

52nd Session of the Committee on Economic, Social and Cultural Rights  
Review of the Second Periodic Report  
on the implementation of the International Covenant on Economic,  
Social and Cultural Rights, Geneva, 15 May 2014

INTRODUCTORY SPEECH

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SERBIA

HEAD OF THE DELEGATION OF THE REPUBLIC OF SERBIA

Geneva, 15 May 2014.

Dear Mr. Chairman,

Distinguished members of the Committee of both gender,

Ladies and gentlemen,

Allow me, on behalf of the delegation of the Republic of Serbia, to express satisfaction with the opportunity today to present the Second Periodic Report on the implementation of the International Covenant on Economic, Social and Cultural Rights.

At the outset, I would like to introduce the members of the delegation:

- Ambassador **Vladislav Mladenovic**, Permanent Mission of the Republic of Serbia to the United Nations and other international organizations in Geneva;
- **Aleksandar Tomic**, Advisor, Permanent Mission of the Republic of Serbia to the United Nations and other International Organizations in Geneva;
- **Jasmina Ivanovic**, Senior Adviser, Head of the Group for the Promotion of Social Welfare System within the Ministry of Labour, Employment, Veteran and Social Policy;
- **Snezana Bogdanovic**, Senior Adviser, Head of the Department for the Development of Labour and Labour Rights Domestically and Abroad within the Ministry of Labour, Employment, Veteran and Social Policy;
- **Snezana Pantic-Aksentijevic**, Independent Advisor of the Ministry of Health;
- **Alexandra Djordjevic**, Advisor of the Ministry of Culture and Information;
- **Gordana Mohorović**, Senior Adviser, Head of Division for Monitoring the Implementation of International and Regional Human Rights Treaties within the Office of Human and Minority Rights;

Mr. Chairman,

Since 2006, the Republic of Serbia is an independent country, committed to building a democratic society, which means, above all, respect for human and minority rights.

According to the Constitution of the Republic of Serbia, which contains a broad catalogue of human rights, the generally accepted rules of international law and ratified international treaties are an integral part of the domestic legal order and applied directly. The Republic of Serbia is a member of the eight core international treaties in the field of human rights and a signatory to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Legislative activity in the Republic of Serbia was very intense during the reporting period. A large number of laws had been adopted and a vast number of international conventions ratified, of which the most important from the aspect of human rights are the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention, the International Convention on the Protection of All Persons from Enforced Disappearance, the Revised European Social Charter, the Council of Europe Convention on Action against Trafficking in Human Beings, the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

Mr. Chairman,

I would like to particularly draw your attention to the fact that, although Kosovo and Metohija is an integral part of the territory of the Republic of Serbia on the basis of Resolution 1244 (1999) of the United Nations Security Council, as a signatory country, the Republic of

Serbia is unable to implement the International Covenant on Economic, Social and Cultural Rights and oversee its implementation in Kosovo since the administration of the province has been completely entrusted to the United Nations Interim Administration Mission in Kosovo (UNMIK). That is why the report in front of you does not contain detailed information on the implementation of the Covenant and in this part of the territory of the Republic of Serbia

In this regard, I welcome the fact that the Committee on Economic, Social and Cultural Rights accepted the proposal of the Republic of Serbia and asked UNMIK to compile information on the implementation of the Covenant in the territory of Kosovo and Metohija, which after close deliberation in 2008 provided insight into the true state of economic, social and cultural rights in the Province. Considering almost six years has past, I would kindly suggest that the Committee invites UNMIK to submit new information so that we may complete the report of the Republic of Serbia as a contracting state.

In this context, the Government of the Republic of Serbia is ready to provide all information it possesses and thus contribute to the work of the Committee in connection with the review of the implementation of the International Covenant on Economic, Social and Cultural Rights in Kosovo and Metohija.

Mr. Chairman,

The constitutional system of the Republic of Serbia establishes that all are equal and everyone has the right to equal legal protection without discrimination.

The Republic of Serbia may introduce special measures that are not considered discriminatory to achieve full equality of persons or groups of persons who are substantially in an unequal position compared to other citizens.

In March of 2009, the Prohibition of Discrimination Act was adopted as a general antidiscrimination law envisaging a wide range of prohibited grounds of discrimination.

According to the Act, discrimination and discriminatory treatment means any unjustifiable differentiation or unequal treatment or omission in relation to individuals or groups, as well as their family members or persons close to them, in an open or covert manner that is based on race, colour, descent, citizenship, nationality or ethnic origin, language, religious or political beliefs, sex, gender identity, sexual orientation, property, birth, genetic characteristics, health status, disability, marital and family status, convictions, age, appearance, membership in political, trade union and other organizations and other actual or supposed personal attributes.

The Act prescribes two methods of achieving protection of citizens if there has been a violation of protected rights, either by filing a lawsuit or filing a complaint through a separate independent state body, the Commissioner for Protection of Equality, who was appointed by the National Assembly in 2010.

Discrimination has been foreseen as a criminal offense under the Criminal Code. In 2012, obligatory aggravating factor was introduced in sentencing for offenses committed out of hatred based on race and religion, national or ethnic origin, gender, sexual orientation or gender identity of another person, which the court shall appreciate as an aggravating circumstance whenever it is not prescribed as a characteristic of the offense.

In June 2013, the Government adopted the Strategy for Prevention and Protection from Discrimination, which had been drafted with the active participation of representatives of civil society organisations. This document is dedicated to preventing discrimination and promoting the status of nine vulnerable groups that are most often subject to discrimination, such as women, children, persons with disabilities, older persons, LGBT persons, national minorities, refugees, internally displaced persons and members of other vulnerable migrant groups, as well as those whose health may be the cause of discrimination and members of small religious communities and religious groups. An Action Plan for the implementation of the Strategy, which is expected to be adopted in the first half of 2014, has already been drafted.

Mr. Chairman,

Regulations and strategic documents adopted with the goal of improving the position of Roma, addressing issues involving refugees and internally displaced persons, protection of persons with disabilities and promotion of gender equality, are of exceptional importance for protection against discrimination in the Republic of Serbia.

According to the census conducted in 2011, the population of the Republic of Serbia is 7,186,862. The average age of the population is 42.2 years, and the average household size is 2.88 members.

According to the census, there are 147,604 Roma (2.05 %) living in Serbia, however, many studies indicate that the number is much higher and estimates are that that figure is over 250,000.

The Republic of Serbia has established a strategic and institutional framework for the advancement of Roma. The Strategy on Improvement of the Status of Roma was adopted 2009. Basic principles and values underlying the Strategy include: the state's duty to care for the respect, protection and fulfilment of the Roma population's legal rights; full and effective inclusion of Roma in all areas of social life; respect, recognition and promotion of diversity; equal opportunities based on equal rights; gender equality; prevention and fight against all forms of discrimination; implementation of affirmative action measures.

Two action plans have been adopted in order to implement the strategy; the first in 2009 for the period 2009-2011 and the second in 2013 for the period until 1 January of 2015. Measures or activities that have been defined in the Action Plan make the recommendations and priorities defined in the Strategy operational for each of the 13 areas of importance for the advancement of Roma, namely: education, housing conditions, employment, internally displaced persons, return on the basis of readmission agreements, personal documents, social

security, health care, the status of women, information, culture, political participation and representation and non-discrimination.

The Republic of Serbia has established close cooperation with the EU and the OSCE. Together, we already share ten years of experience in working to improve the status of the Roma minority and integrating them in our state. In order to implement the Strategy for Improvement of the Status of Roma, the international community has been providing financial and technical support to state agencies in charge of activities and actions that are defined in the Action Plan.

In August 2012, the Government of the Republic of Serbia established the Office for Human and Minority Rights, which took jurisdiction over the implementation of policies and projects relating to the social inclusion of Roma. The Serbian Government established the Council for the Advancement of Roma and the Decade of Roma Inclusion during June of 2013. Professional, administrative and technical support to the Council's work is provided by the Office for Human and Minority Rights. A Roma Inclusion Office has also been founded at the level of AP Vojvodina.

The Republic of Serbia remains a country with the highest number of refugees and internally displaced persons in Europe. Although the number of refugees is being reduced primarily due to their integration, there are presently close to 57,247 refugees and over 209,112 internally displaced persons within the territory of the Republic of Serbia. 23 collective centres, of which nine in Kosovo and Metohija, accommodate in total 1,641 persons, namely 341 refugees and 1,300 internally displaced persons.

The Serbian Government has adopted strategies for determining main objectives and courses of action in resolving problems that involve refugees and internally displaced persons. Over the course of 2009, it adopted the Strategy on the Sustainable Return to Kosovo and Metohija, and in 2011, the National Strategy for Resolving the Problems of Refugees and IDPs for 2011- 2014.

The Commissioner for Refugees, within his jurisdictions, works on improving living conditions and promoting the socio-economic status of internally displaced persons, with special attention dedicated to members of the Roma minority, which has been recognized as an extremely sensitive and vulnerable group within the internally displaced population.

Mr. Chairman,

In 2006, the Republic of Serbia adopted the Prevention of Discrimination against People with Disabilities Act which comprehensively defines the term of discrimination against persons with disabilities, special forms of discrimination, as well as special cases of discrimination against persons with disabilities in certain areas of organised social life: from proceedings before public authorities, through employment and employment relationships, education, health care, use of public services and property, access to public transport and participation in citizen associations, to equality of organisations of persons with disabilities and protection of these individuals from discrimination in married and family life. Significant progress in the field of labour and employment was made in 2009 with the adoption of the Professional Rehabilitation and Employment of Persons with Disabilities Act. The Government of the Republic of Serbia also adopted the Strategy for Improvement of the Position of Persons with Disabilities in the Republic of Serbia for the period 2007 - 2015.

In 2009, the Republic of Serbia adopted the Gender Equality Act. The basic purpose of this Act was to create conditions for conducting a policy of equal opportunities for men and women to exercise their rights, to take special measures and prevent and eliminate gender-based discrimination. The Act defines more precisely the prohibition of gender-based discrimination and the rights of both genders in the field of employment, social and health care, family relations, political and public life, education, culture, sports and judicial protection.

The basic premise for all the activities and measures the Republic of Serbia is taking towards the promotion of gender equality is the National Strategy for the Improvement of



Women's Position and Promotion of Gender Equality which the Government of the Republic of Serbia adopted in 2009. This document determined the entire state policy towards the elimination of discrimination against women, improvement of their status and integration of the gender equality principle into all areas institutions of the system are active in, as one of the elements of social modernisation and democratisation, and a faster, more even and more efficient social development - all in line with equal opportunities policy proclaimed in the Constitution. An Action Plan for the period 2010-2015 was adopted for the implementation of this Strategy.

Mr. Chairman,

The Republic of Serbia is a member of the International Labour Organization and it has ratified a number of conventions adopted under the auspices of this organization which, *inter alia*, refer to minimum wages and equal rewarding of men and women in the workforce, weekly rest and paid leave, work-place protection and compensation in cases of accidents or occupational diseases, health care and occupational medical services.

The Constitution stipulates that all jobs are available to everyone under equal conditions. Everyone has the right of respect of one's own person at work, safe and healthy work conditions, necessary protection at work, limited working hours, daily and weekly rest, paid annual leave, fair wages and legal protection in case of termination of employment. No one may renounce any of these rights.

Labour Law matters are primarily regulated by the Labour Act and the Employment and Insurance in Case of Unemployment Act. All employees are guaranteed equal earnings for the same work or work of equal value performed with the employer. Employment is run by the National Employment Bureau which has the duty to provide free job searching services for interested unemployed persons.

In May 2011, the National Employment Strategy for the period 2011-2020 was adopted. The primary employment policy objective is to establish a fixed, stable and sustainable

employment growth trend and to have the employment policy and labour market indicators fully harmonised with the practices of EU countries.

In the first quarter of 2014, the total unemployment rate in the Republic of Serbia was 20.8%.

The total employment rate was 38.4%, with the employment rate for men amounting to 45.7%, and for women 31.6%.

The freedom of association of labour unions is determined by the Constitution.

Conditions for the registration of unions in the Register are identical for all unions, irrespective of their level of establishment. The registration procedure is simple, thus resulting in over 20,000 unions being registered on the territory of the Republic of Serbia from 1991 to date.

The protection of rights of union representatives is stipulated by the Labour Act pursuant to which an employer may not cancel a union representative's employment contract or in any other way put a union representative in an unfavourable position, or do so to a nominated or appointed union representative during his/her service and one year after the termination of the service, if the employees' representative is acting in line with the law, general acts and his/her employment contract. The Criminal Code incriminates the criminal offence of prevention of political, union and other association and activity.

The right to strike is guaranteed by the Constitution. A strike is conducted in accordance with the law and collective contract, while it may be exclusively limited by law in accordance with the nature or type of activity in question.

Mr. Chairman,

The Constitution guarantees the rights of employees and their families to social protection and social security, and wage allowances in cases of temporary inability to work and temporary unemployment. Certain categories are guaranteed the right to special social

protection. The State is under a constitutional obligation to manage funds for different kinds of social insurance. The Constitution specially guarantees the right to pension insurance.

Social protection includes pension, disability, health insurance and insurance in case of unemployment. There are multiple laws in the Republic of Serbia which regulate social insurance matters. Mandatory insurance covers all employees, persons independently performing activities as well as farmers, and it ensures the rights of insuranees in case of old age, disability, death and bodily harm caused by a work injury or occupational disease. In addition to mandatory insurance, there is also the option of voluntary insurance for persons who are not mandatorily insured under the terms, in the scope and manner prescribed by law.

According to the Social Protection Act, the purpose of social protection is, on the one hand, to achieve or maintain minimal financial security of citizens and on the other hand, ensure the accessibility of services and execution of rights in social protection. Additionally, the system of social protection is directed at creating equal opportunities for social inclusion. The Act introduces numerous new solutions which are to improve the position and help the social inclusion of persons belonging to vulnerable group.

The 2010 amendments to the Pension and Disability Insurance Act tightened retirement conditions, while the existing limits will gradually grow until 2023.

According to the 2011 Census, the Republic of Serbia has 4,215,642 economically inactive citizens, of which 1,628,428 are pensioners. During 2013, there was the total of 1,722,649 beneficiaries on the basis of pension-disability insurance.

The Constitution guarantees special protection to families, mothers, single parents and children. Special protection is guaranteed to expectant mothers, before and after child birth, as well as special protection to children without parental care and children with physical or mental disabilities. The Constitution prohibits child labour with respect to all minors under the age of 15, while older minors are prohibited from doing labour which may negatively affect their health or moral.

The Family Act prohibits domestic violence, establishes the right to protection against it and prescribes a special court procedure for legal family protection against violence. In the social protection system, all children registered with a social welfare centre on any basis, especially as neglected or molested, are covered by a certain type of social intervention. The competence of a social welfare centre, particularly that acting in the capacity of a guardianship institution, is to provide basic protection of rights and interests of the child.

In 2011, the Government of the Republic of Serbia adopted a National Strategy for the Prevention and Combating of Domestic and Intimate Partner Violence against Women. In November 2011, the General Protocol for Action and Cooperation of Institutions, Bodies and Organisations in Cases of Domestic and Intimate Partner Violence against Women was adopted. It establishes cooperation between ministries competent for labour and social policy, justice, internal affairs and health. For the first time ever, a child witnessing domestic violence has been explicitly defined in the Protocol as a victim of domestic violence.

Mr. Chairman,

The Constitution of the Republic of Serbia guarantees the protection of physical and psychological health. The health care system is first and foremost regulated by the Health Care Act, which governs the subject of the State's care of citizens' health, organisation of institutions in the health system and the rights of patients, and the Health Insurance Act, which regulates the insurance system, general rights and duties of insurance users, as well as the manner of exercise of rights.

In the Republic of Serbia, there is a trend of developing a comprehensive system of mandatory health insurance that would include all citizens, particularly those belonging to groups deemed marginalised and who are provided health care from the Budget of the Republic of Serbia.

The Constitution establishes the right and obligation to primary education and the right to secondary education. Primary education is mandatory and free, whilst secondary and high education is financed from the budget of the Republic of Serbia, depending on candidates'

success, or through self-financing. The Foundations of the Educational System Act provides for pre-conditions for non-segregated inclusion of all children in the education and their continuous education. An individualised approach has been established, and when necessary, individual education plans for students in need of additional education support are drafted by the teaching staff of the respective institution in collaboration with parents. Members of national minorities may conduct educational work in Serbian language, their native language or bilingually. An affirmative action of enrolling Roma children to secondary schools and universities is being taken in the Republic of Serbia, with scholarships and loans being awarded to pupils and students.

The Constitution determines the right of scientific and artistic creation. In the Republic of Serbia, there is no difference in the protection of cultural properties relating to their origin. Acts governing the area covering activities conducted by institutes for the protection of monuments, museums, archives and libraries, as well as standards of the profession of protection of cultural heritage, stipulate that all cultural properties must be treated and protected equally no matter the time of creation and cultural provenance.

Mr. Chairman,

In conclusion, I would like to stress that the Republic of Serbia, aware of the existing challenges, remains consistent in its efforts to meet international obligations and standards, especially in the sphere of promotion of economic, social and cultural rights, which also entails active cooperation with international bodies dealing with these issues.

We also see today's Dialogue with the Committee as part of this process. I am confident that we shall consider all matters which are of particular interest to the Committee. For us, the Dialogue will serve as a useful experience in our efforts to continue to improve and strengthen the system of human rights protection in the Republic of Serbia.

Thank you, Mr. Chairman.