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Committee on Economic, Social and Cultural Rights Fifty-second session

Summary record of the 28th meeting

Held at the Palais Wilson, Geneva, on Thursday, 15 May 2014, at 3 p.m.

Chairperson: Mr. Kedzia

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

Consideration of reports

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

Second periodic report of Serbia (continued) (E/C.12/SRB/2; E/C.12/SRB/Q/2 and Add.1; HRI/CORE/SRB/2010)

1. *At the invitation of the Chairperson, the delegation of Serbia took places at the Committee table.*

2. **Ms. Paunovic** (Serbia) said that Serbia had ratified several international instruments protecting the rights of national minorities and that the Constitution and other national laws included a number of provisions protecting both the individual and collective rights of all groups whose linguistic, cultural or religious characteristics set them apart from the majority and who wished to preserve their common identity. A number of minority groups were present in the country, including Albanians, Bosnians, Hungarians and Roma. The Constitution prohibited discrimination against national minorities and guaranteed equality before the law for everyone. Incitement to racial or nationalistic hatred or intolerance was prohibited. Nineteen of the various national minorities were represented by National Minority Councils, which received a total of 250 million dinars in government funding. In 2013, about 300 incidents of allegedly ethnically motivated violence had been reported.

3. **Mr. Mladenović** (Serbia) said that ongoing negotiations with Kosovo had begun in 2013 through the mediation of the European Union (EU) and had resulted in a number of agreements. Life was particularly difficult for Serbs and other non-Albanians living in Kosovo, due to a number of problems including the lack of security and of access to their occupied or destroyed property. Sustainable return had been achieved for less than 2 per cent of internally displaced persons from Kosovo. His Government aimed to find a comprehensive solution to the issue, but it did not accept the declaration of independence made by Kosovo.

4. A large number of refugees from other countries in the former Yugoslavia, mostly from Croatia, still lived in Serbia. His Government continued to find sustainable solutions for about 10,000 refugees per year, usually by integrating them in the local community. Many factors hampered their repatriation, including a lack of access to rights. The stalemate in regional efforts to find sustainable solutions to the problem had been broken by the adoption of the Joint Regional Programme on Durable Solutions for Refugees and Displaced Persons in 2011. Thus far, however, none of the housing projects provided for by the Programme had been completed, due largely to the complicated procedures that must be followed to receive funding. Of the four partner countries, Serbia had made the most progress to date. Serbia did not accept the recommendation made by the Office of the United Nations High Commissioner for Refugees to begin the cessation of refugee status for refugees displaced from Croatia. His Government believed that the recommendation was premature and could undermine sustainable solutions for the return of refugees and the implementation of the aforementioned housing programme.

5. **Ms. Mohorovic** (Serbia) said that the Law on Prohibition of Discrimination was a framework anti-discrimination law governing the general prohibition on discrimination, while the Anti-Discrimination Strategy focused on nine vulnerable groups that were particularly susceptible to discrimination and violence. While hate crimes were not classified as a separate criminal offence, hate did constitute an aggravating circumstance under the Criminal Code. In 2013, police officers had received training on the role of the police force in combating discrimination. The Law on Prohibition of Discrimination and the

Law on Prevention of Discrimination against Persons with Disabilities had been invoked in a total of 30 court cases.

6. The Government implemented a zero-tolerance policy against corruption at all levels, and several ministers and other high-level officials had been prosecuted on corruption charges. Many of the proceedings against officials stemmed from their failure to submit reports documenting their assets and earnings.

7. **Ms. Bogdanovic** (Serbia) said that 145 enterprises were in the process of restructuring and that her Government was taking a number of measures to benefit their employees, including vocational training, financial compensation and help finding new employment.

8. **Mr. Kerdoun** asked how widespread corruption was in Serbia and which sectors were most affected. He wished to know whether the current legislation was effective in combating that scourge.

9. **Ms. Paunovic** (Serbia) said that corruption was widespread at all levels, but that the Government had adopted strategies and action plans to address the problem and had established a special body to monitor the implementation of those strategic documents. Individual sectors, such as the education sector and the police force, had also developed their own plans to combat corruption. The sectors most seriously affected included the health sector and the judiciary.

10. **Ms. Bogdanovic** (Serbia) said that the National Employment Action Plan for 2014 set out a number of goals, including the social inclusion of hard-to-employ persons and investments in human capital and training. Funding for active employment policy measures had doubled, reaching 2.6 billion dinars. Subsidies were available for persons who opened their own businesses or created jobs in the private sector, and procedures for the registration of new companies had been simplified. About 22,000 Roma were registered with the National Employment Service and received benefits such as vocational training and subsidies for opening their own businesses. Roma who were not registered with the Service could also benefit from the active employment policy measures and were informed of their rights and of all employment options available to them. While it was true that the Roma were most commonly offered short-term employment in public works projects, those projects offered valuable work experience. A quota system had been introduced for the employment of persons with disabilities, and in 2013 about 12,000 such persons had been employed in the country. While the unemployment rate for women had been reduced, it still remained much higher than the rate for men. Women constituted the largest and most heterogeneous vulnerable group in the labour market, which posed challenges when developing policies targeting them. Mobility among the workforce was low, and unemployed persons did not show much interest in relocating for work. The issue of depopulation due to low birth rates and economic migration should be addressed from all angles by the National Employment Service as well as other government agencies.

11. The minimum wage was set semi-annually by the Social and Economic Council, which included representatives of employers, trade unions and the Government. If the Council failed to reach an agreement then the Government set the minimum wage, taking into account factors such as the cost of living, the unemployment rate and the general standard of economic development in the country. For the period January to June 2014, the minimum hourly wage had been set at 115 dinars.

12. The right to strike was guaranteed in the Constitution. It could be restricted in specific circumstances for persons in certain professions, such as the police force. The right to strike was not granted to members of the Armed Forces. For some professions, a minimum level of operation must be ensured during strikes, though a bill had been drafted that would reduce the number of professions subject to that restriction. The bill had met

with criticism and thus had not yet been submitted to parliament, but she hoped that work on the bill would continue.

13. Serbia had ratified the International Labour Organization (ILO) Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the ILO Workers' Representatives Convention, 1971 (No. 135), and trade unions were free to become registered and to organize on their own terms as set out in their articles of association. Labour laws included strong protections for union representatives and stipulated that they could not be dismissed or demoted for their lawful union activities. The fact that some workers in the private sector did not organize indicated their lack of a unified approach and was not something over which the Government had any control.

14. The high unemployment rate among young persons 15 to 24 years of age indicated that in times of economic crisis they sought education rather than jobs. The National Employment Service offered unpaid work opportunities such as shadowing for young persons with a secondary education. Employers also received financial incentives to hire young persons. For example, employers who offered paid employment to interns under 30 years of age were exempt from all tax contributions for that employee for a period of three years but must continue the employment contract for a further three years after the exemption period expired.

15. **Ms. Ivanovic** (Serbia) said that the Government had collected data on persons with disabilities through the 2011 census, in which some 500,000 people had identified themselves as having a disability, 58 per cent of them women. Considerable efforts were being made to gather more data and establish databases while observing European standards regarding the protection of personal information. Unemployment benefits did end after nine months because the goal was to encourage individuals to re-enter the labour market; however, other local assistance measures were available and the time limit did not apply to persons with disabilities. The Government was aware that discrimination occurred in some of its services, but not many formal complaints had been brought. Nevertheless, the Ombudsman made efforts to raise awareness and provide sensitivity training to Government officials.

16. **Ms. Paunovic** (Serbia) said that the Government intended to increase employment and stimulate the economy through four measures, namely: strengthening the banking system in order to provide low-interest loans; bringing the grey economy into the formal sector by subsidizing the employer's share of social security contributions; amending labour legislation to improve work environments; and boosting the construction industry through low-cost housing projects.

17. **Mr. Martynov** repeated his question regarding regional employment disparities. He also asked how the stricter eligibility criteria for pensions and disability insurance, introduced in 2010 despite the concern voiced by the Committee in 2005 that the criteria were already quite restrictive, had affected the social benefits of older persons.

18. **Ms. Shin**, pointing out a discrepancy between the report and the delegation's replies regarding the frequency of Gender Equality Council meetings, asked how often the Council actually met. She also wished to know why the Gender Equality Directorate had so few staff members.

19. **Mr. Schrijver** repeated his question regarding the number of trade unions and what obstacles impeded their establishment.

20. **Ms. Bogdanovic** (Serbia), acknowledging that unemployment was higher in the south-eastern part of the country, said that strategies and investment in job creation took account of differing levels of regional development. Naturally, the introduction of more stringent pension eligibility criteria affected the financial well-being of older persons, but

they would gradually be further restricted because pension funds were inadequately capitalized. Pensions were based on length of service and the required number of years of contributions varied among professions. Owing to the country's history as a State-run economy, most of its 20,000 trade unions were in the public sector. However, public- and private-sector trade unions were treated equally under the law.

21. **Ms. Paunovic** (Serbia) said that, since its establishment in 2004, the membership of the Gender Equality Council had been renewed with each new Government but that the Council met monthly and was one of the country's most active. A women's parliamentary network had also been set up. The Gender Equality Directorate did in fact have very few employees, but, pursuant to a new law, its activities would be conducted by the Ministry of Labour, Employment, Veteran and Social Affairs, which had many more staff.

22. **Ms. Ivanovic** (Serbia) said that a large number of Serbs lived in poverty, especially since the economic crisis. According to the National Statistics Office, families with two or three children were most at risk. Some 270,000 people were currently entitled to social benefits and the Government was reviewing its measures for the lowest income strata. A budget of 58 million dinars had been allocated to the National Strategy for Social Housing and the construction of 130 units in six towns was planned. The Roma were among the target population of the National Strategy and data had been collected regarding inter alia their access to paved roads, water and sanitation. A working group on forced evictions had been set up under the Ministry of Justice to ensure that relevant international standards were observed. Between 2009 and 2014, a number of insanitary settlements had been evacuated and the inhabitants had been provided with temporary or permanent housing.

23. Although domestic violence was an offence and the law provided for the protection of certain categories of people, it remained a serious issue. In November 2011, the Government had adopted a protocol for the coordination of institutional responses to cases of domestic violence. Social assistance measures had been put in place for child victims of abuse, exploitation or trafficking in 2011 and the statute of limitations on sexual abuse of children had been lifted in 2013.

24. **Ms. Pantic-Aksentijevic** (Serbia) said insured persons and members of their families as well as refugees and internally displaced persons had access to health-care services. Roma health mediators had greatly contributed to increasing the number of Roma who had identification documents and health insurance cards. Persons living with HIV had full access to health services and treatment and obstetricians were trained in the safe delivery of babies born to HIV-positive mothers. Some 300,000 individuals were estimated to have a mental health problem, 27 per cent of whom suffered from post-traumatic stress disorder. The Strategy for the Development of Mental Health Protection had been adopted in 2007 with a view to improving the quality of life and treatment of persons with mental health problems and reforming psychiatric services and facilities.

25. The right to drinking water and sanitation was guaranteed under the Constitution and strategies were in place to ensure the maintenance, sustainability and development of the water supply, in accordance with the country's environmental and national planning policies. As a candidate for EU membership, Serbia had to bring all its relevant regulations into line with EU directives. Access to water and sanitation was 100 per cent in urban areas and nearly 98 per cent in rural areas, and almost half of rural communities relied on their own water supply networks.

26. **Ms. Paunovic** (Serbia) said that in 2013 Serbia and the European Commission had held a seminar on social inclusion of Roma in Serbia, and had produced operational conclusions, binding on Serbia, that set out further activities to be carried out to that end. The seminar had, among other things, reviewed existing models of housing for Roma and considered other models, including standard social housing, housing built by the Roma

themselves, and also the purchase of farms, an idea that would be given serious consideration as it seemed to be one of the most appropriate solutions. What was lacking was intersectoral cooperation at the local and national levels, and accordingly bodies were being set up at the national level to monitor the Action Plan for Implementation of the Strategy for Improvement of the Status of Roma. Monitoring of local strategies would be taken over by locally funded Roma coordinators in 70 municipalities and, where there was no local budget, donor funds would be used.

27. Roma women health mediators were funded by Serbia; they worked to a job description produced by the Ministry of Health. The appointment of teaching assistants in more than 170 municipalities had led to a large increase in school enrolment rates for Roma children.

28. **Ms. Ravenberg** recalled that the Committee had recommended in 2005 that the State party should take effective measures to promote school attendance by Roma children and children from other minority groups and refugee and internally displaced children. In response to that recommendation, the State party had provided an update on the applicable legal and policy framework. According to information before the Committee, however, the inclusion of internally displaced Roma children in primary schools was not satisfactory. She would like to know how the legal and policy framework operated in practice. Did the Ministry of Education have an exclusive view on compulsory school attendance by children of internally displaced persons? What was being done to improve such children's enjoyment of the right to education?

29. She would also appreciate an evaluation of the impact of measures to address non-attendance and high dropout rates of Roma children and children from other minority groups in primary education and of measures on access to secondary education. What strategies were in place to ensure access to education for children of internally displaced persons and asylum seekers?

30. **Mr. Schrijver**, noting that minorities in Serbia made up 17 per cent of the population and comprised a number of different groups, asked how the National Minority Councils worked. If each minority had its own council, what was that body's role? What was the State party's overall policy on minorities?

31. **Mr. Marchán Romero** said that, in 2005, the Committee had encouraged the State party to intensify its efforts to promote respect for the cultural values of ethnic communities in order to enhance mutual tolerance and understanding and he commended the State party for the measures taken. Clearly it favoured decentralization and autonomy for minorities and he saw that as an affirmation of their identity. He wondered, however, whether there was an overall framework, at either the institutional or the programme level, to coordinate the efforts that were being made.

32. Referring to the monthly allowance to reward significant contributions to culture, mentioned in paragraph 180 of the State party's report, he asked what the budget was for the scheme. He wondered what impact it had had on cultural life in the six years since it had been introduced.

33. **Mr. Abashidze** wondered what subjects were taught in the minority languages and how they were accommodated in the educational process as a whole. He would also like to know what the Government was doing to maintain cultural contact with Serbs outside the country, for example by providing school textbooks.

34. **Mr. Sadi** (Country Rapporteur) asked whether there was any intention to use the school system as a means of integrating minorities. If 17 per cent of the population was of non-Serbian origin, segregated education could cause problems in the future.

The meeting was suspended at 5.05 p.m. and resumed at 5.15 p.m.

35. **Ms. Paunovic** (Serbia), replying to questions concerning school attendance and retention among internally displaced persons and refugees, said that they had the same rights as other citizens. The main problems were families' financial situation and the lack of information regarding education and access to education. Nevertheless, every school had special teams that drew up individual plans to help students who did not understand the language used in class. Children of internally displaced persons or from national minorities could have bilingual teaching or classes in their own language or in Serbian. In addition, there were special preschool programmes with a focus on multiculturalism and diversity. The Action Plan for Implementation of the Strategy for Improvement of the Status of Roma included measures for children who were not in the education system or had dropped out. Lack of financial means was the main factor limiting access to education, and more long-term measures were needed in that regard.

36. A two-year project on school dropout rates had been launched by the United Nations Children's Fund Belgrade office and various ministries. Ten towns had been selected for the project: one primary school and two secondary schools in each town would study the situation and attempt to create incentives to prevent school dropout.

37. **Ms. Ivanovic** (Serbia) said that there was a system for mother-tongue teaching and teaching of children's own culture, depending on the interest shown by the children and their parents. Children from numerous minorities attended such classes.

38. **Ms. Mohorovic** (Serbia) said that publishing of textbooks in minority languages was subsidized by the State as the print runs were so small.

39. **Ms. Djordjevic** (Serbia) said that overall responsibility for cultural rights lay with the Ministry of Culture and Information and self-governance in cultural areas was regulated by the Law on National Councils of National Minorities. Decentralization was manifested in a range of activities. The Ministry of Culture funded creative projects chosen by national minority representatives and National Minority Councils across the country.

40. National cultural institutions funded by the Ministry also contributed to very diverse projects and the Ministry itself had implemented the "Serbia in Serbia" project that had toured the country in 2009–2010. The Ministry also purchased books for libraries throughout Serbia, including books in minority languages.

41. The allowance for special contributions to culture was paid in recognition of contributions to minority cultures under the Law on Culture. National minorities made recommendations for recognition and the National Cultural Council made the decision. The allowance was paid for life and amounted to some €300 per month; the total allocation was 320 million dinars, or €2.8 million. It had been found that the regulations and the criteria for the award had certain shortcomings and the awards had not been made for two years. New criteria were being developed in consultation with the national cultural associations.

42. As to the diaspora, she said that a call for tenders had been put out for co-funding projects for Serbs outside the country. A guide to ways of supporting Serbs abroad had been produced for the period 2004–2010, with the aim of highlighting best practices and priorities for support to the Serb community abroad.

43. **Ms. Paunovic** (Serbia) said that the National Minority Councils were corporate bodies under the Law on the Protection of Rights and Freedoms of National Minorities, with important public duties with regard to minority self-governance and official use of minority languages, for example, and their mandate was defined by the Law on National Councils of National Minorities. Nineteen national minorities had set up their own councils. The law required them to have a chair and officers responsible for education, culture and information, and the official use of the language. The Constitutional Court had found certain provisions of the relevant legislation unconstitutional and therefore amendments

were currently being considered to make the councils fairer and more democratic, in part by ensuring that elections would be run by the same election committee that organized national parliamentary elections.

44. **Mr. Sadi** said that his concern was whether every minority was entitled to its own school system. It was one thing to respect minority languages and cultures but such separation could be a double-edged sword. In addition, it was not possible to treat all minorities in the same way, since some minorities were large and others small.

45. **Ms. Paunovic** (Serbia) said that it was indeed not possible for all members of national minorities to have classes in their own language. A minimum of 15 children was required in order to organize such classes. The idea was to provide classes in accordance with the size of the minority. One problem was that smaller minorities whose requests were not granted by the Ministry of Education saw such refusal as discriminatory. Serbia would attempt to set clear parameters for minority language provision.

46. She said that her delegation was grateful for the opportunity to meet the Committee. Serbia was concentrating on legislative measures to build economic, social and cultural rights, including harmonizing its legislation with EU law. At the same time it was trying to deal with urgent problems such as those faced by vulnerable groups.

47. **The Chairperson** said that he appreciated the delegation's cooperation in conducting the meeting and its frank and sincere replies to the Committee's questions. It was commendable that the State party was trying to align itself with the EU; he hoped it would also be able to harmonize its legislation with the Covenant.

The meeting rose at 5.55 p.m.