



European
Social
Charter

Charte
Sociale
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COUNCIL
OF EUROPE

CONSEIL
DE L'EUROPE

29/10/2012

RAP/RCha/SE/II(2012)Add

EUROPEAN SOCIAL CHARTER

REPLY TO SUPPLEMENTARY QUESTIONS

1st National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF SERBIA

(Article 1§2
for the period 01/11/2009 – 31/12/2010)

Report registered by the Secretariat on 29 August 2012

CYCLE 2012

1. What is the length of, if any, compulsory minimum period of service required of those serving in the professional armed forces?

Under the Law on Army of Serbia (Official Gazette of RS, 116/2007, 88/2009, 101/2010, hereinafter referred to as 'the Law') Article 32, the nationals of the Republic of Serbia enter the Army of Serbia on the basis of the enactments on referral to the Army of Serbia under military service obligation or on the basis of enactment on admission to military service issued by the competent authorities with conferred powers. Also, under Article 2 a national of the Republic of Serbia enter the Army of Serbia on the basis of the enactment on admission to military institution for education to further schooling and education for military duty, i.e. to vocational training for officers and non-commissioned officers. When a professional military person enters the service s/he is bound to sign a contract regulating mutual rights and obligations of the contractual parties, under which the military professional is contracted to remain in the service after completion of schooling for a period under the Law. Under Article 80 of the Law, a national of the Republic of Serbia who on the basis of a contract concluded with the Ministry of Defence has been trained for a military duty, shall after completion of schooling, or further training, enter the service in the Army of Serbia and remain in the service for a period equal two times schooling period, or scholarship period. A professional member of the Army of Serbia who is referred to regular schooling, further training or specialization shall after completion of schooling, further training or specialization stay in the service of the Army of Serbia for a period that is equal to double period of schooling, training or specialization, and if s/he completed them abroad – which equals triple period of schooling, training or specialization.

It should be emphasized that in case the contract provisions are not executed by fault of the person referred to schooling, specialization, training, and the person is bound to recover all the actual expenses of schooling, specialization or training as one-off amount paid from the budget.

Under article 110, paragraph 1, subparagraph 6 of the Law the service in the Army of Serbia for the officer or non-commissioned officer may be terminated on his/her request.

The obligation under which the employment contract may not be terminated before expiry of the contracted period is applicable only to professional military persons who have been on schooling for Army at military institutions for education or civilian institutions for education. The obligation to remain in employment relation for the other members of the Army of Serbia, both for professional military persons and civilians (whose schooling was not funded from the budget), is not limited and they may terminate employment relationship on their request at any time.

2. Are there circumstances, such as specialised training or specific operational requirements, which entail a different compulsory minimum term of service in the professional armed forces and under what conditions may the persons concerned leave the service before the expiry of this term?

Under the Law, after completed schooling, or further training, the professional member of the Army of Serbia, and therefore after completion of specialised trainings and courses, shall serve in the Army of Serbia for a fixed-term.

Also, the Law provides for the termination of employment contract on personal request of a person attending special trainings and courses. In case of termination, a professional member of the Army shall recover all actual expenses incurred under the contract which were paid from the budget if by his/her fault or will is no longer a person who is in further training or fails to deliver the contract.

SECRETARIAT GENERAL

**DIRECTORATE GENERAL
HUMAN RIGHTS AND RULE OF LAW**

DIRECTORATE OF HUMAN RIGHTS

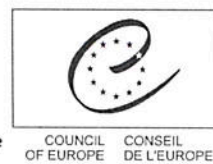
*HEAD OF THE DEPARTMENT
OF THE EUROPEAN SOCIAL CHARTER
AND THE EUROPEAN CODE OF SOCIAL SECURITY,
EXECUTIVE SECRETARY
OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS*

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Ms Dragana Radovanovic
Ministry of Labor and Social Policy
Head of Department for
International Cooperation
European Integration and
Project Management
Nemanjina St. 22-26
Belgrade
Serbia

Strasbourg, 14 June 2012

Dear Ms Radovanovic,

The European Committee of Social Rights is currently examining the States' reports on the European Social Charter with respect to the thematic group on "employment, training and equal opportunities" and has instructed me to forward to you the enclosed questions.

The Committee would be grateful if you could reply to these questions before 27 July 2012 in order to allow the information to be taken into account in Conclusions 2012.

Yours sincerely,

Régis Brillat



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EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX

14 June 2012

Questions addressed to Serbia

Article 1§2 (prohibition of discrimination in employment/ forced labour/ right to earn one's living in an occupation freely entered upon):

- *What is the length of, if any, compulsory minimum period of service required of those serving in the professional armed forces?*
- *Are there circumstances, such as specialised training or specific operational requirements, which entail a different compulsory minimum term of service in the professional armed forces and under what conditions may the persons concerned leave the service before the expiry of this term?*