



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the second periodic report of Serbia*

I. General information

1. Please explain whether the Office of the Ombudsman contributes to the promotion and protection of economic, social and cultural rights enshrined in the Covenant and provide information on the decisions and recommendations in that regard. Please also indicate whether it is provided with adequate financial and personal resources.
2. Please provide examples of cases in which the provisions of the Covenant have been invoked before, and applied by, the courts, including information on the availability of remedies and their effectiveness for individuals claiming a violation of the rights contained in the Covenant.
3. Please explain what measures have been undertaken to raise awareness among the judiciary, lawyers and lawmakers about the Covenant rights.

II. Issues relating to the general provisions of the Covenant (arts. 1-5)

Article 2, paragraph 1

4. Please provide information on the effective measures taken to combat corruption with a view to maximizing resources available for the enjoyment of all economic, social and cultural rights, taking into account the Committee's general comment No. 3 (1990) on the nature of States parties' obligations.

Article 2, paragraph 2 – Non-discrimination

5. Please describe to what extent the Law on Prohibition of Discrimination (No. 22/09) and the Law on Prevention of Discrimination of Persons with Disabilities (No. 33/06) have facilitated the enjoyment of economic, social and cultural rights, including by marginalized

* Adopted by the pre-sessional working group at its fifty-second session (2-6 December 2013).



groups, and indicate the number of cases invoking equal treatment and their outcomes (E/C.12/SRB/2, para. 1).

6. Please provide information on the Ombudsman's assessments of the effectiveness of Roma inclusion measures throughout Serbia and explain the achievements of the Commission for the Protection against Discrimination in implementation of the Ombudsman's recommendations in regard to economic, social and cultural rights and the recommendations of the Committee.

7. Please explain how privatization has impacted the enjoyment of economic, social and cultural rights and indicate what measures are being undertaken to ensure the enjoyment of economic, social and cultural rights by the rural population.

8. Please indicate how many ethnically motivated incidents of violence or hatred have been reported and investigated in 2010-2013, and with what outcomes as far as the Covenant is concerned. Please also provide information on the steps taken to prevent and punish acts of discrimination against members of national minorities (E/C.12/SRB/2, paras. 4-5).

9. Please describe how the Strategy for Improvement of the Status of Roma 2012-2014 and the Action Plan for Implementation of the Strategy, together with the new Strategy for Prevention and Protection against Discrimination, have contributed to increase access to affordable housing, education, employment, health and social protection.

10. Please assess the effectiveness of procedures for refugees, returnees and internally displaced persons (IDPs) to obtain personal documents, including birth certificates and identity cards, essential to the enjoyment of economic, social and cultural rights, in accordance with the amendments to the Law on Non-Contentious Procedures of 31 August 2012. Please also indicate how many refugees, returnees and IDPs, in particular Roma without registered residence, have gained access to personal documents (E/C.12/SRB/2, para. 20).

11. Please indicate what durable solutions for IDPs have been undertaken or envisaged, in particular as regards their access to housing, employment and other income-generating activities, health, education and adequate services, including water and energy. Please also clarify what legal and administrative steps have been taken to assist IDPs, including those belonging to religious minorities, in their claims for the restitution of their property or appropriate compensation.

12. Please indicate the concrete steps taken to counter discrimination against minority religious or belief communities, violent attacks against places of worship and intrareligious tensions. Please also inform the Committee about existing strategies to promote interfaith dialogue at the local, regional and national levels and their impact.

13. Taking into account the repeated banning of pride parades by the Serbian authorities, please indicate the steps taken to raise awareness and combat discrimination based on gender identity and sexual orientation, as well as remedies available to victims of such discrimination. Please also indicate whether the criminal law recognizes hate speech against lesbian, gay, bisexual and transgender (LGBT) persons as an offence. Please further provide information about the steps taken to guarantee the rights of LGBT persons to freedom of expression, association and peaceful assembly and inform the Committee about strategies to ensure protection of defenders working on LGBT rights.

Article 3 – Equal rights of men and women

14. Please indicate what steps have been taken to ensure equal opportunities for women and men in access to occupation and career progression, and indicate the number and

results of cases of gender discrimination brought, and whether compensation has been paid. Please also comment on the reports that women, in particular those who are pregnant, often work with only temporary contracts which are not extended when they deliver.

15. Please provide information on the steps taken to strengthen national mechanisms for gender equality and the human and financial resources available to those mechanisms. In addition, please explain how the Council on Gender Equality effectively contributes to the equal treatment of women and men. Please also clarify what measures have been taken to increase the representation of women in the executive, legislative and judicial branches of the government, including temporary special measures, as well as in the economic sector.

16. Please explain the impacts of the Law on Gender Equality, the National Strategy for Improvement of the Status of Women and Advancement of Gender Equality in combination with the Strategy for Poverty Reduction and the National Employment Action Plan, in particular on women's right to work, education and the highest attainable standard of health (E/C.12/SRB/2, paras. 127, 130-131).

III. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Article 6 – The right to work

17. Please describe the measures taken to address high unemployment, low participation in employment in the private sector and low mobility of the workforce, especially among women. Please also describe the impact of active employment policies to improve the competitiveness of disadvantaged groups of society in the labour market (E/C.12/SRB/2, para. 24) and to address the higher unemployment rate of women as compared to men (E/C.12/SRB/2, para. 25), and indicate how those policies are monitored and evaluated. Please further indicate the expenditures on active labour market policies (as a share of gross domestic product (GDP)). Please describe how the State party enforces the implementation of employment incentives by private-sector employers. Please also explain the interpretation of article 22 of the Labour Code, since it may allow for prevailing discrimination "when so justified".

18. In view of the reports that 49.5 per cent of IDPs have been unemployed and that more than 90 per cent of them have been unemployed for more than two years, please describe the steps taken to facilitate the inclusion of IDPs in the labour market and the effects of such measures.

19. In view of the previous concluding observations (E/C.12/1/Add.108, para. 44), please provide information on the effectiveness of the steps taken to promote employment and combat low income among persons with disabilities through special measures, as well as to collect reliable data on the extent of their unemployment (E/C.12/SRB/2, paras. 27-28). Please also indicate the steps to ensure the implementation of the Law on Professional Rehabilitation of Persons with Disabilities.

20. Please explain whether the unemployment benefit coverage has been extended and indicate the reasons for absence of information on unemployment benefit coverage disaggregated by residency status and national or ethnic origin. Please also provide detailed information on the number of persons who are not eligible for old-age or disability pensions, as recommended in the previous concluding observations (E/C.12/1/Add.108, paras. 47-48).

21. Please explain what measures have been undertaken to combat unemployment and low income among Roma, refugees and other marginalized individuals. Please also provide

information on the steps taken with a view to securing adequate working conditions and access to the social security system for Roma, refugees and other marginalized individuals who are currently employed in the informal economy.

22. Please provide information on the placement rate, the number of placements made out of the total vacancies notified to the employment services and indicate the average length of time for filling vacancies.

Article 7 – The right to just and favourable conditions of work

23. Please indicate what steps have been taken to ensure equal treatment of women and men in the public and private sectors, in particular equal remuneration for work of equal value. Please also explain what measures have been taken to combat the gender wage gap of 15 per cent.

24. Please provide annual statistical data, since 2006, concerning inspections carried out in the area of labour and safety at work by the Labour Inspection and their results, including the findings of breaches in the private sector, and the best practices. Please also describe the functioning of labour inspectorates and indicate whether they can deal with any breaches of labour standards or only those reported by employees.

Article 8 – Trade union rights

25. Please explain why only a small number of workers are unionized in the private sector and why the registration of trade unions is subject to strict requirements including the authorization by the Minister of the Interior who also has the power to dissolve trade unions.

26. Please indicate the steps taken to ensure respect for freedom to form and join trade unions in private-sector companies. Please also inform the Committee about the instances of interference by employers with the right to form or join trade unions by employees as well as incidents of retaliation, if any, following involvement in trade union activities (E/C.12/SRB/2, para. 35). In the light of the previous concluding observations (E/C.12/1/Add.108, para. 46), please explain why the category of essential services is so broad as to include teachers and postal workers, thus limiting the right to strike beyond permissible restrictions set out in article 8 of the Covenant.

Article 9 – The right to social security

27. Please indicate whether the unemployment benefit provides for an adequate standard of living for the persons concerned and their families. Please also indicate whether the old-age and disability pensions have universal coverage.

28. Please indicate the steps taken to ensure assistance to IDPs by facilitating, inter alia, their access to personal documents in regard to employment history in order to enjoy social security and pension benefits. Please also specify what measures have been taken to recognize and accept documentation necessary for pension decisions in Serbia.

29. Please explain to what extent the social security legislation guarantees protection and services to marginalized groups and individuals such as persons with disabilities, those with low income or the long-term unemployed. In particular, please inform the Committee about the duration of social benefits and clarify the existence, if any, of interruptions in social security benefits and their duration.

30. Please explain what steps have been taken by local social welfare centres to integrate Roma and facilitate their access to social services in particular for those living in formal and informal settlements.

Article 10 – Protection of the family, mothers and children

31. Please provide information on the effectiveness of the measures taken to combat domestic violence, including training of the law enforcement authorities in that regard and providing assistance to victims in pursuance of the Law on Gender Equality. Please also explain why the relevant statistical data have not been disaggregated by national or ethnic origin (E/C.12/SRB/2, paras. 53 and 56).

32. Please provide information on the effectiveness of the legislative and policy measures in place to ensure protection for abused children, as well as the number of reported cases of child abuse (E/C.12/1/Add.108, para. 51). Please also provide information on the measures taken in the State party, including legislation, to prohibit corporal punishment in all settings, including at home.

33. Please indicate how the maternity benefits system is regulated in the State party and whether maternity benefits are made conditional on the duration of an employment contract.

34. Please provide information on the impact of the National Plan of Action against Human Trafficking for the period 2009-2011, as well as on training for law enforcement officials, judiciary, medical personnel and social workers in that regard during the reporting period. Please also provide information on the number of police officers who have been prosecuted and convicted for their involvement in trafficking of human beings during the reporting period, as requested in the previous concluding observations (E/C.12/1/Add.108, para. 52), and indicate the steps taken to counter the increase in acts of trafficking of children (E/C.12/SRB/2, para. 72).

35. Please explain what measures are undertaken to combat child labour, especially of Roma children below the age of 15, in the informal economy.

Article 11 – The right to an adequate standard of living

36. Please indicate what measures have been taken to address the situation of many Roma families who continue to live in substandard housing conditions without access to basic services such as electricity, running water and sanitation and indicate the number and percentage of the population still living below the poverty line.

37. Please indicate the measures taken by the State party to ensure the right to housing for IDPs and other disadvantaged groups, including Ashkali, Egyptians and Roma, in particular those living in irregular settlements, and specify to what extent the housing programmes currently under way, including the National Strategy for Social Housing of February 2012, address the housing needs of the above-mentioned groups.

38. Please explain if any specific steps have been adopted or planned to incorporate the right to adequate housing, including the prohibition of forced evictions, into the domestic legal framework in accordance with the Covenant. Please also clarify the reports of forced evictions disproportionately affecting Roma and explain what procedures have been followed prior, during and after the evictions, in order to consult affected communities throughout all stages, ensure due process guarantees and compensation and in particular provide for adequate alternative accommodation, as outlined in the Committee's general

comment No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions.

39. Please provide the Committee with relevant data, on an annual basis, on the number of forced evictions, individuals affected by them, conditions under which the evictions took place as well as demand for social housing, in pursuance of the Law on Social Housing, and the average waiting time.

40. Please describe the steps taken to deal with the lack of safe drinking water in 17.5 per cent of rural households, taking into account the Committee's general comment No. 15 (2002) on the right to water.

Article 12 – The right to physical and mental health

41. Please explain what measures have been taken to ensure access to health care for individuals without a health card and/or a personal identification number, including refugees, returnees and IDPs. Please also describe the steps taken to deal with the limited access to primary health services in rural areas.

42. Please describe the measures taken to ensure access to mental health services and rehabilitation for victims of physical and sexual violence.

43. Please provide information on measures taken to promote adolescent health and provide reproductive health counselling and services to the general population, in particular with a view to combating the spread of HIV/AIDS. Please also provide information on the number of children living with HIV/AIDS in the State party and on the measures adopted to provide them with the medical attention they require.

Articles 13 and 14 – The right to education

44. Please indicate what measures have been taken to ensure access to primary and secondary education for IDPs residing in collective centres.

45. Please inform the Committee about efforts to discontinue the practice of enrolling Roma in "Roma-only schools" or schools for children with special needs, in particular in multi-ethnic surroundings, and to prevent the degradation of education, curricula and funding in the schools where Roma children are in the majority. Please also provide updated information on the impact of measures in the State party to address non-attendance of Roma children and children from other minority groups in primary education as well as their access to secondary education.

Article 15 – Cultural rights

46. Please provide information on the effectiveness of the measures ensuring equal enjoyment of cultural rights by all groups, while preserving their own cultural identities and promoting intercultural understanding and appreciation of the cultural heritage of other communities, in the entire territory of the State party. In particular, please assess the impact of national minority councils elected in 2010 on enhanced enjoyment of cultural rights by minorities and describe the steps taken to resolve the issues in regard to the establishment and functioning of the Bosnian minority council.

47. Please indicate the measures taken by the State party to ensure access to the Internet, in particular for disadvantaged and marginalized individuals and groups.