in persons, asylum seekers, refugees and internally displaced persons. Civil society organizations were permitted to offer free legal aid under the asylum regulations and anti-discrimination legislation.

36. **Ms. Velimirović** (Serbia), speaking via video link, said that the country had received more than 200,000 displaced persons from Kosovo and Metohija over the course of 20 years. It had supported the full integration of thousands of families, but some 16,000 families still did not have their own housing or the income to pay for it independently. That situation had been caused by unsupported returns and weak support from the international community. The last of the State-run collective centres was currently being closed. The informal collective centres had been set up by the inhabitants themselves, who were essentially squatters. The situation in 7 such centres had been resolved, and work was under way to find solutions for a further 15. Five informal settlements had also been closed; new incentives and fresh impetus would be given to resolving that issue, too.

37. All reception centres for migrants and asylum seekers were of the open type. Apart from several weeks during the state of emergency declared at the beginning of the COVID-19 pandemic, the army was not present at any of the centres. All individuals in the centres, regardless of their status, had the same access to accommodation facilities, food, interpretation services and referrals to other services to cater to their specific needs. With European Union support, reception conditions and infrastructure had been improved. Staff received professional training to improve their capacity to deal with migrants and asylum seekers. The conditions in all reception centres were monitored regularly, in cooperation with UNHCR and the European Union Agency for Asylum.

38. **Ms. Joksić** (Serbia), speaking via video link, said that the Law on Asylum and Temporary Protection adopted in 2018 had been largely aligned with European Union directives and international standards. As part of the European Union integration process, the Asylum Office had been established in 2015 as an autonomous organizational unit of the Border Police Directorate. In 2019, it had been divided into two departments, one tasked with verifying the right to asylum and the other with investigating information on countries of origin. All foreign nationals who expressed the intent to seek asylum at a border crossing or in the territory of Serbia were immediately issued with a certificate of registration of that intent and referred to an asylum centre. Asylum-related issues were covered as part of basic training for police officers and specialist training for members of the border police.

39. In 2020, the Ministry of the Interior had adopted standard operating procedures for the treatment of migrants and asylum seekers, in cooperation with UNHCR. Information leaflets were being prepared in the languages most frequently spoken by asylum seekers and would be widely distributed. Under the Law on Asylum and Temporary Protection, asylum seekers had to submit a written application to an authorized officer of the Asylum Office within 15 days. However, article 4 of the Law provided that, even if they missed that deadline, they had the right to file an application. The Law established the principle of non-refoulement; if a negative asylum decision was appealed, the deportation procedure was automatically stayed. Decisions on asylum applications were generally to be issued within three months, but that period could be extended in certain situations, for example in cases involving vulnerable persons who needed psychosocial support, such as pregnant women,

unaccompanied minors and persons with disabilities. In cases involving unaccompanied minors, a guardian must be present at all stages of the procedure.

40. **Ms. Čomić** (Serbia) said that several weeks previously, the Government had repealed the 2006 regulations allowing lithium mining. Efforts were being made to rectify the mistakes that had brought Rio Tinto and other mining companies to Serbia. The Government was committed to the development of a green agenda. A major nationwide debate had been launched on the harmonization of economic development and environmental protection for the future of the country.

41. **Ms. Janjatović** (Serbia), speaking via video link, said that the legal framework in the area of air quality protection had largely been harmonized with European legislation, and full transposition would be achieved through adoption of the draft air quality protection programme 2022–2030. A public debate on the draft had been conducted at the end of 2021, and the programme was now in the process of being adopted. A specific plan for implementation of the European Commission air quality directives had been prepared. It identified which measuring points needed to be supplemented or relocated and which new measuring points were needed. It would also provide information on current shortcomings that needed to be remedied in order to make the implementation of air quality plans more efficient. In accordance with the National Plan for the Reduction of Emissions of Major Pollutants from Old Large Combustion Plants, the Ministry of Mining and Energy submitted an annual report to the Energy Community Secretariat containing a projection of air pollutant emissions based on ongoing projects. The aim of the national plan was to reduce the total annual emissions of sulfur dioxide, nitrogen oxides and dust in order to comply with the emission limit values defined in the European Commission Industrial Emissions Directive, which had been transposed into national law.

42. **Ms. Čomić** (Serbia) said that one of the first measures adopted by the Government at the outset of the COVID-19 pandemic had been a payment of 100 euros to all adult citizens. Although it might have been preferable to make the transfer only to those really in need, it must be recognized that such measures had a deep social value, as well as the simple material value. Subsequent payments had been targeted at specific groups, as efforts had been made to learn from experience and ensure that the most disadvantaged groups received help.

43. **Ms. Shin** said that she would appreciate receiving information on the process and time frame for ratification of the Optional Protocol.

44. **Ms. Čomić** (Serbia) said that, according to the Government's plans, the initial steps for ratification would be concluded in the second quarter of 2022, and the matter would be placed on the parliamentary agenda in the third quarter. It was hoped that ratification would be entirely completed by the end of 2022.

45. **Mr. Nonthasoot** said that he would welcome clarification of the process for determining which persons were considered "hard to employ". He would like to know how the State party planned to ensure the sustainability of the active employment policy measures; what those policy measures consisted in and how they were implemented; what types of employers were required to hire "hard-to-employ" persons; and what role local governments played in enhancing the right to work for vulnerable groups. He wondered whether the new version of the National Employment Strategy 2021–2030 had been adopted and what kind of consultative process had been conducted in preparing it.

46. He would appreciate information on the total number of Roma persons in the country, the number who were employed and the number who had set up their own businesses. He asked how many Roma young people were unemployed and whether there were plans to increase the coverage of short training programmes for them.

47. The Committee would be interested to know the total numbers of persons with disabilities, those of working age and those in employment; what policies or measures had been introduced to promote the employment of persons with disabilities; whether the waiver on recruitment of a maximum number of persons with disabilities in certain companies was still in place; and whether the failure to provide reasonable accommodation in the workplace was considered a form of discrimination.

48. It would be helpful to have an update on the unemployment situation since the beginning of the COVID-19 pandemic, and particularly on redundancies among vulnerable groups. The Committee would welcome information on work conditions during the pandemic, especially during the state of emergency from 15 March to 20 May 2020, and wished to know how the State party had ensured the protection of front-line workers, those in the informal sector and workers at risk, such as Roma, women, migrant workers and persons with disabilities.

49. As requested in the list of issues, the Committee would appreciate information on the impact of the measures taken to enforce the principle of equal pay for work of equal value, as guaranteed in the State party's labour law, and sex-disaggregated data on the complaints related to violations of that principle in both the public and private sectors. It would also like to know what was the minimum wage fixed for 2021 and whether and how the minimum wage was systematically implemented. The delegation might provide information on violations of payment of the minimum wage, especially in the informal sector, and the impact of COVID-19 on the adequacy of the minimum wage. It might also comment on the rationale behind the narrow definition of "employed persons" in the Labour Law and the draft law on strikes, and whether there were any plans to revise it to ensure the protection of all types of workers.

50. He wished to know whether the Small Business Support Programme, the Programme of Support to the Development of Competitiveness of Small, Micro and Medium-sized Enterprises and the Programme of Support to Innovative Enterprises provided favourable conditions for entities with women managers or owners and whether they were annual or ad hoc programmes. He would also like to know whether the Government was planning to adopt special employment measures for other groups, such as Roma and young people.

51. He would be interested to know the total number of labour inspectors in the country, the number of misdemeanour proceedings initiated at their request and the penalties handed down, as well as to receive information on the frequency and content of the training they received. He wondered whether there were any plans to expand the scope of their inspections. The delegation might also provide information on the role of labour inspectors in combating human trafficking and on the effectiveness of the referral system to protect victims of trafficking. He asked how the labour inspectors had coordinated with the centre for victims of trafficking to provide assistance to the victims in the LingLong factory case involving Vietnamese workers.

52. Concerning efforts to address youth unemployment, he wished to know whether participants in the My First Salary programme were entitled to, and actually received, the legal minimum wage, health care and social benefits, like other workers.

53. He would be interested to hear whether the new draft law on strikes had been passed; whether it applied in both the public and private sectors; whether the Law on Activities of Public Interest, which established restrictions on the right to strike, was still applicable; and if so, whether the State party had specified the types of activities covered by the Law. It would also be interesting to know whether the Law was compatible with the International Labour Organization Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the Right to Organize and Collective Bargaining Convention, 1949 (No.98), to which Serbia was a party.

54. He would be grateful for an update on whether a new Economic Reform Programme was being prepared, whether economic, social and cultural rights would be incorporated into the updated Programme, and whether social security benefits under the new Law on Social Welfare were adequate.

55. He would welcome data on the number of people required to perform unpaid work in order to maintain social benefits. The delegation might wish to comment on reports that certain marginalized groups had effectively been denied access to benefits owing to the conditions set forth in legal provisions. The Committee would like to know how the State party planned to address the fact that migrant and seasonal workers did not receive any social security benefits since they fell outside the legal labour framework.

56. Lastly, the Committee would welcome information on the impact of COVID-19 on the country's GDP, public debt and national budget, as well as details of the current budget allocation for social benefits, any changes in the availability and types of social benefits since the pandemic, and the exclusion of any groups from the benefits.

*The meeting rose at 5.20 p.m.*