



European  
Social  
Charter

Charte  
Sociale  
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COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

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## **EUROPEAN SOCIAL CHARTER**

Addendum to the  
2<sup>nd</sup> National Report on the implementation of  
the European Social Charter  
submitted by

## **THE GOVERNMENT OF SERBIA**

(Article 23 for the period  
01/01/2008 – 31/12/2011)

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Report registered by the Secretariat on  
22 May 2013

**CYCLE 2013**



**The Question of the European Committee for Social Rights in connection to the application of Article 23 of the Revised European Social Charter: taking into account all cash benefits in the system of social protection for older persons, please indicate the exact amount of the minimum cash allowance guaranteed for the older persons with inadequate income and conditions such a person should fulfil to exercise the right to the benefit.**

Under the Social Welfare Law (Official Gazette of RS, 24/11 – hereinafter referred to as the Law), elderly are the adults who are 65+ whose well-being, security and productive life in the society is endangered by the risks (contingencies) due to old age, disability, sickness, family circumstances as well as other life circumstances.

The last resort support is exercised in the following manners:

1. Cash social assistance
2. Caregiver's allowance
3. Increased caregiver's allowance
4. One-off benefit in cash and in kind respectively
5. Other types of the last resort support

**1. Cash social assistance** – Eligible to cash social assistance shall be individuals and/or families who their generate income by their work, or from property or other sources, and such income is lower than cash social assistance stipulated by this Law. (Article 81, paragraph 1 of the Law).

The basis upon which its amount is set, which is adjusted to the CPI in previous six months, based upon the statistical data, two times a year, on 1 April and 1 October, according to the latest data available is RSD 7.275,00.

Its amount in nominal terms is set in the following manner:

- 1) For the individual, i.e. owner of the right to benefit at the level 1 of the base (or 7.275,00 dinars until the next date of indexation).
- 2) For succeeding adult individual in the family, at the level of 0.5 of the base (or 3.638,00 dinars until the next date of indexation)
- 3) For a child below 18 years of age, at the level of 0.3 of the base (or 2.183, 00 dinars until the next date of indexation)

The family with more than 6 members is entitled to social cash assistance for six members.

The older beneficiary may have the right to cash social assistance recognized as for an individual if it is established that he/she lives alone, and if he/she does not live alone within the family, under the conditions provided for in the Law.

Conditions for the exercise of the right of the older beneficiary living alone are as follows:

1. That he/she does not generate income from income from property or other sources that is lower than the cash social assistance
2. That he/she did not concluded the agreement on support for life
3. That in addition to the housing space adequate to the needs of the individual, he/she owns land up to 1 ha. In case the older beneficiary has land the surface of which is over 1 ha, he/she is entitled to exercise the right to cash social assistance, if in the centre for social work, he/she gives his/her consent to place his/her immovable under mortgage as a collateral to claims.

In case the older beneficiary does not live alone, the entitlement to cash social assistance is exercised within the family he/she lives in, under the conditions set in the law (a total income of the family is taken into account, as well as the prosperity, number of able bodied members, number of members who are not capable for work, etc.)

Under the Law, elderly individuals who are beneficiaries fall within the category of positively discriminated categories, in such a way so as to regard these persons incapable for

work within the meaning of this Law (women who are 60 and more, men with completed 65 years of age), and in case they are eligible for cash social assistance, they may exercise the right to increased cash social assistance that amounts to 20 % increment on cash social assistance for the individual that they are already entitled to.

**2. Caregiver's benefit** - Eligible for carer's benefit shall be a person who, due to bodily or sensory impairment, intellectual difficulties or deteriorated health condition is in need of other person's care and assistance in order to meet the basic subsistence needs (Article 92, paragraph 1), and on condition that the beneficiary cannot exercise this right on any other legal basis (e.g. on the basis of the right to pension and disability insurance, employment relation).

The authorities in charge of expert opinion passing under the pension and disability insurance regulations assess the need for caregiver's benefit.

The referred to benefit is set in monthly amount in nominal terms, which according to the latest data published, for this category of persons, amounts to RSD 9.157,00, and is indexed with the CPI in previous six months, on the basis of the statistical data, twice on 1 April and 1 October.

**3. Increased caregiver's benefit -**

1. Eligible for increased carer's benefit shall be a person referred to in Article 92, Paragraph 1 of this Law, who, according to the pension and disability insurance regulations, was diagnosed with a bodily impairment of 100% on one ground or permanent organic disorder or neurological and psycho-psychical nature, and person referred to in Article 92, Paragraph 1 of this Law who has multiple impairments, where the level of such impairment is 70% and more percents on at least two grounds.

The referred to benefit is set in monthly amount in nominal terms, which according to the latest data published, for this category of persons, amounts to RSD 24.699,00, and is indexed with the CPI in previous six months, on the basis of the statistical data, twice on 1 April and 1 October.

2. The individual who under other legal grounds (pension and disability insurance regulations) has already exercised the right to caregiver's benefit and for whom it is established that he/she has 100% bodily impairment of on one ground or permanent organic disorder or neurological and psycho-psychical nature, or who has multiple impairments, where the level of such impairment is 70 % or more on at least two grounds. The referred to benefit is recognized for this persons in the amount of difference between the amount that he/she would have had under this law and the amount of the benefit he/she has exercised on other legal grounds.

**4. One-off assistance** shall be assistance provided to a person who is unexpectedly or momentarily in the state of social need. One-off assistance may be cash and in-kind. Eligibility requirements and amount are in greater detail set by a unit of local self-government. Its amount shall not exceed monthly average wage of the workers in the local government unit in the month preceding the month of payment of the benefit (Article 110 of the Law).

**5. Other types of material/last resort support** – the unit of local self –government may also foresee other types of last resort assistance for its citizens in its territory (soup kitchens, subsidised.). Consumers of energy who are protected, are exempt from administrative fees and taxes, and in part are exempt from utility services payment, and they are entitled to other subsidies.

**The additional cash benefits/allowances available for recipients of minimum old age pensions**

The beneficiaries of the minimum old pension shall be entitled to short term cash assistance in accordance with the Government Decision which was adopted on September 14, 2012. According to the Decision, the beneficiaries with the pensions lower than 15.000 RSD (150

EUR) will be entitled to short term cash benefit in the amount of 4000 RSD ( 40 EUR) , four times a year-quarterly ( in March, June, September and December).

The lowest pension in Serbia in February 2013 was 12,898 RSD.

All persons with the lowest pensions may have other benefits from the social security system, in accordance with the Social Welfare Law.