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COMMITTEE ON ECONOMIC, SOCIAL  
AND CULTURAL RIGHTS  
Pre-sessional working group  
1-5 December 2003

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT  
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of the  
initial report of SERBIA AND MONTENEGRO concerning the rights  
covered by articles 1-15 of the International Covenant on Economic,  
Social and Cultural Rights (E/1990/5/Add.61)**

## **I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED**

1. Please provide updated information on measures taken to reverse the negative trend of exploitation of “natural resources” and of “natural values” in coastal areas (State party’s report, the part which refers to Montenegro).
2. Does the State party envisage elaborating a national plan of action for the protection of human rights in accordance with the Vienna Declaration and Programme of Action of 1993?
3. Does the State party envisage establishing a national human rights institution in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, General Assembly resolution 48/134, annex)?
4. Please indicate to what extent the Covenant is reflected in the domestic legal order and if the provisions of the Covenant can be invoked before the courts. Please cite, if any, examples of case law in which the Covenant has been applied.
5. Please indicate the position of the State party on the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights.
6. Please provide information on whether non-governmental organizations were consulted in the process of preparing the report.
7. Please provide information on measures taken by the State party to increase awareness among the public at large and in particular among teachers, judges, police officers and other public authorities, as well as economic actors, of the provisions of the Covenant. Is there any information on the Covenant in the minority languages?

## **II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)**

### **Non-discrimination (art. 2, para. 2)**

8. Please provide clear indication of the provisions that could lead to the limitation of human and minority rights enumerated in the Charter of Human and Minority Rights and Civil Liberties. Have there been any court decisions on cases of human and minority rights limitations?
9. Please provide information on measures taken to promote economic, social and cultural rights of refugees and internally displaced persons, especially for the most vulnerable groups like children, women, persons with disabilities and older persons.
10. Please indicate the impact of the adoption and implementation of the Strategy for the Integration and Empowerment of the Roma, especially in combating discrimination in access to employment, health and social welfare.

11. Please provide information on how the problems identified within the scope of the project entitled “Persons with Disabilities and their Environment”, namely, the limited participation of persons with disabilities, exclusion of children with disabilities from school activities or their confinement to institutions, exclusion of persons with disabilities from employment and public life, economic problems and poor access, are being dealt with so as to ensure equal access of these groups to education, employment, social protection and health and social services.

### **Equality between men and women (art. 3)**

12. Bearing in mind that article 3 of the Covenant is of immediate effect, what measures are being taken to increase awareness of the need to protect women’s rights and to promote equal opportunities between men and women, on the basis, inter alia, of the work done by non-governmental organizations to develop a national action plan for women’s rights and gender equality.

13. Please indicate whether the “Mechanism for Gender Equality” has already been established and the results achieved so far in reducing all forms of discrimination against women (State party’s report, the part which refers to Montenegro).

14. Please provide information on measures taken by the State party to increase the percentage of women in decision-making positions.

### **III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)**

#### **Right to work (art. 6)**

15. Please provide updated statistics, disaggregated by sex, age and ethnic group, on employment in the public and private sectors.

16. Please provide information on the requirements stateless persons must fulfil before being taken into employment.

17. Please provide information on affirmative action being taken to increase employment opportunities for women, who account for 55.45 per cent of the total number of unemployed, and for persons with disabilities, including the impact of the Draft Law on Employment of Disabled Persons.

18. Please provide updated statistical data on unemployment, disaggregated by sex and age.

19. Please provide information on the impact of active employment policies undertaken by the State party to increase work opportunities, reduce unemployment and improve the balance between supply and demand of the workforce in the labour market.

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

20. Please provide updated statistical data, disaggregated by sex on workers receiving the minimum wage. Is the minimum wage sufficient to provide a decent living for workers and their families?

21. Please indicate if the Labour Law has already been adopted and how its provisions deal with dismissal of employees (State party's report, the part which refers to Montenegro).

22. Please provide information on whether the Programme for Combating Grey Economy has contributed towards the legalization of unregistered workers and their entry into the regular labour market (State party's report, the part which refers to Montenegro).

**Trade union rights (art. 8)**

23. What measures does the State party envisage to strengthen collective bargaining as an instrument for protecting worker's rights?

**Right to social security (art. 9)**

24. Please provide information on major changes brought about by the reform of social protection following the establishment of a long-term strategy of social policy (State party's report, the part which refers to Serbia, para. 191).

25. Has the Law on Pension Insurance of Serbia and Montenegro been adopted and, if so, has it had any impact on the sustainability of the pension system?

**Protection of the family, mothers and children (art. 10)**

26. Please provide information on measures taken to combat child labour and to ensure that children from rural areas are not deprived of schooling in order to work in farm households?

27. Please provide information on measures, legislative and otherwise, to combat domestic violence.

28. Please provide updated statistical data on the use of personal social services (for example home aid, day care, accommodation in an institution or in another family and centre of social work). Are such services rendered on the basis of needs assessment and do they cover all those in need of them? How are these services funded?

29. Please provide information on the impact of the "National Action Plan for Combating Sex Trafficking" on reducing trafficking.

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

30. According to information before the Committee, over 70 per cent of the population live below the poverty line. Please provide updated information on the population living below the poverty line, disaggregated by sex, age and ethnic group. In addition, please provide information, including statistical data, on the impact of the Poverty Reduction Strategy on combating poverty, as well as on future options envisaged to promote sustainable livelihoods.

31. The rate of poverty among older citizens is considerably higher than the average poverty rate and within that age bracket higher for women than for men. A very high poverty rate among the older population (26.1 per cent) is especially pronounced in south-eastern Serbia. What are the reasons for this situation and what measures are being taken to deal with it?

**Right to physical and mental health (art. 12)**

32. Please provide a breakdown of public spending on health in the last five years.

33. Please indicate the main priorities for the health sector reform (State party's report, the part which refers to Serbia, para. 266).

34. The report states that the Law on Health Insurance was amended to align it with "financial laws" (State party's report, the part which refers to Serbia, para. 266). What does this alignment imply, especially in relation to the public health system and to delivery to those in greater need?

35. Please provide recent indicators on the mortality rate, in particular on infant mortality rate.

36. Please provide information on the spread of HIV/AIDS over the last five years. What measures have been adopted to address this pandemic and to increase awareness among children and young people of HIV/AIDS, in conformity with the Committee's general comment No. 14 (2000) on the right to the highest attainable standard of health?

37. What measures are being taken to improve the quality of potable water from the central water supply system in Central Serbia in conformity with the Committee's general comment No. 15 (2002) on the right to water?

38. Please provide information on measures being undertaken to counteract the threats to the environment posed by the majority of industries in Montenegro, for example the lack of adequate waste water treatment as well as the negative effect of "red mud" on underground waters.

**Right to education (arts. 13 and 14)**

39. What measures does the State party envisage to increase pre-school coverage, especially for children of minority groups?

40. Please provide information on positive discrimination measures being taken to prevent children of minority groups, children living in remote rural areas and children with special needs, as well as refugee and displaced children and Roma children, from dropping out of primary school? Does the State party already have data on the school coverage of children in Kosovo and Metohija?

41. Please provide information on measures taken by the State party to increase the number of professionally qualified teachers in elementary schools where instruction is given solely in minority languages?

42. What measures does the State party envisage to enable those children who find it difficult to succeed in standardized tests in Serbian due to language and cultural differences to be educated in the regular school system?

**Cultural rights (art. 15)**

43. What measures are being undertaken to promote the learning of the Roma language and to include it in the provisions that regulate the official use of languages and alphabets.

44. Please provide information on measures taken to encourage, including through financial support, cultural institutions, associations and societies of minority communities, namely Croats and Roma, to preserve their ethnic identity and cultural heritage.

45. Please provide information on measures being taken to prevent social tensions and promote inter-ethnic reconciliation among ethnic groups living in the State party.

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