



International
Labour
Office



THE STATE OF APPLICATION OF THE PROVISIONS
FOR SOCIAL SECURITY OF THE INTERNATIONAL
TREATIES ON SOCIAL RIGHTS RATIFIED BY

Serbia

ILO
TECHNICAL
NOTE

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The information and data contained in the Case Study is taken from the Government reports, on-line databases of the National Statistical office, official web-sites of the government departments, MISSCEO, MISSOC, SSI, ILOSTAT and EUROSTAT.

List of international abbreviations:

CAS	Committee on the Application of Standards, International Labour Conference
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
COE	Council of Europe
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ECSR	European Committee of Social Rights
ECSS	European Code of Social Security
ESC	European Social Charter
EU	European Union
EUROSTAT	Statistical Office of the European Union
GC	Governmental Committee of the European Social Charter and European Code of Social Security
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILS	International Labour Standards
IMF	International Monetary Fund
MISSEO	Mutual Information System on Social Protection of the Council of Europe
MISSOC	Mutual Information System on Social Protection
OECD	Organisation for Economic Co-operation and Development
SSI	Social Security Inquiry

CHAPTER I. Country profile: adequacy of social security benefits, income and poverty indicators. Determination of the Standard Reference Wage used for calculating the replacement level of benefits

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Country profile by national indicators and minimum standards of social security

Table 1. Eurostat indicators	2013	2014
At-risk-of-poverty threshold (40%, single person)	€ 967	€ 955
At-risk-of-poverty threshold (50%, single person)	€ 1,209	€ 1,193
At-risk-of-poverty threshold (60%, single person)	€ 1,451	€ 1,432
At-risk-of-poverty rate –(40%, of median equivalised income)	13.3%	14,1%
At-risk-of-poverty rate –(50%, of median equivalised income)	18.4%	19.4%
At-risk-of-poverty rate –(60%, of median equivalised income)	24.5%	25.4%
At-risk-of-poverty rate before social transfers, pensions excluded –(60%, of median equivalised income)	31.8%	32.6%
Aggregate replacement ratio	0.49	0.47
Severe material deprivation (% of total population)	26.9%	26.3%
Gini coefficient	38.0	38.6

Table 2. MISSCEO (2015)	
Social Security branch	Compensation rate
Sickness benefit	65% of the basis during the sickness leave
Unemployment benefit	50% of the basis (average wage earned in the six month period before unemployment)
Old-age benefit	Value of personal points in relation to pension period
Employment injury benefit	100% of the basis in case of work injuries and occupational diseases, tissue or organ donation
Family benefit	Flat rate child benefits; birth grant: 96% of net average wage for first child; 373% - second; 672% - third; 896% - fourth
Maternity benefit	100% of gross salary in previous 12 months (period of employment at least 6 months prior to maternity leave); 60% of gross salary in previous 12 months (3-6 months of employment); 30% of gross salary in previous 12 months (less than 3 months of employment)
Invalidity benefit	Same level as the old-age pensions
Survivor's benefit	70-100% of the pension of the deceased

Table 3. National indicators of guaranteed minimum resources. MISSCEO (2015)	
Base for calculation of the amount is 7,789 RSD (January 2015)	20% of net average wage
Beneficiary	Amount of cash benefit
Individual – 1 Base	7,789 RSD
Other family members (adults) – 0.5 Base per person	3,894RSD
Other family members (children up to age 18) – 0.3 Base per child	2,337 RSD
Two adult members family	11,683 RSD
Three members family (1 adult and 2 children)	12,463 RSD
Four members family (2 adults and 2 children)	16,357 RSD

Table 4. ISSA (2014)

Average gross wage	60,102 dinars			
Minimum monthly wage	18,400 dinars			
Social Security branch	Min amount of benefits	Max amount of benefits	RR	Insurance period
Sickness benefit	39,066.3 dinars		65% of the calculation base; 100% for a work injury, occupational disease, or organ or tissue donation	At least three continuous months or six months in the last 18 months
Unemployment benefit	14,720 dinars (80% of the national monthly minimum wage)	96,163.2 dinars (160% of the national monthly average wage)	50% of the insured's average earnings in the last six months	At least 12 consecutive months of coverage or 12 months in the last 18 months.
Old-age benefit	The value of the general point is 712.15 dinars		The pension is based on the number of years of contributions, the ratio of the individual's wage to the average wage, and the value of the general point.	
Family benefit (parental allowance, means tested)	Lump sum of 36,743 dinars is paid for the first child; 143,680 dinars - second child; 258,613 dinars - third child; and 344,813 dinars - fourth child			
Family benefit (child allowance, income tested)	2,568 dinars for each child			
Maternity benefit	18,400 dinars (minimum monthly wage)		100% of the insured's earnings is paid with at least six months of continuous coverage; up to 60% with three to five months; 30% with less than three months.	No minimum qualifying period
Invalidity benefit	The value of the general point is 712.15 dinars.		The pension is based on the number of years of contributions, the ratio of the individual's wage to the average wage, and the value of the general point.	
Survivor's benefit (one survivor)	As old-age pension, calculated based on 20 years of coverage		70% of old-age pension of deceased or 140% for a full orphan	
Survivor's benefit (two survivors)			80% of old-age pension of deceased or 160% for full orphans	
Survivor's benefit (three survivors)			90% of old-age pension of deceased or 180% for full orphans	
Survivor's benefit (four or more survivors)			100% of old-age pension of deceased or 200% for full orphans	

Exchange rate: US\$1.00 = 83.13 dinars

Table 5. Government report (2016)

<i>Pension base</i>	The base for the salary benefit calculation base salary realized by the insured in three months preceding the month when temporary inability to work has occurred
	Survivor's pensions and old-age pensions are determined for pensionable service of 20 years
	The average net salary in Serbia in 2014: 44,530 dinars (gross earnings in 2014 amounted to 61,426 dinars) 125% of the average net salary in 2014 (earnings of the standard worker in the previous year): 55,662.5 dinars
<i>Sickness benefit</i>	65% of the basis for salary benefit
<i>Old-Age benefit</i>	The condition for entitlement to old-age benefit is determined by Article 19 of the Law: 1) 65 years of age (for both sexes) and at least 15 years of insurance; 2) at least 45 years of insurance (regardless of age).
<i>Disability benefit</i>	The value of a general point in January 2016 is 724.66 dinars. The average amount of disability pension paid in the employee insurance for January 2016 amounted to 22,838 dinars, while the maximum amount of pension is 99,638 dinars. Pension of the beneficiary in relation to his previous earnings (replacement rate): 48.3%. Pension of the beneficiary which would be realized in 2015: $PP \times GP: 37.5 \times 716.46$ dinars = 26,867.25 dinars
<i>Survivor's benefit</i>	The average amount of survivors' benefit in the insurance of employees paid for January 2016 amounted to 19,149 dinars. A survivor's pension in 2015 for the standard beneficiary - a widow with two children, is determined as the survivor's pension for three beneficiaries, i.e. 90% of the pension of the deceased: For three beneficiaries (90% of the pension of the deceased beneficiary of old-age pension) – $17,911.5 \times 90\% = 16,120.35$ dinars. Replacement rate - 29% Pension of the beneficiary which would be realized in 2015: $PP \times GP: 25 \times 716.46$ dinars = 17,911.5 dinars
<i>Temporary disability (employment injury)</i>	100% of the basis for remuneration Insured persons are provided with 100% coverage of the price of health service payments from the funds of compulsory health insurance for screening, treatment and rehabilitation for occupational diseases and work-related injuries and medical-technical devices, implants and medical appliances, in connection with the treatment of occupational diseases and work-related injuries. The average amount of disability pension paid in the employee insurance for January 2016 amounted to 22,838 dinars, while the maximum amount of pension is 99,638 dinars.
<i>Monetary compensation for physical disability arising from a work-related injury or occupational diseases</i>	Degree of physical disability Amount of compensation 100% 6,710.27 90% 6,039.24 80% 5,638.22 70% 4,697.19 60% 4,026.16
<i>Basis for determining the compensation - 6,710.27</i>	50% 3,355.13 40% 2,684.11 30% 2,013.08
<i>Maternity benefit</i>	100% of the basis for the salary benefit, with more than 12 months of employment. Duration of maternity leave – 365 days.

Fig. 1. Article 65: Type of social security schemes and method of benefit calculation

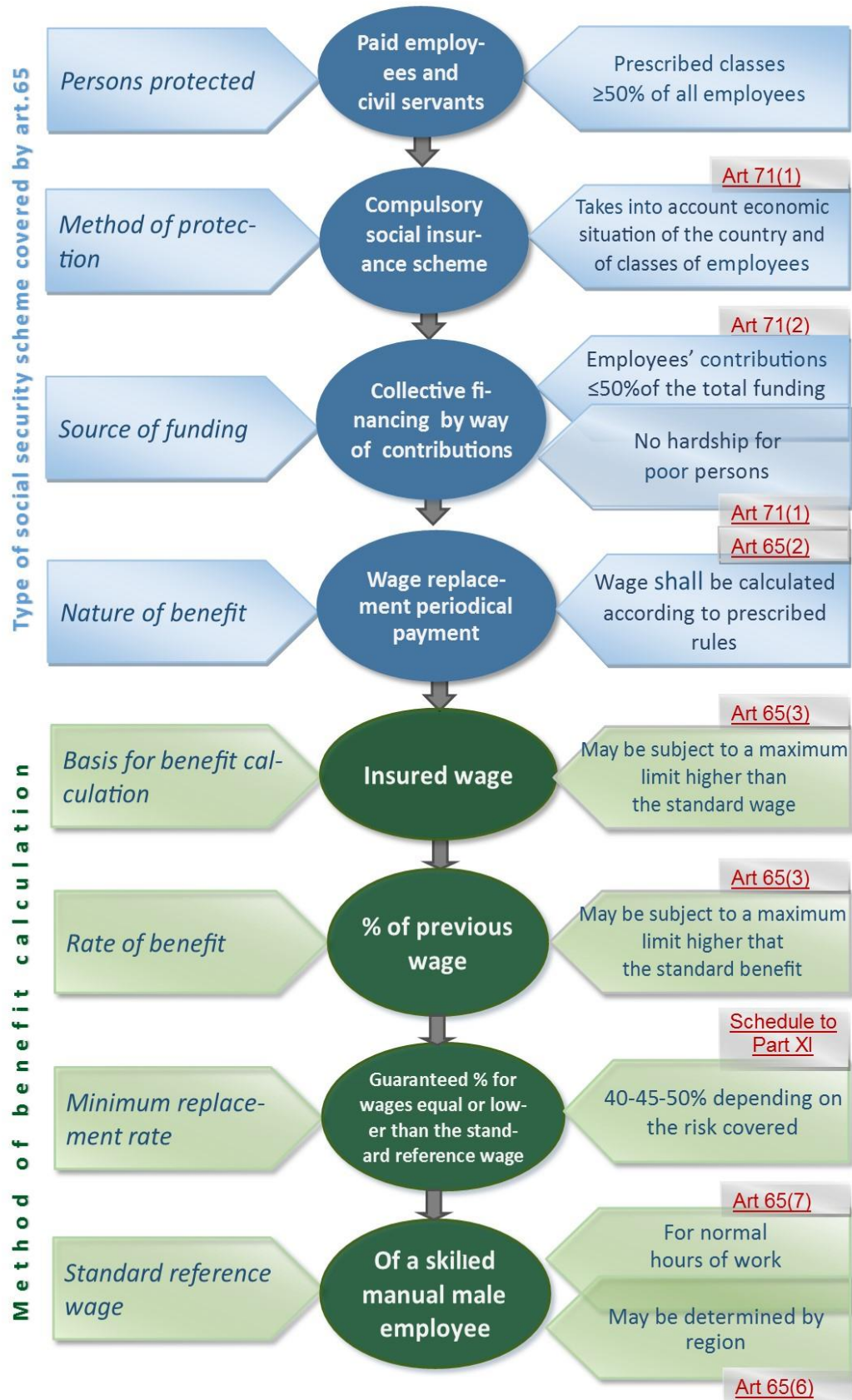


Fig. 2. Article 66: Type of social security schemes and method of benefit calculation

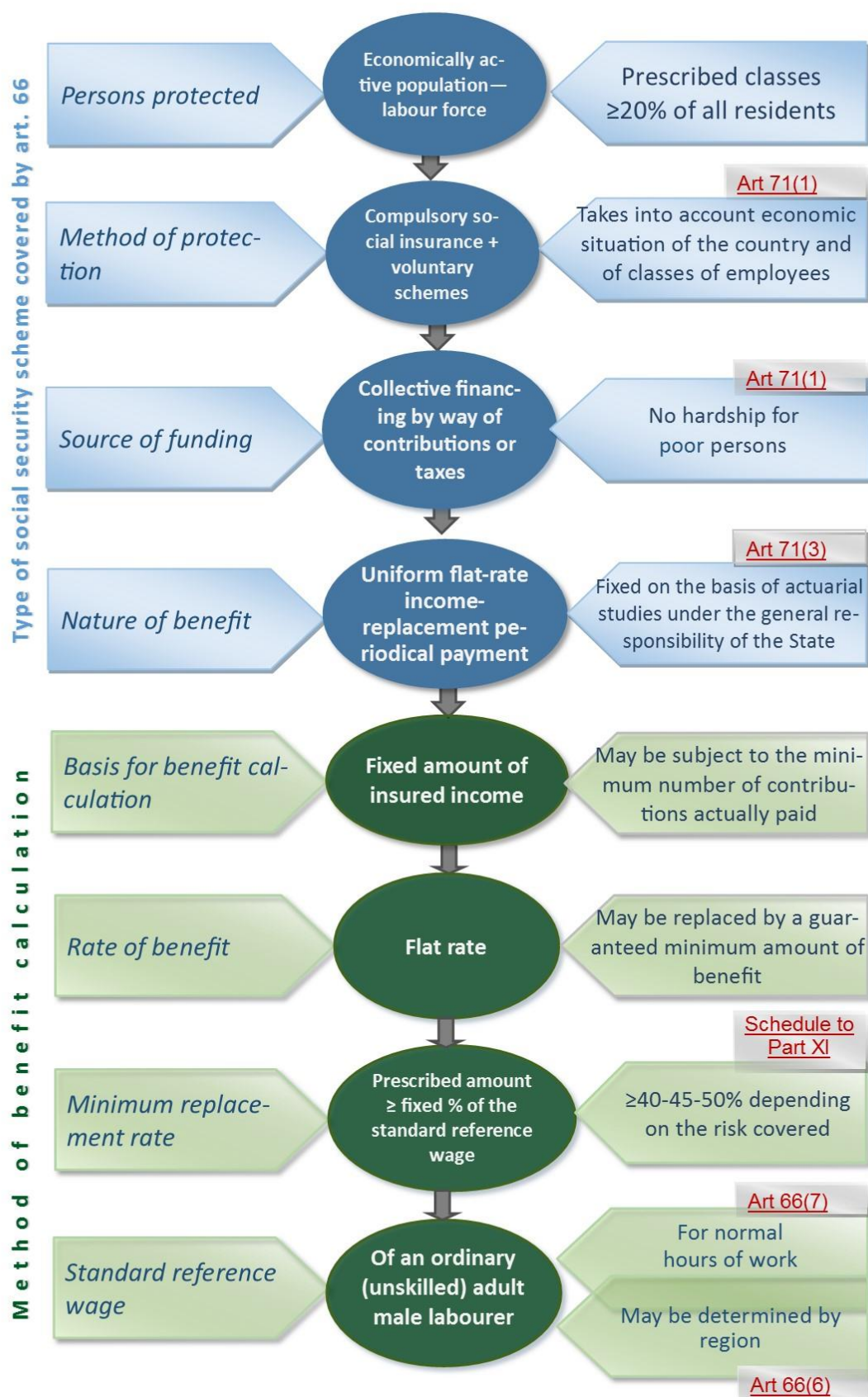


Fig. 3. Article 67: Type of social security schemes and method of benefit calculation

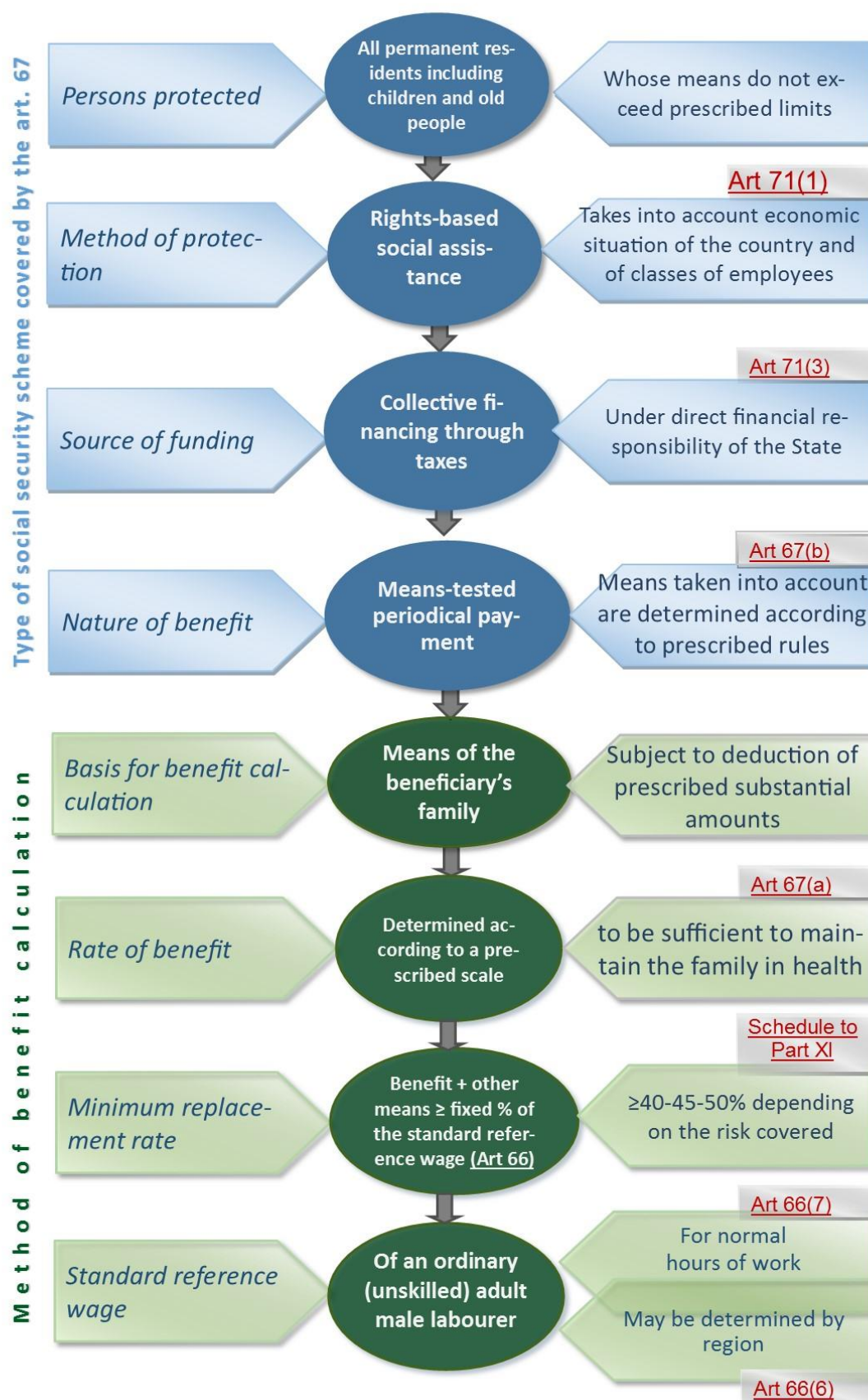


Table 6. Calculation of the reference wage under all options permitted by Articles 65-66 of the C102

Articles in the ECSS/C.102		Comments	Reference wage: amount	
			ILO calculations ¹ -2010	Government ²
Article 65 (para 6): a skilled manual male employee				
Option 1	Art.65 (6)a: a fitter or turner in the manufacture of machinery other than electrical machinery	occupations of fitter and turner can be found among skilled employees of ISCO 08 ³ (group 7)	N/A	
Option 2	Art.65 (6)b: a person deemed typical of skilled labour	a skilled employee of the ISIC rev.4 ⁴ group with the highest number of male employees: <i>typical skilled male worker in wholesale</i>	628 euros (total skilled+unskilled)	
Option 3	Art.65 (6)c: a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected	in countries where all employees are protected average wage is normally used	705 euros	
Article 66 (para 4): an ordinary manual male labourer				
Option 4	Art.66 (4)a: a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery	an employee of the ISIC rev.4 Manufacture of machinery (2-digit level of the classification: ISIC Rev.4 Section C. Manufacturing, code 28)	N/A	
Option 5	Art.66 (4)b: a person deemed typical of unskilled labour	an unskilled employee of the ISIC rev.4 group with the highest number of male employees: <i>typical unskilled male worker in wholesale</i>	N/A	

* Gross wages are used unless stated otherwise

¹ ILO calculations based on EUROSTAT data from Labour Force Survey - LFS-2013 and SES-2010 (see detailed information further)

² Reference wage reported by the Government on the application of ECSS and C.102

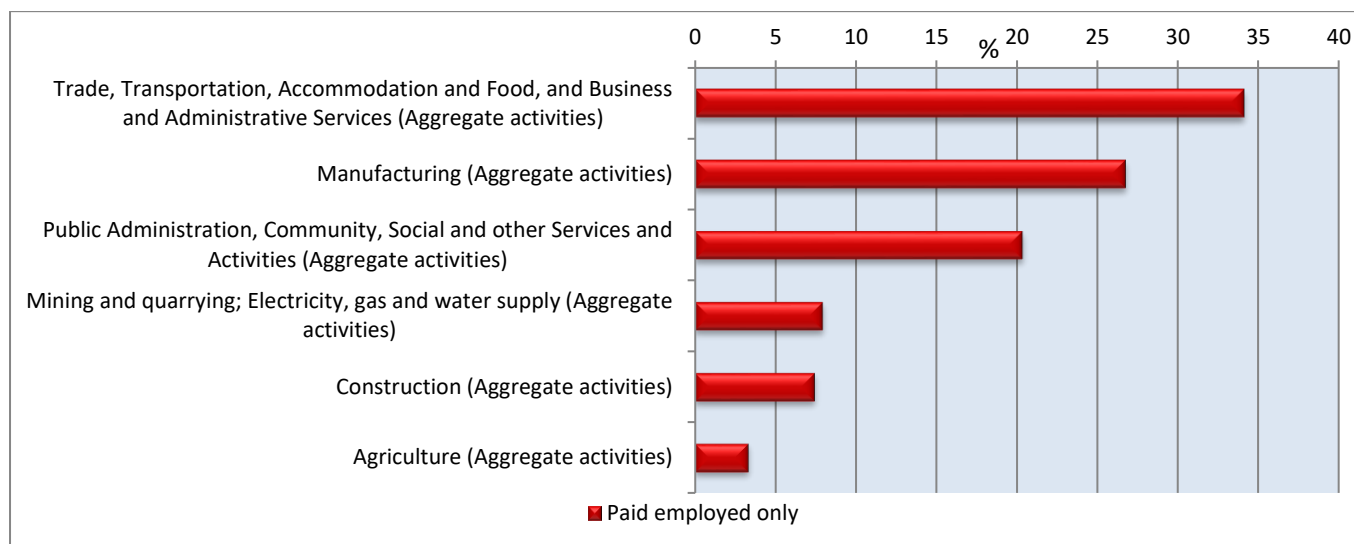
³ ISCO 08 – International Standard Classification of Occupations 2008 (detailed explanation to follow) <http://www.ilo.org/public/english/bureau/stat/isco/isco08/>

⁴ ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008
<http://unstats.un.org/unsd/cr/registry/isic-4.asp>

ILO assessment of the options offered by articles 65-66:

OPTION 2 - a typical manual male employee is found in the sector with the highest number of employed males = Manufacturing

Fig.4. Share of males in paid employment by economic activity in total number of males in paid employment (ISIC rev.4, 2013, LFS)



Source: ILOSTAT database

http://www.ilo.org/ilostat/faces/home/statisticaldata/new_link_10?_afzLoop=798261325165480#%40%3F_afzLoop%3D798261325165480%26_adf.ctrl-state%3D1cql65ly4_190

Fig.5. The average wages of a typical skilled/unskilled manual male employee are determined by cross-tabulating of the two classifications:

- ISCO 08 – International Standard Classification of Occupations (group 7- skilled and 9 – ordinary)
- ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008

		ISCO 08		
ISIC rev.4	ISCO 08	Total	7. Craft and related trades workers	9. Elementary occupations
	ISIC rev.4			
	Total			
	...			
	C. Manufacturing		skilled	unskilled
	...			

ISCO 08:

ISCO 08: Major group 7

Craft and related trades workers apply their specific knowledge and skills to produce or process goods. The tasks call for an understanding of all stages of the production process, the materials and tools used and the nature and purpose of the final product. Most occupations in this group require skills at the second ISCO level.

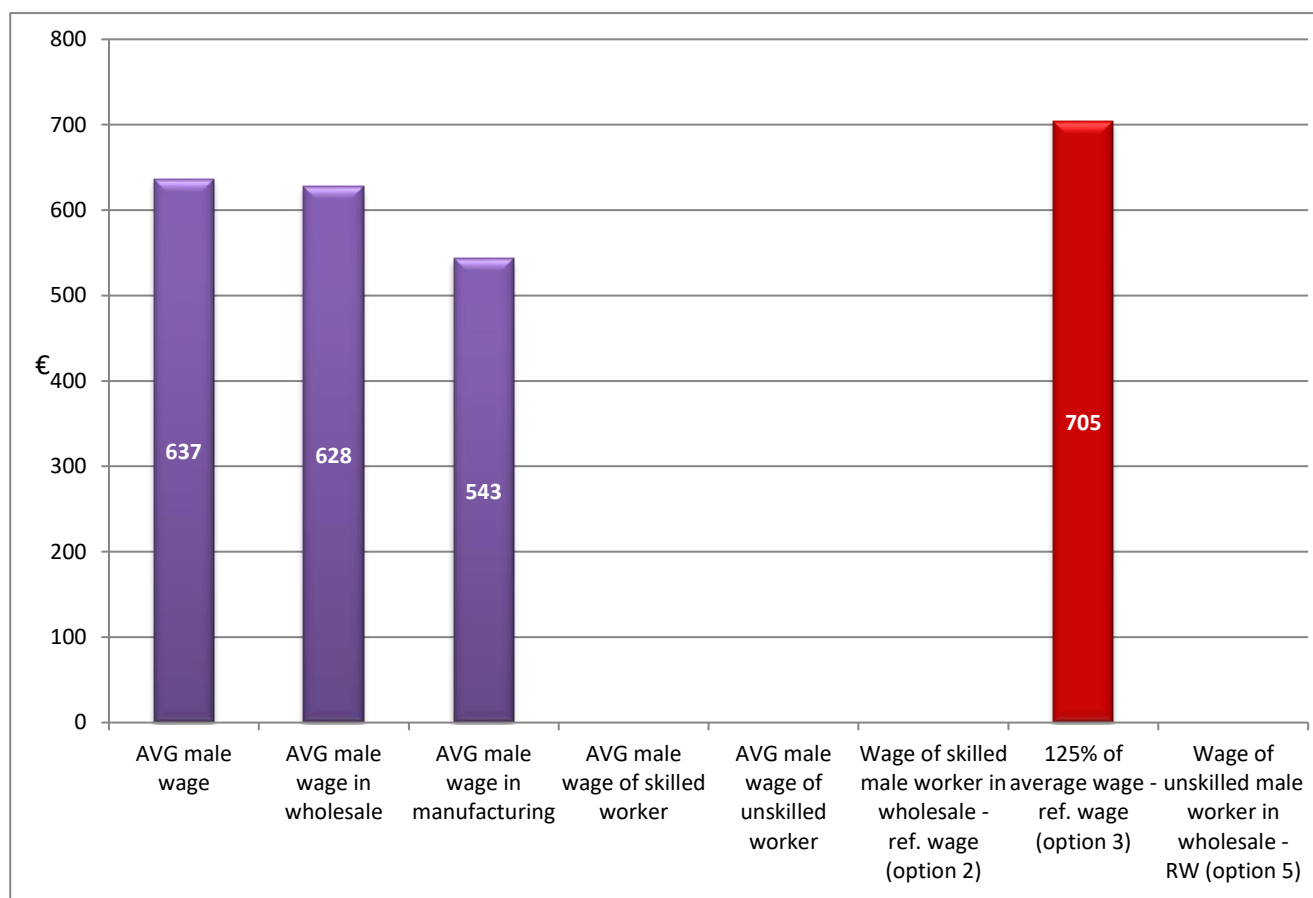
The work is carried out by hand and by hand-powered and other tools.

ISCO 08: Major group 9

Elementary occupations involve the performance of simple and routine tasks which may require the use of hand-held tools and considerable physical effort.

Most occupations in this major group require skills at first level of ISCO (involve physical and manual tasks, require only primary education at most)

Fig.6. Comparison of the reported reference wage to other wage indicators in Serbia, 2010, euros



Source: ILOSTAT database

http://www.ilo.org/ilostat/faces/home/statisticaldata/new_link_10?_afzLoop=798261325165480#%40%3F_afzLoop%3D798261325165480%26_adf.ctrl-state%3D1cql65ly4_190

*CHAPTER II. Checklists of the main provisions
of the ILO Social Security (Minimum
Standards) Convention, 1952 (No. 102) and
corresponding national legislation*

- [Table 1. Medical Care \(Part II\)](#)
- [Table 2. Sickness benefit \(Part III\)](#)
- [Table 3. Old-Age benefit \(Part V\)](#)
- [Table 4. Survivors' benefit \(Part X\)](#)

	Table 1. Medical Care (Part II)				
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
<i>Article 7</i> State guarantees :	<ul style="list-style-type: none"> • Preventive medical care + • Curative medical care 			Health care preventive measures and curative medical care are provided (see below)	
<i>Article 8</i> Risks covered	Any morbid condition (sickness), whatever its cause? + Pregnancy and confinement and their consequences?			For the pregnant women, during child birth and in postnatal period up to 12 months the following shall be ensured: - medical examinations and treatments by gynaecologist and midwives relating to pregnancy - hospital treatment when considered medically necessary, and delivery in inpatient facilities; - home visits, assistance to mother and the new-born care to be delivered by health visitors	
<i>Article 9</i> Persons protected => prescribed classes of:	Employees in paid employment which represent 50% of all employees + their wives and children? OR Economically active population (employees, self-employed, farmers, etc.) which represent 20% of all residents, + their wives and children? OR Residents which represent 50% of all residents.			The protected persons are natural persons who are mandatory insured pursuant to the Health Insurance Law, including: - persons who are in employment relation; - persons who are members of population groups exposed to increased health risks - persons who need health care in relation to prevention, elimination, early detection or treatment of diseases of greater social and medical significance; - persons who are classified as socially vulnerable population	

	Table 1. Medical Care (Part II)				
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
Article 10(1) Types of medical care to be provided: a) in case of sickness: b) in case of pregnancy and confinement and their consequences:	(i) general practitioner care, including <u>domiciliary visiting</u> ; (ii) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available <u>outside hospitals</u> ; (iii) the <u>essential</u> pharmaceutical supplies <u>as prescribed</u> by medical or other <u>qualified</u> practitioners; and (iv) hospitalisation <u>where necessary</u> ; and			- emergency aid - emergency transport by the ambulance car in cases of life threatening diseases or injuries - transport by the ambulance care that is not urgent, when it is justifiable and necessary from the medical point of view - examinations and treatment in primary healthcare, as well in the insured person's home by the selected GP - examinations at the dispensary (out-patient) and treatment at the specialist on referral from the selected GP - laboratory, x-ray, and other diagnostics as suggested by the selected GP or specialist, and medically necessary and justified for the diagnostics and treatment of the disease or injury - in-patient treatment when it is justifiable and medically necessary, which covers examinations and treatment by specialist, medical care, placement in hospital room with other patients or at intensive care and meals, i.e. specific diet in in-patient healthcare facility - right to be accompanied for the insured persons under 15 years of age, as well as for the elderly person who is to a greater extent mentally and physically handicapped, during in-house treatment and medical recovery, when it is reasonable from medical point of view	
	(i) pre-natal, confinement and post-natal care either by medical practitioners or by <u>qualified</u> midwives; and (ii) hospitalisation <u>where necessary</u> .				

	Table 1. Medical Care (Part II)				
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
				- medical treatment at patient's home when it is reasonable and necessary from medical point of view.	
<i>Article 10(2)</i> Possibility of sharing in the cost of medical care received	By the beneficiary or his breadwinner in case of sickness? Are there any special rules aimed at avoiding hardship for poor persons?			Yes, depending on the service from 65% to 100% of the costs paid by the health insurance funds	
<i>Article 10(3)</i> Objectives of medical care	<ul style="list-style-type: none"> ✓ Maintaining (preventive care) ✓ Restoring (curative care) ✓ Improving <ul style="list-style-type: none"> • the health of the person protected + • ability to work and to attend to their personal needs 			NO INFORMATION	

	Table 1. Medical Care (Part II)				
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
<i>Article 10(4)</i> Promotion of general health services	What general health services are placed at the disposal of protected persons?			NO INFORMATION	
<i>Article 11</i> Maximum qualifying period	What period of contribution, employment or residence shall be completed to receive medical care? Is this period necessary to preclude abuse of health insurance?			NO INFORMATION	
<i>Article 12</i> Minimum duration of benefit	<ul style="list-style-type: none"> Is medical care provided until the end of sickness (risk covered)? Is medical care provided for at least 26 weeks in each case of sickness? What diseases are recognised as entailing longer care? 			NO INFORMATION	

Table 2. Sickness benefit (Part III)					
ILO C. 102	Main provisions	Yes	No	National legislation	Comments
Article 14 Risk covered =>	Incapacity for work for work due to any morbid condition + suspension of earnings			Wage compensation is provided	
Article 15 Persons protected => Prescribed classes of:	Employees in paid employment which represent 50% of all employees OR Economically active population (employees, self-employed, farmers, etc.) which represent 20% of all residents, OR All residents whose means are below a prescribed limit			Section 73 of the Health Insurance Law: Employees, entrepreneurs, priests and church officials.	
Article 16(1) and (2) Amount of cash benefit	The benefit is a periodical payment? <ul style="list-style-type: none"> Article 65 : Calculated as a percentage of previous earnings $\geq 45\%$ OR <ul style="list-style-type: none"> Article 66: Calculated at a flat rate or guaranteed minimum rate $\geq 45\%$ of the reference wage of an unskilled male labourer OR <ul style="list-style-type: none"> Article 67: Means-tested benefit: calculated according to a fixed scale. 			Basis for the wage compensation calculation: base salary of the last 3 months. The amount of salary benefit sustained from the compulsory health insurance funds cannot be lower than minimum salary determined according to the regulations governing labour issues for the month for which the calculation of salary benefit is made, nor can exceed 65% or 100% of the highest salary benefit base.	

	Table 2. Sickness benefit (Part III)				
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
<i>Article 17</i> Maximum qualifying period	Does the national legislation prescribe a qualifying period for entitlement to sickness benefit?			at least 3 month qualifying compulsory health insurance coverage in continuity or within discontinuing period of 6 months during the last 18 months.	
<i>Article 18</i> Minimum duration of benefit	Is sickness benefit paid until: <ul style="list-style-type: none"> • recovery of working capacity? • for at least 26 weeks in <u>each case of sickness</u>? 			NO INFORMATION	
<i>Article 18(1)</i> Waiting period of 3 days	Is there a waiting period before the start of payment of sickness benefit?			NO INFORMATION	

Table 3. Old-Age benefit (Part V)					
<u>ILO C. 102</u>	<u>Main provisions</u>	Yes	No	<u>National legislation</u>	<u>Comments</u>
<ul style="list-style-type: none"> Article 26 <p>Risk covered = Old age</p>	<ul style="list-style-type: none"> Pension age ≤ 65 years OR > 65 years if elderly persons maintain their working ability 			<p>Section 19 of the Pension and Disability Insurance Law:</p> <ul style="list-style-type: none"> - upon completing 65 (men); 60 (women) years of age and minimum 15 years of pension span; - upon completing 40 (men), 38 (women) years of insurance span and minimum 58 years of age. - upon completing 45 year of pension span. 	
<p>Article 27</p> <p>Persons protected = Prescribed classes of:</p>	<p><u>Employees</u> in paid employment which represent 50% of all employees</p> <p>OR</p> <p><u>Economically active population</u> (employees, self-employed, farmers, etc.) which represent 20% of all residents,</p> <p>OR</p> <p><u>All residents</u> whose means are below a prescribed limit</p>			<p>All employed persons are covered, as well as self-employed persons and farmers.</p>	
<p>Article 28</p> <p>Amount of pension</p>	<p>The benefit is a periodical payment?</p> <ul style="list-style-type: none"> <u>Article 65</u>: Calculated as a percentage of previous earnings: ≥ 40% <p>OR</p> <ul style="list-style-type: none"> <u>Article 66</u>: Calculated at a flat rate or guaranteed minimum rate: ≥ 40% of the reference wage of an unskilled male labourer <p>OR</p>			<p><u>Method of calculation</u>: The levels of old age and disability pension shall be determined by multiplying personal points by general points effective on the date of the receipt of the benefit.</p> <p>NO PERCENTAGE</p> <p>The average old-age benefit disbursed out of the employee's pension fund in January 2011 amounts to RSD 25.195, and maximum pension RSD 99.581.</p>	

	Table 3. Old-Age benefit (Part V)				
<u>ILO C. 102</u>	<u>Main provisions</u>	Yes	No	<u>National legislation</u>	<u>Comments</u>
	<ul style="list-style-type: none"> Article 67: Means-tested benefit: calculated according to a fixed scale. 				
Article 29 Maximum qualifying period	<ul style="list-style-type: none"> Employees and Economically active persons: 30 years of employment or contributions? Residents: 20 years of residence? Reduced benefit after 15 years of employment or contribution? 			Section 19 of the Pension and Disability Insurance Law: - upon completing 65 (men); 60 (women) years of age and minimum 15 years of pension span; - upon completing 40 (men), 38 (women) years of insurance span and minimum 58 years of age. - upon completing 45 year of pension span.	
Article 30 Minimum duration of benefit	Benefit granted until death?			NO INFORMATION	

Table 4. Survivors' benefit (Part IX)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
Article 60 Risk covered = Death of the breadwinner	<p>Are widows and dependent children protected in case of loss of death of the breadwinner?</p> <p>In the case of a widow, is the right to conditional benefit on her being incapable of self-support?</p>			<p>A right to receive family pension may be acquired by family members of a deceased Insured Party.</p> <p>The beneficiary of survivor's benefit who acquires the status of the insured person on the basis of casual or temporary work, as well as service contract, authorship contract or any other contract, shall have his/her benefit suspended within the period of set insurance span after it has been determined.</p>	
Article 61 Persons protected = Prescribed classes of :	<p>Employees in paid employment which represent 50% of all employees OR Economically active population (employees, self-employed, farmers, etc.) which represent 20% of all residents, OR Residents whose means are below a prescribed limit</p>			<p>Members of the family of all employed persons (spouse, children and parents)</p>	
Article 62 Type and Calculation of benefit	<p>The benefit is a periodical payment?</p> <ul style="list-style-type: none"> Article 65: Calculated as a percentage of previous earnings: ≥ 40% <p>OR</p> <ul style="list-style-type: none"> Article 66: Calculated at a flat rate or guaranteed minimum rate: ≥ 40% of the wage of an unskilled male labourer <p>OR</p>			<p>Family pension shall be determined on the basis of the level of old age or disability pension to which the Insured Party is entitled at the time of death, in the percentage determined according to the number of family members entitled to receive that family pension.</p> <p>The minimum base for determining family pension shall be the old age pension determined for 20 years pension span.</p> <p>The overall amount of family pension shall not exceed the maximum amount of old age, i.e. disability pension.</p>	

Table 4. Survivors' benefit (Part IX)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
	<ul style="list-style-type: none"> Article 67: Means-tested benefit: calculated according to a fixed scale. 			<p>The average survivor's benefit under the employee's insurance for January 2011 is RSD 16.377</p> <p>The replacement rate is 57,24%</p>	
Article 63 Qualifying period	<ul style="list-style-type: none"> 15 years of contribution or employment OR 10 years of residence of the breadwinner Reduced benefit for survivors after 5 years of contribution or employment of the breadwinner 			Different qualifying periods for widows, widowers and spouses of professional military persons	
Article 64 Duration of benefit	<p>When does the benefit stop for:</p> <ul style="list-style-type: none"> The widow? The children? 			Children: until completing 15 years of age, 20 years of age if attending secondary school, 26 years of age if attending university	

CHAPTER III. Integrated Management of compliance and reporting obligations of Serbia under social security provisions of the ratified international treaties on social rights

- [Table 1. Up-to-date social security standards in force](#)
- [Table 2. Pending comments of the supervisory bodies](#)
- [Table 3. Up-to-date standards on which reports are due in 2016](#)
- [Table 4. Up-to-date standards on which reports are due in 2017](#)
- [Table 5. Up-to-date standards on which reports are due in 2018](#)
- [Table 6. Up-to-date standards on which reports are due in 2019](#)
- [Parts of Convention No.102 no longer applicable following ratification of more advanced standards](#)
- [Fig. 1. Time management of the 5 years reporting cycle \(2011-2016/17\) on international and European social security standards](#)
- [Fig. 2. Time management for reporting on social security standards in 2016](#)

Table 1. Up-to-date social security standards in force

Social Human Rights International treaties	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.15§2	Art.16	Art.8§1	Art.15§1		Art.4§1,14,30	
					Art.3	Art.27§1b,c		Art.15§3		Art.13§1§2§3	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing & Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21	C121 Art.22-26
										C128 Part V, C130 Part III, C168 Art.15,16	C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025	C044	C035 C036	C012 C017 C018		C003	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35Art.8- 11, C37Art.11-12, C39, Art.13-14
		C056			C042		C103				



Social Security Standards in force for Serbia



Social Security Standards not in force



Denounced standards

C003 - Denounced on 02 Dec 2011

C103 - Automatic Denunciation on 31 Aug 2011 by C183

C056 - Automatic Denunciation on 15 Mar 2014 by MLC, 2006

C102 - Part VI is no longer applicable as a result of the ratification of C121

Table 2. Pending comments of the supervisory bodies

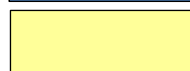
Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11,		Art.1§1§3	🙄 Art.23	Art. 15§2	🙄 Art.16	Art.8§1	Art.15§1		Art.4§1,14,30, 13 2§3	
	Art.13§1				Art.3	Art.27§1b,c		Art.15§3	🙄 Art.13§1§		
	🙄 Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing& Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		🙄 C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21	C121 Art.22-26
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First generation ILO Conventions		C024 C025	C044	C035 C036	C012 C017 C018		C003	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35Art.8-11, C37Art.11-12, C39, Art.13-14
		C056			C042		C103				



Social Security Standards in force for Serbia



Social Security Standards not in force



Pending comments of the supervisory bodies



Critical comments or non-compliance

Table 3. Up-to-date standards on which reports are due in 2016

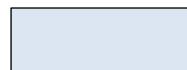
<div>Social Human Rights</div> <div>International treaties</div>	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC*	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art. 15§2	Art.16	Art.8§1	Art.15§1		Art.4§1,14,30	
					Art.3	Art.27§1b,c		Art.15§3		Art.13§1§2§3	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing& Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21	C121 Art.22-26
										C128 Part V, C130 Part III, C168 Art.15,16	C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025	C044	C035 C036	C012		C003	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35Art.8- 11, C37Art.11-12, C39, Art.13-14
		C017 C018			C103						
		C056			C042						



Social Security Standards in force for Serbia



Report in 2016



Social Security Standards not in force

** CRC – State Party report was due on 12 Mar 2013, not yet submitted;
List of Issues (2016) is expected to be responded to.*

Table 4. Up-to-date standards on which reports are due in 2017

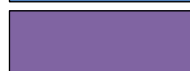
Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art. 15§2	Art.16	Art.8§1	Art.15§1		Art.4§1,14,30	
					Art.3	Art.27§1b,c		Art.15§3		Art.13§1§2§3	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing & Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21	C121 Art.22-26
										C128 Part V, C130 Part III, C168 Art.15,16	C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025	C044	C035 C036	C012 C017 C018		C003	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35Art.8- 11, C37Art.11-12, C39, Art.13-14
		C056			C042		C103				



Social Security Standards in force for Serbia



Social Security Standards not in force



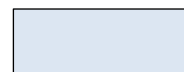
Report in 2017

Table 5. Up-to-date standards on which reports are due in 2018

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art. 15§2	Art.16	Art.8§1	Art.15§1		Art.4§1,14,30	
					Art.3	Art.27§1b,c		Art.15§3		Art.13§1§2§3	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing & Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21	C121 Art.22-26
										C128 Part V, C130 Part III, C168 Art.15,16	C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025	C044	C035 C036	C012 C017 C018		C003	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35Art.8- 11, C37Art.11-12, C39, Art.13-14
		C056			C042		C103				



Social Security Standards in force for Serbia



Social Security Standards not in force



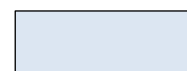
Report in 2018

Table 6. Up-to-date standards on which reports are due in 2019

Social Human Rights International treaties	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art. 15§2	Art.16	Art.8§1	Art.15§1		Art.4§1,14,30	
					Art.3	Art.27§1b,c		Art.15§3		Art.13§1§2§3	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing & Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21	C121 Art.22-26
										C128 Part V, C130 Part III, C168 Art.15,16	C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025	C044	C035 C036	C012 C017 C018		C003	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35Art.8- 11, C37Art.11-12, C39, Art.13-14
		C056			C042		C103				



Social Security Standards in force for Serbia



Social Security Standards not in force

Report in 2019

Parts of Convention No.102 no longer applicable following ratification of more advanced standards

C102 - Social Security (Minimum Standards)

Article 75

If any Convention which may be adopted subsequently by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any Member having ratified the said Convention as from the date at which the said Convention comes into force for that Member.

C121 - Employment Injury Benefits → C102, Part IV

Article 29

In conformity with Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part VI of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention comes into force for that Member, but acceptance of the obligations of this Convention shall be deemed to constitute acceptance of the obligations of Part VI of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention

C128 - Invalidity, Old-Age and Survivors' Benefits → C102, Parts V, IX, X

Article 45

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, the following Parts of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 38 is in force:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 38 is in force, be deemed to constitute acceptance of the obligations of the following parts of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

C130 - Medical Care and Sickness Benefits → C102, Part III

Article 36

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part III of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 3 is in force.
2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 3 is in force, be deemed to constitute acceptance of the obligations of Part III of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention.

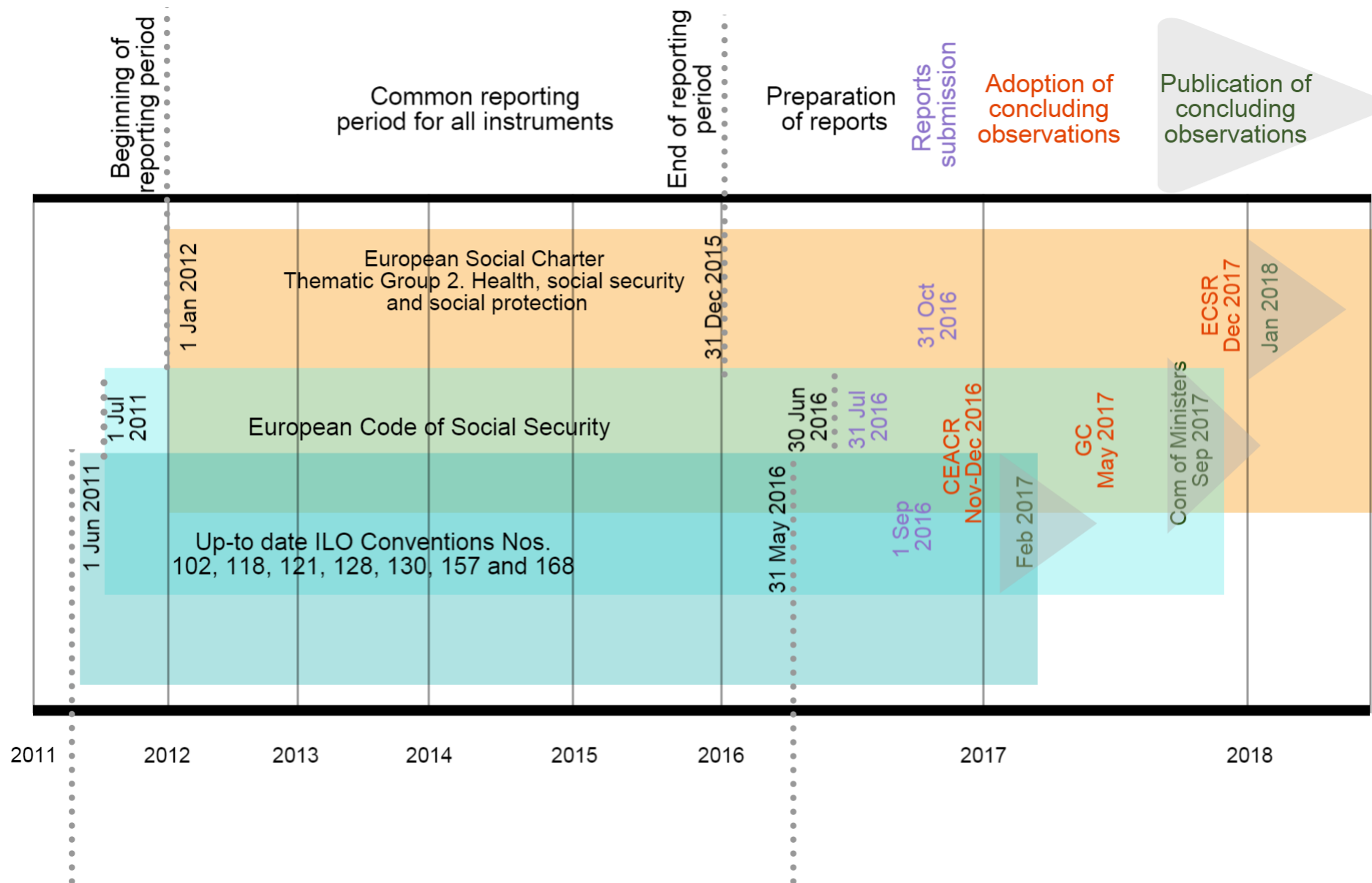
C130, Part II → C102, Part II

N.B! For information and reporting purposes, more advanced provisions on medical care contained in C130 include all those contained in Part II of C102.

C168 → C102, Part IV

N.B! For information and reporting purposes, more advanced provisions on unemployment benefit of C168 include those contained in Part IV of C102.

Fig. 1. Time management of the 5 years reporting cycle (2011-2016/17) on international and European social security standards



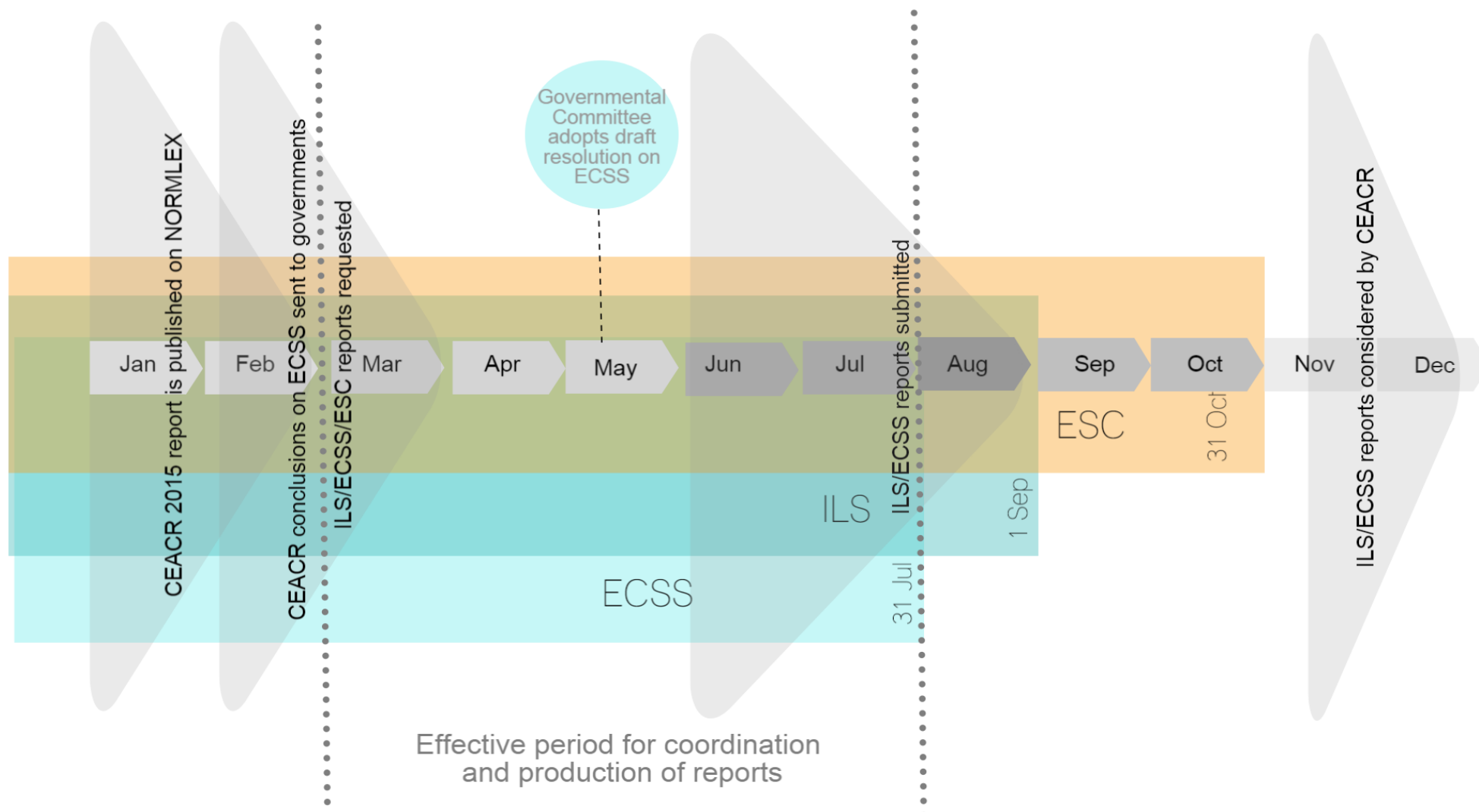


Fig. 2. Time management for reporting on social security standards in 2016

Chapter IV. Concluding observations of the supervisory bodies concerning provisions of the ratified international treaties on social rights and statements of other international bodies reviewing national economic and social policy

- [Table 1. International treaties on social rights ratified by Serbia](#)
- [Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations](#)

1. United Nations

- [International Covenant on Economic, Social and Cultural Rights](#)
- [Convention on the Rights of the Child](#)
- [Convention on the Elimination of All Forms of Discrimination against Women](#)
- [Convention on the Right of Persons with Disabilities](#)

2. Council of Europe

- [European Social Charter](#)

3. International Labour Organization

- [Social Security \(Minimum Standards\) Convention, 1952 \(No.102\)](#)
- [Employment Injury Benefits Convention, 1964 \(No.121\)](#)
- [Maternity Protection Convention, 2000 \(No. 183\)](#)

Table 1. In force international treaties on social rights ratified by Serbia

Body	International Treaty	Entry into force for Serbia	Next report due on
United Nations	International Covenant on Economic, Social and Cultural Rights	12 Mar 2001	30 May 2019
	Convention on the Rights of the Child	12 Mar 2001	Last due date 12 Mar 2013
	Convention on the Elimination of All Forms of Discrimination against Women	12 Mar 2001	01 Jul 2017
	Convention on the Rights of People with Disabilities	31 Jul 2009	31 Aug 2023
Council of Europe	European Code of Social Security		
	European Social Charter	14 Sep 2009	31 Oct 2016
International Labour Organization	Convention 102	24 Nov 2000	1 Jun - 1 Sep 2016
	Convention 103		
	Convention 121	24 Nov 2000	1 Jun - 1 Sep 2016
	Convention 128		
	Convention 130		
	Convention 168		
	Convention 183	31 Aug 2010	1 Jun - 1 Sep 2018
	Convention 012	24 Nov 2000	1 Jun - 1 Sep 2016
	Convention 024	24 Nov 2000	1 Jun - 1 Sep 2016
	Convention 025	24 Nov 2000	1 Jun - 1 Sep 2016

Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations

Instrument	Supervisory body	Type of a State party report/Reporting cycle	Comments of a supervisory body
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Committee on Economic, Social and Cultural Rights (CESCR)	Periodic reports – every 5 years; initial report – within one year after the entry into force (Art.17)	Concluding observations of the CESCR
Convention on the Rights of the Child	Committee on the Rights of the Child (CRC)	Periodic reports – every 5 years; initial report – within two years after the entry into force (Art.44)	Concluding observations of the CRC
Convention on the Elimination of All Forms of Discrimination against Women	Committee on the Elimination of Discrimination against Women (CEDAW)	Periodic reports – every 4 years; initial report – within one year after the entry into force (Art.18)	Concluding observations of the CEDAW
Convention on the Rights of People with Disabilities	Committee on the Rights of Persons with Disabilities (CRPD)	Periodic reports – every 4 years; initial report – within two years after the entry into force (Art.35)	Concluding observations of the CRPD
European Code of Social Security (ECSS)	ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) ; European Committee on Social Rights (ECSR) ; Governmental Committee of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Full reports – every five years in conjunction with the ILO Convention 102; Annual reports every year (Art.74).	Conclusions of the CEACR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
European Social Charter/ Revised European Social Charter (ESC)	European Committee on Social Rights (ECSR) ; Governmental Committee (GC) of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Normal reports – annually on one of four thematic groups; simplified reports – every two years in case of acceptance of the collective complaints procedure.	Conclusions (national reports) and decisions (collective complaints) of the ECSR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
ILO Conventions (C102, C121, C128, C130, C168, C183)	Committee of Experts on the Application of Conventions and Recommendations (CEACR) ; Conference Committee on the Application of Standards (CAS) .	Five-year cycle – simplified reports under the ILO technical conventions; detailed report – one year following the entry into force.	Observations and direct requests of the CEACR; Conclusions of the CAS.

1. United Nations

International Covenant on Economic, Social and Cultural Rights – Concluding observations 2014

[UN Office of the High Commissioner for Human Rights website link, Treaty bodies database](#)

Collection and processing of data

7. The Committee is concerned about the lack of systematic collection and processing of disaggregated data which would allow for an accurate assessment of the fulfilment of economic, social and cultural rights in the State party.

The Committee recommends that the State party:

(a) Set up a system to collect statistical data on the major factors affecting the implementation of the economic, social and cultural rights set forth in the Covenant, duly disaggregated by year, sex, age, urban/rural population, ethnic origin, disadvantaged and marginalized groups and other relevant criteria, and include such statistical data in its next periodic report;

(b) Undertake regular and systematic assessments, against a clear set of indicators, of the level of enjoyment of all economic, social and cultural rights by various segments of the population, taking into account the conceptual and methodological framework for human rights indicators that was developed by the Office of the United Nations High Commissioner for Human Rights;

(c) Apply human rights indicators, in particular for economic, social and cultural rights, as part of its national development and integration strategies.

Maximum available resources

10. The Committee regrets the absence of sufficient information on the use of maximum available resources by the State party in achieving progressively the full realization of the rights recognized in the Covenant (art. 2, para. 1).

The Committee recommends that the State party regularly evaluate the impact of the measures taken, including against corruption, and the budget allocations made for the implementation of the Covenant in order to assess whether the maximum available resources have been used in achieving progressively the full realization of the rights recognized in the Covenant, taking into account the Committee's general comment No. 3 (1990) on the nature of States parties' obligations and its statement of 2007 on the obligation to take steps to the maximum of available resources.

Discrimination

11. The Committee is concerned that members of national and ethnic minorities, persons with disabilities, refugees and internally displaced persons, including Roma, and other marginalized groups continue to face discrimination with regard to access to economic, social and cultural rights. The Committee is also concerned that the anti-discrimination legislation is not systematically applied, as evidenced by the low numbers of concluded cases related to discrimination (art. 2, para. 2).

The Committee urges the State party to :

(a) Intensify its efforts to promote equality and combat discrimination against members of ethnic minorities, persons with disabilities , refugees and internally displaced persons , including Roma , lesbian, gay, bisexual and transgender persons and other marginalized persons and groups with regard to access to employment, social security, housing, health and education ;

(b) Systematically apply the Law on Prohibition of Discrimination and other relevant legislation, as well as the Strategy for Prevention and Protection against Discrimination 2013 – 2018, in order to prevent and punish all acts of discrimination, taking due account of all prohibited grounds of discrimination as contained in article 2, paragraph 2, of the Covenant and elaborated in the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

Roma

12.The Committee is concerned about the prevailing discrimination against Roma as evidenced, inter alia, by disproportionately high unemployment, limited access to social security, accommodation in informal settlements, and inadequate health care and education. The Committee therefore regrets the shortcomings in the implementation of the Strategy for Improvement of the Status of Roma 2012–2014, as conceded by the State party, and the insufficient implementation of the nationally agreed priorities regarding Roma at the local level (art. 2).

The Committee urges the State party to take further measures in order to overcome the prevailing discrimination against Roma in the enjoyment of economic, social and cultural rights , including the revision of the Strategy for Improvement of the Status of Roma , by better reflecting the specific situation of Roma and ensuring that the nationally agreed priorities on Roma are duly communicated to the local authorities to be effectively implemented .

Asylum seekers, refugees and internally displaced persons

14.While noting the functioning of the Asylum Office, the Committee is concerned at the lack of a fair and efficient asylum procedure, as only a very few asylum seekers in Serbia have been recognized as refugees even though the majority of them come from refugee producing countries. Noting further the functioning of the Serbian Commissioner for Refugees and Migration, the Committee is concerned that refugees and internally displaced persons do not have access to comprehensive integration programmes. The Committee is also concerned at the limited capacities of social welfare services in places where asylum centres are located and the insufficient reception capacities for asylum seekers (arts. 2, 9 and 11).

The Committee recommends that the State party :

(a) Enact necessary by-laws and adopt other measures, including training for migration officers , as well as safeguards for the independence of the Asylum Office, to ensure the full implementation of the Law on Asylum of 2007 and to guarantee a fair and efficient asylum procedure, in particular protection against refoulement ;

(b) Establish a functional local integration mechanism for refugees recognized under the Law on Asylum , as well as for internally displaced persons , in areas such as education, social assistance, language and vocational trainings and housing, and adopt and implement in that regard a national strategy for resolving problems of refugees and internally displaced persons beyond 2014, together with an action plan which should include clear time frames , as well as an adequate budget ;

(c) Increase the capacities of social welfare services in places where asylum centres are located, in order to better respond to the needs of asylum seekers and recognized refugees;

(d) Improve the existing reception capacities for asylum seekers in order to be able to respond to fluctuations in the number of asylum applications and the actual length of the asylum procedure

Minimum wage

20. The Committee notes with concern the way the minimum wage is established without taking into account the cost of living or the views of the social partners, and without regular review. The Committee is also concerned about the low levels of income among employed persons with disabilities (art. 7).

The Committee calls on the State party to take measures to ensure that the minimum wage is established with due account of the cost of living and of views of the social partners, and to periodically review its level to provide all workers and their families with an adequate standard of living, in accordance with article 7 (a) (ii) of the Covenant. The Committee also calls on the State party to combat low income among employed persons with disabilities through special measures.

Unemployment benefits

22. The Committee reiterates its concern at the low level of the unemployment benefit, which is not sufficient to ensure an adequate standard of living for the persons concerned and their families, and notes with concern the low percentage of unemployed persons receiving the unemployment benefit (art. 9).

The Committee reiterates its recommendation that the State party increase the amount of the unemployment benefit in order to ensure an adequate standard of living for unemployed workers and their families, and requests it to provide information on the extent of the unemployment benefit coverage, disaggregated by, inter alia, residency status and national or ethnic origin.

Pensions for refugees and internally displaced persons

23. The Committee is concerned that large numbers of refugees from Croatia and internally displaced persons from Kosovo continue to be deprived of their right to pensions which have been overdue and unpaid for years (art. 9).

The Committee strongly urges the State party to pursue bilateral negotiations regarding the payment of pensions to refugees from Croatia residing in Serbia and to arrange for documentation substitution for the payment of pensions to internally displaced persons from Kosovo who could not present their work booklets.

Social security

24. The Committee regrets the lack of information on whether the social assistance benefits are periodically adjusted to enable all disadvantaged and marginalized individuals and families to enjoy an adequate standard of living (arts. 9 and 11).

The Committee calls upon the State party to:

(a) Increase the social assistance benefits, taking into account the Committee's general comment No. 19 (2007) on the right to social security, in order to assist all concerned individuals and families throughout the State party, including persons with disabilities, older persons, children, low-income families and those in a situation of long-term unemployment, to enjoy an adequate standard of living;

(b) Consider the introduction of a minimum-income benefit that would bring together all the existing social assistance benefits in order to ensure an adequate standard of living for all, in particular disadvantaged and marginalized individuals and families;

(c) Prevent any unjustified interruptions in the allocation of social security benefits, such as benefits to those who are unable to work, which are recognized only for a period of up to nine months per calendar year.

Children without parental care

27. The Committee is concerned about the increase in the separation of children from the family. It is also concerned about the insufficient information on the efforts to provide alternative family care for children without parental care, and the fact that community-based alternatives to institutional care are insufficiently developed (art. 10).

The Committee urges the State party to :

(a) Prevent the separation of children from the family, in the best interest of the child, and take steps to ensure that the childcare system provides effective support to families in crisis and at risk of child separation from the family;

(b) Take further measures to provide adequate alternative family care for children without parental care, with a focus on children with disabilities ;

(c) Accord priority to community - based alternative social services, rather than residential institutional care , for children without parental care, and develop proactive measures for leaving institutional care .

Poverty

29. The Committee remains concerned about the limited effectiveness of the current strategies to address extreme poverty in the State party, in particular among refugees, returnees, internally displaced persons, members of minorities, older persons and persons with disabilities, and about the prevalence of regional disparities in the enjoyment of all economic, social and cultural rights without discrimination (arts. 2 and 11).

The Committee urges the State party to expand its Poverty Reduction Strategy to address the extreme poverty faced in particular by members of marginalized groups, to take all necessary remedial measures to address the regional disparities that affect the equal enjoyment of economic, social and cultural rights, and to allocate sufficient funds for the implementation of those strategies, taking into account the Committee's statement on poverty and the International Covenant on Economic, Social and Cultural Rights of 2001.

Social housing and conditions in informal settlements

31. The Committee expresses its concern at the small number of social housing units constructed annually for low-income families. The Committee also reiterates its concern that thousands of Roma continue to live in impoverished informal settlements without access to

electricity, running water and sewage, as well as without access to medical care and education (art. 11).

The Committee recommends that the State party:

(a) Take policy and financial measures to expand the network and quality of social housing for low-income families, which should become part of the existing national plan of action on housing;

(b) Accelerate measures for ensuring that Roma have access to adequate and affordable housing with, inter alia, legal security of tenure, safe drinking water, adequate sanitation and electricity, including by improving the conditions of existing settlements or by constructing social housing units.

Safe drinking water

32. The Committee is concerned about the lack of access to safe drinking water in some parts of the State party, especially in rural areas (art. 11).

The Committee recommends that the State party undertake additional measures to implement water supply projects to ensure equal access to safe drinking water in all parts of the country. In that regard, the Committee invites the State party to take into account its general comment No. 15 (2002) on the right to water.

Right to health

33. The Committee is concerned about the inadequate budget for the health-care system, the lack of access to health care for disadvantaged individuals who do not have a health card, and the limited access to health services, in particular in rural areas. The Committee is also concerned about the increase of HIV/AIDS, the absence of information on sexual and reproductive health and rights as part of the education curricula, and the limited network of mental health services for children (art. 12).

The Committee recommends that the State party intensify its measures to increase the budgetary allocations to the health sector, ensure that disadvantaged individuals have a health card so that they can have access to health care, and extend health services to rural areas. The State party should also continue to address the spread of HIV/AIDS by promoting adolescent health and providing health counselling and services to the general public, provide for comprehensive sexuality education, and extend the network of mental health services for children while replacing institutional care with community-based support services.

Convention on the Rights of the Child – List of issues 2016

[UN OHCHR website link, Treaty bodies database](#)

7. Please provide information about measures taken to monitor and protect the rights of children placed in care facilities and in foster families. Please also indicate what measures have been taken to prevent the separation of children from their families, in particular for social and economic reasons. Please also inform the Committee about measures that have been taken to expedite the deinstitutionalization process and ensure the implementation of the provisions outlined in the 2011 Social Welfare Law that limit the number of children per residential institution to 50.

8. Please inform the Committee of the programmes and policies that exist to support families in disadvantaged situations, including through financial support, in order to prevent the separation of children from such families. Please also provide information on the monitoring and assessment mechanisms employed to ensure targeted family support to families with children with disabilities. Please identify measures taken for the effective inclusion of children with disabilities in mainstream schools.

9. Please provide information on the measures taken to tackle the high rates of infant and under-5 mortality among Roma children and to improve maternal and infant health services, as well as on the availability of general health services for Roma children by improving regional access to adequate institutional and professional capacities and strengthening outreach services.

16. Please provide consolidated information for the past three years on the budget lines regarding children and social sectors by indicating the percentage of each budget line in terms of the total national budget and the gross national product. Please also provide information on the geographic allocation of those resources.

17. Please provide, if available, updated statistical data disaggregated by age, sex, ethnic origin, national origin, geographic location and socioeconomic status, for the past three years, on:

- (a) Cases of neglect and abuse, especially in institutions and alternative care settings;
- (b) Roma children in regular schools and classes;
- (c) Children working in the informal sector and children in street situations;
- (d) Asylum-seeking and migrant children in reception centres;
- (e) Children in detention facilities and penitentiary institutions, including closed correctional facilities;
- (f) Parents, guardians or staff working in care institutions accused, indicted and convicted of child abuse, including sexual abuse and corporal punishment;
- (g) Child victims of trafficking and abduction.

18. Please provide data disaggregated by age, sex, socioeconomic background, ethnic origin and geographic location regarding the situation of children deprived of a family environment, for the past three years, and on the number of children:

- (a) Separated from their parents;

- (b) Living in child-headed households;
- (c) Placed in institutions;
- (d) Placed with foster families;
- (e) Adopted domestically or through intercountry adoptions.

19. Please provide data, disaggregated by age, sex, type of disability, ethnic origin and geographic location, for the past three years, on the number of children with disabilities:

- (a) Living with their families;
- (b) Living in institutions;
- (c) Attending regular primary schools;
- (d) Attending regular secondary schools;
- (e) Attending special schools;
- (f) Out of school;
- (g) Abandoned by their families.

20. Please provide data, disaggregated by, inter alia, age, sex, socioeconomic background, geographic location and ethnic origin, for the past three years, on:

- (a) The enrolment and completion rates, as percentages, of the relevant age groups in pre-primary, primary and secondary schools;
- (b) The number and percentage of students who drop out and repeat;
- (c) The teacher-pupil ratio.

21. Please provide the Committee with an update of any data in the report that may have been outdated by more recent data collected or other new developments.

Convention on the Rights of the Child – Concluding observations 2008

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Allocation of resources

The Committee is concerned that neither the report of the State party nor its written replies provide a clear picture of the financial allocations for children in its budgets. The Committee regrets that the budget allocation to education is one of the lowest in the region (Europe) at 3.6 per cent of the gross domestic product (GDP).

In the light of articles 2, 3, and 6 of the Convention as well as the recommendations of the Committee issued following its Day of General Discussion, held on 21 September 2007, on “Resources for the Rights of the Child - Responsibility of States,” the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations which ensure implementation of the economic, social and cultural rights of children, “to the maximum extent of available resources and, where needed, within the framework of international cooperation”. The Committee further encourages the State party to undertake a comprehensive budget review from a child rights perspective with a view to monitoring budget allocations for children.

Data collection

The Committee notes the development by the State party of a system of monitoring its National Action Plan, including through the development, in cooperation with the United Nations Children's Fund (UNICEF), of Devinfo. The Committee notes, however, that in many areas covered by the Convention reliable data for the monitoring and evaluation of the situation of children in the State party, including vulnerable groups, are not available.

The Committee encourages the State party to proceed with its efforts to establish a consolidated system for the comprehensive collection and analysis of disaggregated data allowing for comparative analysis covering all children, with specific attention to groups of children who are in need of special protection.

General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

The Committee commends the State party for the inclusion of special provisions on protection from discrimination in its legislation, such as the Law on Protection of Disabled Persons against Discrimination and the Law on the Protection of the Rights and Freedoms of National Minorities, as well as initiatives targeted at the inclusion of minorities. The Committee notes that the draft law on prohibiting discrimination is awaiting adoption and is concerned that certain groups of children, including Roma children, children of returnees, children without birth certificate, children belonging to minorities and children with disabilities, face de facto discrimination, most importantly with regard to access to education and health care. The Committee is also concerned at the lack of a comprehensive strategy to combat discrimination and the negative portrayal of these groups in the media.

In accordance with article 2, the Committee recommends that the State party make greater efforts to ensure that all children within its jurisdiction enjoy all the rights enshrined in the Convention without discrimination and pay particular attention to the most vulnerable groups. The Committee recommends that the State party use all measures to overcome the stigmatization of children belonging to vulnerable groups. The Committee also recommends that the State party take effective immediate action to favour children belonging to vulnerable groups, to enable them to effectively enjoy full access to education and any other rights, including by expediting the adoption of a law on the prohibition of discrimination, and increase awareness-raising of the role of the media.

Family environment and alternative care (arts. 5; 18, paras. 1-2; 9-11; 19-21; 25; 27, para. 4; and 39 of the Convention)

Family environment

The Committee notes the progress made in legislation, including through the adoption of the new Constitution and the Law on Family Relations as well as the introduction of joint custody and other measures taken by the State party to improve the situation for children in alternative care and decrease the number of children in institutions, including the establishment of a Social Innovation Fund. The Committee also notes the shift towards decentralized and community-based services with a view to improving living standards that are directed to reintegration. However, the Committee is concerned at the lack of a systematic support system and multisectoral service provision to parents, and at the overall weakness of measures to

support families and prevent deterioration of family relations and its effect on children due to the lack of well trained social workers.

The Committee recommends that the State party:

Take effective measures to strengthen support, such as improved social assistance and support to families, by developing a comprehensive child - centred family policy to enable families to care for their children at home wherever possible and promote positive child-parent relationships;

Enhance the professional training of social workers;

Improve the extent and quality of social and psychological support provided to children and families in need of assistance.

Children deprived of a family environment

The Committee welcomes that the placement of children outside of their families will be decided by a judge. The Committee further welcomes the commitment of the State party to de-institutionalize children while at the same time enhance standards in the existing institutions. The Committee is concerned that, despite the existence of data on the general conditions of children and a national standard for assessment of both the decision of referrals and placements as well as the existence of review procedures, there is a lack of implementation of these standards. The Committee is also concerned at reports of high numbers of children, particularly children with disabilities, who remain placed in institutions, often far away from their initial place of residence and at the low quality of care and treatment. Concern is also expressed at the limited number of foster families.

The Committee recommends that the State party:

Strengthen its efforts to move towards de-institutionalization ensuring that supplementary structures are in place to provide adequate follow-up and reintegration support and services for children who leave institutional care;

Implement a national assessment procedure for purposes of referral, placement and review of placement of children to ensure that children residing in institutions that are being closed are fully informed and able to participate in deciding on their future placement, and that these children retain their rights to social protection;

Encourage individuals to offer themselves as foster parents, inter alia through providing them with employment opportunities.

Basic health and welfare (arts. 6; 18,para. 3; 23; 24; 26; 27,paras. 1-3, of the Convention)

Children with disabilities

The Committee welcomes the efforts made by the State party to assist children with disabilities and their families, the start of pilot programmes and projects to provide inclusive education, and the steps aimed at the de-institutionalization of children and the shift towards family-based care. The Committee welcomes steps taken to immediately enforce the prohibition of placement of children at the institution in Kulina following a ministerial decision of 9 May 2008. However, the Committee is concerned at the large number of children with disabilities, and in particular mental disability, who still remain institutionalized, often together with adults. The Committee is also concerned that many children with disabilities are not included in the mainstream education system and at the general lack of resources and specialized staff for these children. It

is also concerned at the prevailing societal attitudes which are conducive to stigmatization of children with disabilities.

With regard to the efforts made by the State party to provide equal opportunities for the full participation of children with disabilities in all spheres of life, the Committee draws the attention of the State party to the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's general comment No. 9 (2006) on the rights of children with disabilities. The Committee recommends that the State party take all necessary measures to:

Collect adequate statistical data on children with disabilities and use such disaggregated data in developing a comprehensive and specific national policy on disability which promotes equal opportunities of persons with disabilities in society;

Ensure that public education policy and school curricula reflect in all their aspects the principle of full participation and equality and include children with disabilities in the mainstream school system to the extent possible and, where necessary, establish special education programmes tailored to their special needs;

Monitor and evaluate the quality of services for children with disabilities and raise awareness of all services available;

Provide children with disabilities with access to adequate social and health services, including early intervention, psychological and counselling services;

Ensure that professionals working with and for children with disabilities as well as teachers and social workers, such as medical, paramedical and related personnel are adequately trained;

Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol, both signed on 17 December 2007;

Seek technical cooperation with, among others, UNICEF and WHO.

Health and health services

The Committee welcomes the information provided by the State party on legislative and other measures aimed at providing equal access to health care for all. However, the Committee is concerned at the poor quality of health services in general, particularly in rural regions, and at the difficulties faced by vulnerable groups in accessing those services. The Committee is also concerned at the high number of people not covered by the compulsory health insurance and that the available health-care personnel are not trained and equipped to take into account children's special needs. The Committee is furthermore concerned that, despite improvements, the infant mortality rate remains high, particularly among ethnic minorities such as the Roma, and at the inadequate availability of baby friendly hospitals.

The Committee recommends that the State party:

Undertake all necessary measures to ensure that all children have access to quality and affordable health services, with special attention to vulnerable groups;

Ensure that appropriate resources are allocated for the health sector, develop and implement comprehensive policies as well as programmes for improving the health situation of children;

Continue to take measures to reduce infant and under-5 mortality, inter alia, by guaranteeing equal access to quality pre- and post-natal health services and facilities ;

Strengthen efforts to improve the nutritional status of children, with particular focus on vulnerable groups, through education and promotion of healthy feeding practices;

Facilitate greater access to quality primary health services by mothers and children in all areas of the country;

Continue to strengthen preventive measures central to a child's healthy development , particularly by increasing access to baby friendly hospitals that do not separate new born babies from their mothers after birth.

Breastfeeding

The Committee notes that while there has been a relatively high rate in initiating breastfeeding, exclusive breastfeeding for the first 6 months remains inadequate. The Committee notes the prevalence of advertisements for breast-milk substitutes with concern and that few baby friendly hospitals exist.

The Committee recommends that the State party promote exclusive breastfeeding for the first 6 months and strengthen the monitoring capacity for the implementation of the International Code of Marketing of Breast-milk Substitutes. The Committee also recommends that increased attention be placed on setting up baby friendly hospitals as a priority.

Adolescent health

The Committee welcomes the recent laws and strategies and the increased awareness-raising efforts of the State party to protect adolescents, including through the adoption of the new Law on Health Care and Law on Health Insurance. The Committee is concerned at the absence of a comprehensive national strategy or systemic responses for adolescent health and at the extremely high rate of teenage pregnancies. The Committee is also concerned that children's right to privacy may not be fully respected in schools and health system, particularly in medical check ups and treatments and that a comprehensive mental health policy does not exist.

The Committee recommends that the State Party, while taking into account the Committee's general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child:

Enhance its efforts to address adolescent health issues and to ensure that the programmes for adolescent health are effectively implemented, including through the provision of adequate resources;

Ensure that adolescents have access to child-sensitive and confidential counselling services;

Take all possible measures to guarantee the conditions for respecting the right to privacy for children;

Develop a comprehensive child and adolescent mental health policy which includes all obligatory components, as recommended by WHO, inter alia regarding mental health promotion activities, prevention of mental disorders in primary health care, outpatient and inpatient services for emotional and mental disorders to reduce rates of suicides and institutionalization.

Drug, tobacco, alcohol and other substances use

The Committee notes that the State party has taken measures to criminalize trafficking of illegal substances. The Committee remains concerned at the high incidence of drug, tobacco, alcohol and other toxic substances use among children.

The Committee recommends that the State party take all necessary measures to address the use of illicit substances, alcohol and tobacco by children, inter alia by providing children with accurate and objective information on toxic substances and tobacco use, and that it provide support to those attempting to abandon their use or dependency.

Standard of living

The Committee notes that many families live in economic hardship with about 10 per cent living below the official poverty line and enduring deprivations of basic services. The Committee remains concerned about the high number of households and public institutions, whether urban or rural, that have access only to poor quality water and sanitation. The Committee is further concerned at the considerable disparities in standard of living among different groups of children and families. Poverty among the Roma in particular is four to five times higher than among the general population and they are deprived of social services due, among others, to discriminatory practices. The Committee is concerned that poor living conditions seriously limit children's enjoyment of their rights in the family, schools and in peer and cultural activities.

In accordance with article 27 of the Convention, the Committee recommends that the State party:

Strengthen its efforts to address the low standard of living among children and families living in poverty, inter alia, through allocating resources for effective poverty reduction measures, especially at the local and community level;

Provide children living in poverty with an opportunity to be heard and to express their views in the planning and implementation of poverty reduction programmes, especially at the community level;

Take measures to develop safety net programmes which target the most vulnerable groups for the enjoyment of free access to social and health services, education and housing, clean drinking water and sanitation;

Take steps to monitor the poverty situation of children regularly and take urgent measures to address all deprivation of factors.

7. Special protection measures (arts. 22; 30; 38; 39; 40; 37 (b)-(d); 32-36 of the Convention)

Refugee children

The Committee welcomes the progress made in establishing a clear legal framework governing the treatment of refugees by way of adopting the Law on Asylum in December 2007. The Committee is concerned that a large percentage of the returned children remain unregistered and therefore do not have access to all basic services.

The Committee recommends that the State party take all necessary measures to ensure that all children, including child returnees, are fully registered and effectively benefit from the social protection systems.

Roma children

The Committee, while noting the efforts made by the State party, such as the adoption of the Law on Protection of Rights and Freedoms of National Minorities, the Committee remains deeply concerned at the negative attitudes and prejudices of the general public and at the overall situation of children of minorities and in particular Roma children. The Committee is concerned at the effect this has with regard to discrimination and disparity, poverty and denial of their equal access to health; education; housing, employment; non-enrolment in schools; cases of early marriage; and decent standard of living. The Committee is also concerned at the

very low levels of participation in early childhood development programmes and day care and the deprivation of education.

The Committee urges the State party to:

Initiate campaigns, including throughout the media at all levels and regions, aimed at addressing the negative attitudes towards the Roma in society at large, including among police and other professionals;

Strengthen its efforts to remove discrimination and to continue developing and implementing - in close collaboration with the Roma community itself - policies and programmes aimed at ensuring equal access to culturally appropriate services, including early childhood development and education;

Take all necessary measures to systematically register Roma children so as to provide equal access to health services and to avoid statelessness;

Develop curricula units for children at school level, including in relation to Roma history and culture, in order to promote understanding, tolerance and respect for the rights of Roma in Serbian society as well as to enhance their Serbian language skills;

Raise awareness in the Roma communities of the value of the girl child, her right to access education without discrimination as well as her right to be protected from early marriage and its harmful impact.

Convention on the Elimination of All Forms of Discrimination against Women – Concluding observations 2013

[*UN OHCHR website link, Treaty bodies database*](#)

Employment

30. While the State party has taken measures aimed at eliminating sex-based discrimination in the workplace, the Committee remains concerned about:

- (a) The persistent gender wage gap;
- (b) Disproportionately high unemployment among women, especially Roma women, women with disabilities and rural women;
- (c) The increasing feminization of some professions;
- (d) The lack of opportunities to reconcile work and family obligations;
- (e) The sexual harassment of women in the workplace;
- (f) The lack of disaggregated data on the situation of women in the labour market.

31. The Committee recommends that the State party:

- (a) Adopt measures to implement the principle of equal pay for work of equal value in order to narrow and close the gender wage gap;**
- (b) Increase women's access to employment and entrepreneurship, including for Roma women, women with disabilities and women in rural areas;**
- (c) Encourage women's participation in occupational areas where they are traditionally underrepresented;**
- (d) Facilitate the reconciliation of professional and private life for women and men, including by expanding the number of childcare facilities and by encouraging men to participate equally in family responsibilities;**
- (e) Strengthen measures to prevent and combat sexual harassment of women in the workplace by establishing effective reporting mechanisms and sanctions;**
- (f) Collect disaggregated data on the situation of women and men in the labour market and on the number and nature of court cases and administrative complaints relating to sex-based labour discrimination and sexual harassment in the workplace.**

Health

32. While noting the legislative and policy measures taken by the State party, including the extension of compulsory health insurance to the Roma population, the Committee remains concerned about:

- (a) The limited implementation of such laws and policies, in addition to the restricted access for Roma women, women with disabilities and victims of rape to health-care services;
- (b) The difficulties faced by women with disabilities in enjoying their right to reproductive health services owing to prejudices and lack of trained personnel and accessible facilities;
- (c) The use of abortion as a method of birth control, the limited use of modern forms of contraception, the poor quality of counselling services for family planning and the risk that, faced with declining fertility rates, the State party may take measures to reduce the current accessibility of abortion;
- (d) The lack of access to second-generation anti-retroviral treatment for women living with HIV/AIDS and the insufficient information on the prevention of mother-to-child transmission of HIV/AIDS and possible treatment.

33. The Committee urges the State party:

- (a) To improve women ' s access to high-quality health care and health-related services, in line with general recommendation No. 24 (1999);**
- (b) To ensure the effective implementation of laws and policies providing compulsory health insurance and free services to all women and girls;**
- (c) To take the measures necessary to ensure the full and effective realization of the right of women with disabilities to sexual and reproductive health by eliminating prejudices, training medical personnel and increasing the number of health facilities equipped to address their needs;**
- (d) To reduce the use of abortion as a method of contraception by improving information on and access to modern forms of contraception, which would be included in the positive list of drugs, and to ensure that abortion remains as accessible as it currently is, both legally and financially, and to consider including its costs in the health insurance system;**
- (e) To take immediate measures to provide access for women and girls living with HIV/AIDS to second-generation anti-retroviral drugs and other necessary medication and services, in addition to information on methods to prevent mother-to-child transmission of HIV/AIDS.**

Convention on the Right of Persons with Disabilities - Concluding observations 2016

[*UN OHCHR website link, Treaty bodies database*](#)

Principal areas of concern and recommendations

A. General principles and obligations (arts. 1-4)

5. 5 The Committee is concerned that some legislative provisions and by-laws are discriminatory and contravene the provisions of the Convention.
6. **6 The Committee recommends that the State party review its legislation, including by assessing disability and support schemes, and harmonize it with the Convention, including the human rights model of disability.**
7. 7 The Committee is concerned about the insufficient training of professionals and staff working with persons with disabilities in the rights recognized in the Convention.
8. **8 The Committee recommends that the State party promote, in consultation with organizations of persons with disabilities, the training of professionals and staff working with persons with disabilities in the rights recognized in the Convention in order that they may better provide the assistance and services guaranteed by those rights.**

B. Specific rights (arts. 5-30)

Equality and non-discrimination (art. 5)

9. The Committee is concerned that anti-discrimination legislation is not systematically applied, that legislation lacks a clear definition of disability-based discrimination and does not address all forms of discrimination. It is further concerned that neither the concept of reasonable accommodation nor recognition that the denial of such accommodation is a form of discrimination are explicitly included in anti-discrimination laws. The Committee also expresses its concern that little information has been provided on sanctions available for contravening the rights of persons with disabilities.
10. **The Committee recommends that the State party review its legislative framework to incorporate a definition of disability-based discrimination that explicitly deals with all forms of discrimination and the concept of reasonable accommodation and ensure that the relevant laws and regulations define the denial of reasonable accommodation as a form of discrimination on grounds of disability. The Committee also recommends that the State party introduce effective and proportional remedies, including dissuasive penalties.**

Women with disabilities (art. 6)

11. The Committee is concerned at the lack of specific actions implemented by the State party to prevent and combat the multiple and intersectional discrimination that women and girls with disabilities face, particularly in access to justice, protection against violence and abuse, education, health and employment. It is also concerned at the lack of sufficient or transparent funding and employment-related measures tailored to the needs of women with disabilities, and that women with disabilities are not consulted in the design of programmes and measures aimed at women in general or at persons with disabilities.

12. The Committee recommends that the State party:

- (a) Incorporate the perspective of women and girls with disabilities into its gender equality policies, programmes and strategies and the gender perspective into its strategies on disability, to eradicate multiple and intersectional discrimination in all areas of life;**
- (b) Take appropriate measures to prevent and combat the multiple and intersectional discrimination that women and girls with disabilities face, particularly in access to justice, protection against violence and abuse, education, health and employment;**
- (c) Ensure consultation with women and girls with disabilities, through their representative organizations, on the design, implementation and evaluation of programmes and measures in all matters that affect them directly;**
- (d) Provide sufficient resources for the improvement of the status and the employment of women with disabilities, and the promotion of gender equality-related programmes.**

Children with disabilities (art. 7)

13. The Committee is deeply concerned about the number of children with disabilities living in institutions, especially those with intellectual disabilities; that they constitute nearly 80 per cent of children in institutions; and that information indicates that children with disabilities continue to be placed in institutions. The Committee is equally concerned that, despite the legal prohibition on placing infants under the age of 3 in institutions, infants with disabilities continue to be placed in institutions directly from maternity wards. It is further concerned that, despite efforts to develop foster care, the level of day care, home assistance services, housing support and counselling and therapy available within the framework of community-based services for families with children with disabilities in the State party remains insufficient. The State party also seems to have failed to develop efficient, sustainable and quality community-based care services of the same standard at local level.

- 14. The Committee urges the State party to strengthen its efforts to deinstitutionalize children, in particular those with intellectual and/or psychosocial disabilities, prevent any new institutionalization of infants under the age of 3 and ensure a more efficient transition for boys and girls moving from institutions into families. In the interim period, it recommends that the State party provide children with disabilities with sufficient early childhood intervention and development services, initiate education programmes for the staff in institutions and develop efficient community-based care services for those leaving institutions.**

Accessibility (art. 9)

17. The Committee is concerned about the lack of a national accessibility strategy or legislation with effective sanctions for non-compliance and about the low degree of accessibility of public buildings, institutions and services, and electronic mass media services in the State party.
- 18. The Committee recommends that the State party develop a comprehensive accessibility plan, and ensure efficient monitoring of that plan, and a roadmap that sets benchmarks for the removal of barriers; and that it promote universal design for all buildings, public services and public transport, and accessible information and social communication media, paying special attention to electronic media, in accordance with general comment No. 2 (2014) on accessibility (art. 9). In that regard, the Committee recommends that the State party allocate sufficient resources to monitoring the implementation of accessibility standards, with the support of an updated national database throughout its territory; establish enforceable, effective and dissuasive sanctions for non-compliance; that it increase the use of subtitling and sign language interpretation in the media; and that it involve organizations of persons with disabilities in the process. The Committee also recommends the State party pay attention to the links between article 9 of the Convention and targets 11.2 and 11.7 of the Sustainable Development Goals.**

Liberty and security of the person (art. 14)

25. The Committee is concerned that the Law on the Protection of Persons with Mental Disabilities permits the deprivation of liberty on the basis of impairment and provides for involuntary hospitalization and forced institutionalization of children and adults with intellectual and/or psychosocial disabilities.
- 26. The Committee urges the State party to repeal laws, including the Law on the Protection of Persons with Mental Disabilities, and prohibit impairment-based detention of children and adults with disabilities, including involuntary**

hospitalization and forced institutionalization, and ensure that all relevant legislation and policies in that area are in accordance with the Convention as interpreted in the Committee's guidelines on article 14. It should also accelerate deinstitutionalization, in consultation with organizations of persons with disabilities, and the development of support services in the community.

Health (art. 25)

51. The Committee is concerned at the lack of early identification of and intervention for children with disabilities. It is also concerned about the limited access to health services for persons with disabilities in the State party, particularly access to sexual and reproductive health. It is also concerned about the lack of adequate training of health professionals in caring for persons with disabilities and the inaccessibility of medical services and health facilities.
52. **The Committee recommends that the State party provide health-care personnel with adequate training and the competencies required and that it expedite the implementation of the national programme for enhanced early childhood development. It also recommends that the State party ensure access to health, on an equal basis with others, of all persons with disabilities, including access to sexual and reproductive health. It further recommends that health professionals be trained on providing attention to persons with disabilities and that medical services and health facilities be made accessible.**

Work and employment (art. 27)

53. The Committee is concerned about the insufficient legal protection of employees with disabilities against dismissal and the insufficient provision of reasonable accommodation. The Committee is also concerned that persons with disabilities cannot establish in practice a representative trade union in the open labour market owing to their low representation and that, despite the provision of multidisciplinary committees, assessment of working capacity continues to be based on a medical model of "incapacity".
54. **The Committee recommends that the State party review the practice of the application of law to make sure legislation is not disadvantageous for persons with disabilities in terms of employment and labour market participation, and guarantee the provision of reasonable accommodation in the workplace. It also recommends that the State party review the assessment of working capacity to eliminate the medicalized approach and to promote the inclusion of persons with disabilities in the open labour market. The Committee further recommends that persons with disabilities can exercise in practice their right to establish trade**

unions and that the State party pay attention to the links between article 27 of the Convention and target 8.5 of the Sustainable Development Goals.

55. The Committee is concerned that sheltered workshops for persons with disabilities persist and that the measures to promote the employment of persons with disabilities in the open labour market are not effective.

56. The Committee recommends that the State party promote among employers the right to employment on an equal basis with others and strengthen measures to support the transition of all persons with disabilities who are currently in sheltered workshops into formal, open labour market employment, ensuring the respect of all rights, in accordance with the Convention.

Adequate standard of living and social protection (art. 28)

57. The Committee is concerned at the lack of accessible social housing.

58. The Committee recommends full implementation of the law guaranteeing a 10 per cent quota of accessible housing for persons with disabilities. It also recommends that the State party pay attention to the links between article 28 of the Convention and target 10.2 of the Sustainable Development Goals.

C. Specific obligations (arts. 31-33)

Statistics and data collection (art. 31)

63. The Committee welcomes the fact that a comprehensive database on local services will be set up; however, the Committee is concerned that little information has been provided on how the database will contribute to the quality of services provided for persons with disabilities. The Committee is also concerned that the State party is not collecting and analysing data on the situation of persons with disabilities that provide sufficient information to implement the Convention.

64. The Committee urges the State party to ensure that the database on services for persons with disabilities will refer to the quality and availability of social services provided for persons with disabilities and guarantee a speedy implementation of statistics in accordance with the Sustainable Development Goals. The Committee recommends that the State party update and collect data and statistics on persons with disabilities disaggregated by age, sex, type of impairment, ethnicity and geographic position, including the type of residential or institutional setting, cases filed for discrimination and/or for violence against these persons, and using a human rights-based approach. While developing those processes, it recommends that the State party meaningfully involve organizations of persons with disabilities. The Committee recommends that the State party pay attention to the

links between article 31 of the Convention and target 17.18 of the Sustainable Development Goals.

International cooperation (art. 32)

65. The Committee is concerned about the lack of mainstreaming of disability rights as enshrined in the Convention in the national implementation and monitoring of the 2030 Agenda.
66. **The Committee recommends that disability rights, as laid down in the Convention, be mainstreamed in the national implementation and monitoring of the 2030 Agenda and the Sustainable Development Goals and that those processes are undertaken in close cooperation and involvement with organizations of persons with disabilities, with a transparent decision-making process and budget.**

2. Council of Europe

European Social Charter

[*Official website of the European Social Charter, link to conclusions*](#)

Article 1 – Right to work – Conclusions 2012

Paragraph 1 - Policy of full employment

Employment situation

The unemployment rate increased from 18.8% in 2007 to 20.0% in 2010. As regards the youth unemployment rate, it reached 46.1% in 2010, whereas the long-term unemployment rate amounted to 14.3% that same year. The Committee notes that there was an economic slowdown towards the end of the reference period. The employment rate continued to be low, combined with high levels of unemployment.

Employment policy

The Committee recalls that in assessing national situations under Article 1§1 it pays particular attention to active labour market policies adopted by States. It notes from another source¹ that in 2003, around 250,000 people joined the unemployment register, but the job activation programme only covered about 21,000 people (less than 10%), and over 8,000 of these participated in job fairs. Thus only around 12,000 (less than 5%) of the registered unemployed benefited from job activation measures in the early stages of their period out of work. As these statistics do not cover the reference period, the Committee asks the next report to provide up-to-date information on measures to activate unemployed persons, the number of beneficiaries as a percentage of the unemployed ('activation rate'), and on the duration of unemployment spells before being offered participation in a measure. It also asks for information of expenditure on active labour market policies (as a share of GDP).

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 3 - Free placement services

The report states that the number of vacancies registered by the National Employment Service in 2010 were 94,418. The Committee asks what was the placement rate, that is, the number of placements made as a percentage of the total vacancies notified to the employment services. It also asks the next report to indicate the average length of time in filling vacancies. As regards private employment agencies, the Committee asks how these are licensed, operate and co-ordinate their work with the public employment service. Finally, it asks whether trade union and employers' organisations participate in organising and the running of the National Employment Service, and how the latter co-operates with employers in acquiring vacancies.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 3 - Right to safe and healthy working conditions – Conclusions 2013

Paragraph 1 - Safety and health regulations

The Committee takes note of this information. It considers that there is a policy, the objective of which is to foster and preserve a culture of prevention in respect of occupational health and safety. It asks that the next report indicate, whether the policy is regularly assessed in light of the changing risks.

The Committee asks that the next report contain information on the regular consultation with employers' and workers' organisations in matters of occupational health and safety at the national, sectoral and company levels. It also asks for information on the activities of the health and safety representatives elected in accordance with Section 44 et Seq. of the Act of 14 November 2005 in practice.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 - Safety and health regulations

Personal scope of the regulations

The Committee examines the personal scope of laws and regulations with regard to workers in insecure employment. The report provides information neither on the protection of workers in fixed-term employment, agency and temporary workers; nor on the protection of self-employed, home and domestic workers.

Consultation with employers' and workers' organisations

The report states that the Strategy and the Project have contributed to strengthen the cooperation of public authorities with the social partners and improved the application of occupational health and safety laws and regulations. The Committee takes note of this information. It asks that the next report contain information on the regular consultation with employers' and workers' organisations in matters of occupational health and safety at the national, sectoral and company levels. It also asks for information on the activities of health and safety representatives elected in accordance with Section 44 et Seq. of the Act of 14 November 2005 in practice.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 3 - Enforcement of safety and health regulations

Occupational accidents and diseases

The report provides few statistics on occupational accidents and diseases. According to the Labour Inspectorate Annual Report for 2010 (Annual Report 2010) (pp. 77-78), the number of occupational accidents (inspected; more than three days' absence from work) remained stable during the reference period (from 1 034 in 2008 to 1 026 in 2010), in line with the previous trend. The number of fatal accidents (inspected) decreased (from 42 in 2008 to 35 in 2010). The report indicates an average incidence rate for fatal injuries per 100 000 employees, which was stable overall (1.99 in 2009 and 1.98 in 2010) and most prevalent in construction and industry. According to the Decent Work Report (pp. 6 and 13), there are problems with the reporting of occupational accidents. There were only 57 cases of occupational diseases in 2008 and 30 in 2010, which seems to show that the reporting of such cases does not function effectively and the reliability of statistics should be improved.

The Committee takes note of this information. It recalls that the States Parties have a duty to provide precise information on developments in respect of occupational accidents and that, in examining the respect for the right enshrined in Article 3§3 of the Charter, the number and frequency of occupational accidents and their trends are decisive factors. It asks that the next reports provide, for each year of the reference period, figures on occurrences of occupational accidents and diseases; occurrences with a fatal issue; and corresponding rates of incidences per 100 000 workers. It also asks for information on the measures taken to counter potential concealment of occupational accidents and cases of occupational disease, as well as sanctions applied to employers who fail to meet their reporting obligations.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 4 - Occupational health services

Recalling that, in accepting Article 3§4 of the Charter, States Parties undertake to ensure that all workers have access to occupational health services in all sectors of activity and in all business enterprises, the Committee asks that the next report provide more detailed information on the legal requirements to provide access to occupational health services (legislation, procedures, institutions); as well as on whether, if not all undertakings feature occupational health services, a strategy is set up to provide access to such services. It also asks for statistics on the number of workers under care with occupational health services; on the proportion of undertakings, which provide or share an occupational health service with other undertakings; and on the number of occupational physicians in relation to the labour force.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 4 - Right to a fair remuneration – Conclusions 2014

Paragraph 1 - Decent remuneration

The Committee points out that, in order to ensure a decent standard of living within the meaning of Article 4§1 of the Charter, wages must be no lower than the minimum threshold, which is set at 50% of the average net wage. This is the case when the net minimum wage is more than 60% of the net average wage. When the net minimum wage lies between 50% and 60% of the net average wage, it is for the state to establish whether this wage is sufficient to ensure a decent standard of living (Conclusions XIV-2 (1998), Statement of Interpretation on Article 4§1). The Committee determines, in view of the report and the other information cited, that the minimum wage amounts to 52.69% of the average wage, net of social contributions and tax. Hence, in order to assess whether this wage makes it possible to ensure a decent standard of living within the meaning of Article 4§1 of the Charter, the Committee asks that the next report provide information on the standard of living of workers who earn the minimum wage and their dependants. It also asks for information on measures taken to guarantee that minimum wages are applied in low-pay regions and sectors.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 8 - Right of employed women to protection of maternity – Conclusions 2015

Paragraph 1 - Maternity leave

Right to maternity benefits

According to the report, under Article 94 of the Labour Law, employees on maternity or childcare leave are entitled to salary compensation in conformity with the law. In particular, the salary compensation is calculated and paid in the amount of the average basic salary of the employee during the 12 months preceding the beginning of the maternity leave, increased for the time spent at work, for every full year of work spent in the employment relationship, pursuant to the Law on Financial Support to Families with Children, but not more than five times the national average monthly salary.

The Committee notes however from the ILO database on Maternity Protection that a salary compensation corresponding to 100% of the previous earnings is paid to employees with at least 6 months of continuous insurance coverage, while only 60% of the salary is paid to employees insured for more than 3 but less than 6 months and 30% of the salary is paid to employees with less than 3 months contributions.

The Committee recalls that, under Article 8§1 of the Charter, maternity benefits must be at least equal to 70% of the previous wage. The right to benefit may be subject to conditions such as a minimum period of contribution and/or employment. However, such conditions shall not be excessive; in particular, if qualifying periods are required, they should allow for some interruptions in the employment record. The Committee asks the next report to clarify what are the criteria for entitlement to maternity benefits and whether interruptions in the employment record are taken into account in the calculation of the qualifying period. It also asks the next report to provide any relevant information, in particular statistical data, on the proportion of women getting, as maternity benefits, less than 70% of their previous salary. With reference to its Statement of interpretation on Article 8§1 (Conclusions 2015), the Committee furthermore asks whether the minimum rate of maternity benefits corresponds at least to the poverty threshold, defined as 50% of the median equivalised income, calculated on the basis of the Eurostat at-risk-of-poverty threshold value. It reserves in the meantime its position on this point.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 11 Right to protection of health – Conclusions 2013

Paragraph 1 - Removal of the causes of ill-health

The Committee notes that the report of Serbia does not contain any information on Article 11§1. The Committee asks that this matter be duly addressed in the next report of Serbia.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 - Advisory and educational facilities

The Committee notes that the report of Serbia does not contain any information on Article 11§2. The Committee asks that this matter be duly addressed in the next report of Serbia.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 3 - Prevention of diseases and accidents

The Committee notes that the report of Serbia does not contain any information on Article 11§3. The Committee asks that this matter be duly addressed in the next report of Serbia.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 12 Right to social security – Conclusions 2013

Paragraph 1 - Existence of a social security system

The social security system covers the following branches: healthcare, pensions and benefits for care and support (invalidity, age and family), unemployment benefit, sickness benefit, invalidity, survivor's, employment injury and maternity benefits. These benefits are paid by the Pension and Invalidity Insurance Fund, the Health Insurance Fund and the National Employment Agency. The basic principle of financing is pay-as-you-go. According to the report, in 2011, a total of 2 600 115 persons, including employees, the self-employed and farmers, were insured under the compulsory insurance. It also notes that 77% of the population above 65 years of age receives pension. The Committee notes that the system of social security covers an adequate number of branches and is based on collective funding.

Healthcare

The Committee notes that the personal coverage of the healthcare extends beyond employment relationships and covers unemployed persons. It asks, however, what percentage of the total population is covered.

Adequacy of benefits

In the absence of the Eurostat at-risk-of-poverty indicator, the Committee requests that each report provide information about the poverty threshold indicator from national statistics. In this respect, the Committee refers to its conclusion under Article 13 of the Charter, where it notes from several sources (SETimes, June 2011; BalkanInsight April 2011) that the poverty line was considered to be at €80 monthly in 2011. According to the official data based on the 2008 Household Budget Survey, the poverty line stood in 2008 at RSD7 937 (€92.50 at 1st January 2008, €82 at 31 December 2008). Another source (Poverty in Serbia, by Vuk Stojkovic, November 2012) confirms that the poverty line oscillated between €85 and €90 between 2008 and 2010. The Committee asks the next report to provide the poverty line indicator for the reference period.

Sickness benefit

The Committee asks what a percentage of the total active population is ensured against sickness.

The Committee notes from MISSCEO that the sickness compensation cannot be lower than the national minimum salary. The amount of compensation can be up to 65% of the worker's average salary in the last three months, if the temporary incapacity is not related to work, and 100%, if it is caused by an injury at work, an occupational disease or in case of a tissue or organ donation. The Committee notes from another source¹ that the minimum monthly wage in Serbia stood at €176.80 in 2011. Thus, it understands that the minimum level of the sickness benefit did not fall below €176.80 in 2011, and asks the next report to confirm that this is the case and to provide information for the reference period.

Old-age

According to MISSCEO, the minimum pension paid in January 2012 was RSD12 222 (€107) for retired employees or self-employed workers, and RSD9 609 (€84) for retired farmers. The Committee also notes from the report that as part of the measures to reform the state pension system, a unique minimum pension amount was introduced. The Committee wishes to be informed about the minimum levels of both contributory and non-contributory (social) pensions applicable during the reference period.

Unemployment benefit

The benefit amounts to 50% of the base, but may not fall below 80% of the minimum wage. The Committee understands that the minimum level of the unemployment benefit did not fall below €140 in 2011, and asks the next report to confirm that this is the case and to provide information regarding the minimum wage applicable during the reference period. Concerning the duration of the unemployment benefit, the Committee notes from the report that it shall be three months in case of an insurance period of one to five years, and six months in case of the insurance period of five to 15 years. The Committee holds that the duration of three months is short and the situation is therefore not in conformity with the Charter.

Concerning the adequacy of the income-replacement benefits, the Committee requests that the next report provide information on the minimum wage, the poverty line and the minimum levels of benefits (sickness and unemployment), as well as in case of the old-age benefit, both the minimum level of the contributory and non-contributory (social) pension.

Conclusion

The Committee concludes that the situation in Serbia is not in conformity with Article 12§1 of the Charter on the ground that the duration of the unemployment benefit is too short.

Paragraph 2 - Maintenance of a social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security

The Committee recalls that, in order to examine whether the social security system stands at a level at least equal to that necessary for the ratification of the Code, it has to be provided with thorough information regarding the branches covered, the personal scope and the level of benefits offered. The Committee refers to its conclusion under Article 12§1 of the Charter, where it noted that the social security system of Serbia covers an adequate number of branches and, however, reserved its position as regards the personal coverage of certain branches, as well as the level of benefits. The Committee therefore asks the next report to provide this information and in the meantime it reserves its position as to whether Serbia maintains a social security system at a level at least equal to that necessary for the ratification of the European Code of Social Security.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 3 - Development of the social security system

The Committee takes note of the reforms implemented in the pension system. It notes that a points system was introduced, which is based on the calculation of personal points to be determined on the basis of the length of service and the payment of contributions by each insured person. A unique minimum pension amount has been introduced, the disability

definition changed, a pension administration reform started and a system of voluntary pension funds and pension plans set up. As regards the pension administration reform, the three former pension funds were merged into a single Pension and Disability Insurance Fund. A system of voluntary pension funds and pension plans was introduced for those who want to save additional funds for their retirement. The central registry of a compulsory social insurance was set up to improve the recording and collection of the social security contributions.

The Committee takes note of the implementation of a project "Consolidated collection and pension administration reform in Serbia", which aimed at an institutional strengthening of the pay-as-you-go (PAYG) pension funds. One of the expected results of the project was to improve the social security and the access to public services. The Committee wishes to be informed on how these reforms of the pension system affect the overall personal coverage of the branch – i.e. the percentage of the persons insured out of the total active population, as well as the minimum level of the pension benefit. As regards the other branches of social security – i.e. healthcare, sickness, unemployment, maternity and invalidity, the Committee wishes to be informed of any changes implemented during the reference period, as well as on their impact on the personal coverage and the minimum levels of the benefits in case of income-replacement benefits.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 13 - Right to social and medical assistance – Conclusions 2013

Paragraph 1 - Adequate assistance for every person in need

Level of benefits

To assess the level of the social assistance during the reference period, the Committee takes the following information into account:

- Basic benefits: the level of social assistance is determined on the basis of the consumer price index over the past six months and updated twice a year (in April and October). According to the Mutual Information System on Social Protection of the Council of Europe (MISSCEO), in April 2011 it was RSD6 050 (€58) monthly for an individual. Every other adult and minor in the family gets respectively 50% and 30% of the basic amount. An individual unable to work, a family whose members are all unable to work or a single-parent family are entitled to a 20% supplement.
- Additional benefits: the Committee notes from MISSCEO that cash benefits' beneficiaries, depending on the size of the household, are entitled to reduced electricity, water and other utility bills (the reductions ranging between 10% and 40%). This reduction falls within the responsibility of the city or municipality governments.
- Medical assistance: see above.
- The poverty threshold: the Committee notes from several sources (SETimes, June 2011; BalkanInsight April 2011) that the poverty line was considered to be at €80 monthly in 2011. According to the official data based on the 2008 Household Budget Survey, the poverty line stood in 2008 at RSD7 937 (€92.5 at 1 January 2008, €82 at 31 December 2008). Another source (Poverty in Serbia, by Vuk Stojkovic, November 2012) confirms that the poverty line oscillated between €85 and €90 between 2008 and 2010.

The Committee recalls that it considers the assistance to be appropriate where the monthly amount of the assistance benefits – basic and/or additional – paid to a person living alone is not manifestly below the poverty threshold (which is set at 50% of the median equivalised income). In light of the information above, the Committee concludes that the level of social assistance is manifestly inadequate.

Personal scope

The Committee recalls that foreigners who are nationals of the States Parties lawfully residing in the territory of another State Party and lacking adequate resources, must enjoy an individual right to appropriate assistance on an equal footing with nationals, without the need for reciprocity. It accordingly asks the next report explicitly to indicate what forms of social and medical assistance are available for foreign nationals of States Parties with temporary or permanent resident status in Serbia, as well as to refugees and stateless persons, including people that are de facto stateless because of the lack of documents. It reserves in the meantime its position on this issue.

Conclusion

The Committee concludes that the situation in Serbia is not in conformity with Article 13§1 of the Charter on the ground that the level of social assistance is manifestly inadequate.

Paragraph 2 - Non-discrimination in the exercise of social and political rights

The Committee recalls that under Article 13§2, persons receiving assistance must not suffer any diminution of their political or social rights, and that any discrimination against persons receiving assistance that might result from an express provision must be eradicated. It asks the next report to confirm explicitly that people in need do not suffer, not only in law but also in practice, from any discrimination in the exercise of their political and/or social rights on account of being beneficiaries of social or medical assistance. In this respect, it notes that under the Constitution, only citizens "with working capacity" are allowed to vote and be elected. The Committee asks the next report to clarify how this requirement is interpreted and applied. As regards the matter of unregistered people, it asks to be kept informed of the measures taken to guarantee they have access to social and political rights in practice.

Conclusion

Pending receipt of the requested information, the Committee concludes that the situation in Serbia is in conformity with Article 13§2 of the Charter.

Paragraph 3 - Prevention, abolition or alleviation of need

The Committee asks the next report to clarify whether and to what extent nationals of the other States Parties legally resident in Serbia are provided equal access with Serbian citizens to the services concerned; whether and to what extent stateless people, including the people living in Serbia without documents, have access to these services; and whether these services are provided free of charge and are adequately distributed on a geographical basis. It furthermore asks the next report to provide updated statistical data on the budget for social services and the number of beneficiaries.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Serbia is in conformity with Article 13§3 of the Charter.

Article 14 - Right to benefit from social services – Conclusions 2013

Paragraph 1 - Promotion or provision of social services

The Committee notes that the Social Protection Act introduced a quality system that consists of the defining of basic standards, their application, as well as of the introduction of a system of

accreditation for the training and licensing of service providers, whether public or private. The licenses are issued by the Ministry of Social Protection. The Social Welfare Development Strategy, which was begun in 2007, focused on improving the competences of the social service providers through a large-scale training programme. In 2011, there were 110 accredited programs. The Committee asks the next report to indicate the total number of staff providing social services, as well as to demonstrate that this number is sufficient in relation to the number of users. The Committee also wishes to be informed of the total amount of the public spending on the social protection services. The Committee asks whether there is any legislation on personal data protection.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 - Public participation in the establishment and maintenance of social services

The Committee recalls that the States Parties shall encourage individuals and organizations to play a part in maintaining the services, for example by taking action to strengthen the dialogue with the civil society in the areas of welfare policy affecting the social welfare services. The Committee therefore asks if and how the dialogue with the civil society in respect of the social welfare services is ensured. In the absence of information concerning the issue of discrimination, the Committee wishes to know, whether and how the Government ensures that the services managed by the private sector are effective and accessible on an equal footing to all, without discrimination at least on grounds of race, ethnic origin, religion, disability, age, sexual orientation and political opinion.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 15 - Right of persons with disabilities to independence, social integration and participation in the life of the community – Conclusions 2012

Paragraph 1 - Vocational training for persons with disabilities

Vocational training The Committee recalls under Article 15§1 that all persons with disabilities have a right to education and training: primary education, general and vocational secondary education as well as other forms of vocational training. The report is silent on vocational training. Therefore, the Committee asks the next report to provide information on this matter.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 - Employment of persons with disabilities

In order to better assess the employment of persons with disabilities on the open labour market the Committee asks the next report to contain the following figures:

- the number of persons with disabilities in working age;
- the number of persons with disabilities in ordinary employment;
- the number of persons with disabilities in sheltered employment;
- the number of persons with disabilities unemployed.

The Committee asks the next report to provide further details on sheltered employment.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 3 - Integration and participation of persons with disabilities in the life of the community

The report indicates that the protection of the rights of persons with disabilities has been reinforced by the Law on the Prevention of Discrimination of Persons with Disabilities (The Official Gazette no. 33/06) adopted in 2006. The Committee asks the next report to indicate precisely whether this Law covers fields such as housing, transport, telecommunications and cultural and leisure activities. It also wishes to be informed on the existence of effective remedies.

The Committee, therefore, asks the next report to provide information on how organizations of people with disabilities are consulted in the design, review and implementation of measures for people with disabilities.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 16 - Right of the family to social, legal and economic protection – Conclusions 2015

Economic protection of families

Family benefits

The Committee considers that, in order to comply with Article 16, child allowances must constitute an adequate income supplement, which is the case when they represent a significant percentage of median equivalised income. The Committee notes from MISSCEO that the monthly amount of child benefit is €21.3 per child (paid for maximum 4 children per family) for a family whose monthly net income per family member (including children) must be lower than €66.5.

The Committee takes note of these statistics but asks that the next report indicate the level of median equivalised income or most similar indicator, such as the national subsistence level, the average income or the national poverty threshold, etc. so that it can determine whether child benefit constitutes an adequate income supplement for a significant number of families. In the meantime, it reserves its position on this point.

Vulnerable families

States' positive obligations under Article 16 include implementing means to ensure the economic protection of various categories of vulnerable families, such as Roma families and single-parent families.

Concerning single-parent families, the Committee notes they are entitled to an increased financial social assistance, established by increasing the stipulated amount of social assistance for an individual or a family by 20%.

The Committee asks the next report to provide information on the measures taken to ensure the economic protection of Roma families.

Equal treatment of foreign nationals and stateless persons with regard to family benefits

The Committee recalls that States Parties must ensure equal treatment of foreign nationals of other States Parties who are lawfully resident or regularly working in their territory and stateless persons with respect to family benefits.

The Committee notes from MISSCEO that family benefits are only granted to nationals. The Committee therefore considers that the situation is not in conformity with the Charter on the ground that equal treatment of nationals of other States Parties regarding the payment of family benefits is not ensured.

The Committee asks the next report to indicate whether stateless persons and refugees are treated equally with regard to family benefits.

Conclusion

The Committee concludes that the situation in Serbia is not in conformity with Article 16 of the Charter on the ground that equal treatment of nationals of other States Parties regarding the payment of family benefits is not ensured.

Article 23 - Right of the elderly to social protection – Conclusions 2013

Adequate resources

The Committee recalls having found under Article 13§1 the situation not to be in conformity with the Charter due to the manifestly inadequate level of the social assistance. It noted that the basic benefit was RSD6 050 (€58) monthly for an individual (in April 2011) (currently RSD7 275 i.e. €64), and notes from several sources (SETimes, June 2011; BalkanInsight, April 2011) that the poverty line was considered to be at €80 monthly in 2011. According to the official data based on the 2008 Household Budget Survey, the poverty line stood at RSD7 937 (€92.50 at 1st January 2008 and €82 at 31 December 2008). Another source (Poverty in Serbia, by Vuk Stojkovic, November 2012) confirms that the poverty line oscillated between €85 and €90 between 2008 and 2010. The Committee recalls that it considers pensions and social assistance levels to be appropriate where the monthly amount of benefits – basic and/or additional – paid to a person living alone is not manifestly below the poverty threshold (set between 40-50% of the median equivalised income). In light of the information above, the Committee concludes that the level of the social assistance is manifestly inadequate, given in particular the large number of elderly persons who must rely on it. It therefore concludes that adequate resources are not guaranteed.

Housing

The Committee notes that social housing is available for elderly persons, but requests more detailed information on whether the needs of these persons are taken into account in the national or local housing policies, whether sheltered or supported housing is provided, and whether the supply of such a housing is sufficient.

Health care

The Committee recalls the importance of establishing health care programmes and services (in particular primary health care services) specifically aimed at the elderly, as well as guidelines on health care for elderly persons. In particular, there should be mental health programmes for any psychological problems of the elderly, adequate palliative care services, as well as special training for individuals caring for elderly persons. The report provides no information on these questions. The Committee therefore asks for information on these matters in the next report.

Conclusion

The Committee concludes that the situation in Serbia is not in conformity with Article 23 of the Charter on the grounds that the level of social assistance for elderly persons with no pension is manifestly inadequate.

Article 30 - Right to be protected against poverty and social exclusion – Conclusions 2013

Measuring poverty and social exclusion

The Committee asks the next report to contain the information on the percentage of the population that is socially excluded and outline in details the indicators used to measure social exclusion, along with any other relevant statistics. It also asks for detailed and updated information on the poverty rates for specific target groups such as immigrants, Roma, children and single-parent families, as well as on the geographical distribution (urban vs. rural, etc.).

The Committee notes from another source that the total spending on social protection in Serbia corresponded to about 24.6% of GDP in 2010, which was just below the average for the EU-27 (28.4%). Broken down by categories of benefits shows that the expenditure on old-age and survivors' benefits accounted for almost 54% of the total expenditure, which was above the EU-27 average (45%). The expenditure on unemployment and social exclusion was at 3.6% and 2.1% respectively, and was thus significantly below the EU-average (6% and 3.6% respectively). The Committee notes from another source the establishment of the Social Inclusion and Poverty Reduction Unit, as well as of the Social Inclusion Fund, aimed to contribute to a more efficient and successful utilization of the available national funds and of any future EU funds for social inclusion. Information on the funding allocated for the realization of the target objectives can make a significant contribution to the assessment of the measures taken to combat poverty and social exclusion. The Committee therefore asks the next report to contain more detailed information on the resource allocation for the measures to combat poverty and social exclusion, including statistics on the expenditure on unemployment and social exclusion.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Serbia is in conformity with Article 30 of the Charter.

3. ILO Conventions

Social Security (Minimum Standards) Convention, 1952 (No. 102) - Serbia (Ratification: 2000)

Direct Request (CEACR) - adopted 2012, published 102nd ILC session (2013)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

Part IV (Unemployment benefit) and Part VIII (Maternity benefit) of the Convention. In view of the fact that the Government's report does not contain the information requested by the report form with regard to Parts IV and VIII, the Committee hopes that the Government will send in the near future all the elements required by the report form under these Parts.

Article 65. Level of old-age benefit and survivors' benefit. The Committee notes that the calculations sent by the Government in its report based on *Article 65* of the Convention show that, with regard to old-age benefit, the national legislation ensures a replacement level higher than that established by the Convention, namely 57.24 per cent of the reference wage for the standard beneficiary. As regards survivors' benefit, the report indicates that the replacement level that would apply to a widow with two children would be 51.52 per cent of the wages of a breadwinner who had made contributions over a period of 30 years. The Committee recalls that the minimum replacement level established by *Articles 63(1)(a)* and *65* of the Convention represents 40 per cent of the reference wage, this percentage having to be attained in the case of 15 years of contributions by the breadwinner. ***The Committee therefore requests the Government to recalculate the replacement level ensured to a widow with two children in accordance with the requirements of the report form (the Government is requested to refer to the different points contained within Article 65, Titles I, IV and V).*** The Government may take into account all family allowances paid to the standard beneficiary and add these to the reference wage and to the amount of survivors' benefit.

Article 65 or 66 and Parts III, IV and VIII (Level of sickness benefit, unemployment benefit and maternity benefit). In the absence of calculations concerning the level of benefits covered by Parts III, IV and VIII of the Convention, the Committee requests the Government to include with its next report the specific information required by the report form (details of employment injury benefit that have to be communicated in the context of Convention No. 121).

Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121) - Serbia (Ratification: 2000)

Direct Request (CEACR) - adopted 2012, published 102nd ILC session (2013)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

With reference to its previous direct request, the Committee notes that the information provided by the Government does not reply to most of the issues raised previously and expresses the hope that the Government's next report will supply the necessary information with respect to the following issues.

Article 8(a) of the Convention. List of occupational diseases. The Committee notes that section 24 of the Law on Pension and Disability Insurance does not contain a general definition of occupational diseases but, on the contrary, refers only to specific occupational diseases, which shall be determined by the minister responsible for the pension and disability insurance, together with working posts in which the incidence of specific diseases is identified, and the terms and conditions under which they are considered occupational diseases. The Committee understands therefore that the Republic of Serbia avails itself of the option offered by *Article 8(a)* of the Convention, according to which a member shall prescribe a list of occupational diseases covering at least those enumerated in Schedule I of the Convention, as amended in 1980. It further notes in this respect that the list of occupational diseases given in the Government's report, with reference to the rulebook on determining occupational diseases, apparently does not include a number of such diseases listed in Schedule I. ***In this situation, the Committee would like the Government to make a detailed comparison of the national list of occupational diseases with Schedule I of the Convention, as regards to both the names of the diseases and the determination of the duties and working posts on which the disease appears, and to indicate in its next report measures taken or under consideration to ensure that all diseases listed in Schedule I be regarded as occupational diseases.***

Article 10(1). Medical care and allied benefits. ***The Committee would like the Government to specify in its next report the provisions of the Act or subsidiary regulations and rules of the Health Insurance Fund or the Fund for Pension and Disability Insurance of Employees, which ensure the provision of eyeglasses in the case of a morbid condition caused by employment injury.***

Article 11. Free of charge medical care and allied benefits. ***Please indicate whether medical care and allied benefits in respect of a morbid condition are made available free of charge to persons who have sustained employment injuries and, if not, whether rules on the subject are designed so as to avoid hardship.***

Article 14. Cash benefits for permanent partial incapacity. The Committee notes that, under *Article 14(1)* of the Convention, section 37 of the Law on Pension and Disability Insurance sets the minimum degree of incapacity giving the right to cash compensation for body damage at 30 per cent and that, in line with *Article 14(2)*, section 21 of the Law provides for a disability pension for a total loss of working ability. It further notes that the Government's report explains the rules for calculating the level of the disability pension for total incapacity but contains no information on the calculation of cash compensation for body damage leading to incapacity ranging from 30 to 100 per cent. ***The Committee would like the Government to show in its next report that, in accordance with Article 14(3), cash compensation for body damage in***

case of partial incapacity represents a suitable proportion of the disability pension in case of total incapacity. It would also like the Government to state whether any compensatory payments are provided for body damage of less than 30 per cent with a view to extending protection to cases of partial incapacity which are not substantial, and to ensure that people suffering such incapacity avoid hardship, in accordance with Article 14(4) and (5) of the Convention.

Article 19 or Article 20. Calculation of the level of cash benefits. With reference to its previous comments, the Committee notes that the report, while explaining the rules for the calculation of the level of the disability pension, does not contain the statistical data necessary to establish the replacement rate attained by the disability pension in relation to the reference wage of the skilled manual male employee or of the ordinary adult male labourer determined respectively under *Article 19 or 20* of the Convention. The Committee wishes to point out in this respect that, to the extent that the replacement level of the disability pension is calculated on the basis of the previous earnings of the beneficiary, the Government may have recourse to *Article 19* of the Convention, which requires the disability pension paid to the standard beneficiary (man with wife and two children) to attain at least 60 per cent of the wage of the skilled manual male employee selected by the Government according to the methodology explained in *Article 19(6) and (7)*. In this case the Government should show, on the basis of detailed statistics, that the maximum amount of the disability pension prescribed by section 78 of the Law on Pension and Disability Insurance and the maximum limit for the earnings taken into account for the calculation of the pension (see sections 63 and 182 of the Law) comply with the requirements of *Article 19(3)*. On the other hand, taking into account that section 76 of the Law guarantees the right to the minimum pension, the Government may also choose to apply *Article 20* of the Convention, which requires such minimum pension to attain at least 60 per cent of the wage of an ordinary adult male labourer selected according to the methodology explained in *Article 20(4) and (5)*. ***The Committee, therefore, once again asks the Government to specify in its next report to which of these provisions of the Convention – Article 19 or 20 – it would like to have recourse for the calculation of the replacement level of the disability pension. In making such a calculation, it is also requested to take into account any family allowance received by the standard beneficiary in addition to his wage and benefit.***

Article 21. Review of the rate of cash benefits. The Committee notes the information provided in the Government's report with respect to the indexation of pensions during the period 2004–05. The Government also indicates that since 2006 new rules apply to the indexation of pensions placing greater emphasis on the evolution of the cost of living in comparison with the evolution of the level of earnings (section 73 of the Pension and Disability Insurance Law, as amended in 2005). ***Noting that the Government does not provide the figures requested in the report form with respect to the period 2006–11, the Committee asks the Government to supply the specific information requested in this respect.***

Comments of the Association of Independent Trade Unions of Serbia. The Association of Independent Trade Unions of Serbia indicates that the latest amendments to the Health Insurance Act have been passed although they did not undergo mandatory examination by the Economic and Social Council. These amendments had the effect of excluding commuting accidents from the scope of employment injuries. ***The Committee requests the Government to clarify the situation, indicating how the national legislation gives effect to the provisions of Article 7(1) of the Convention.***

Maternity Protection Convention, 2000 (No. 183) - Serbia (Ratification: 2010)

Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)

[Link to the pending comments of the ILO supervisory bodies, NORMLEX](#)

Article 8(2) of the Convention. Remuneration after maternity leave. The Committee notes the Government's indication that, after maternity leave, parental leave or special leave for childcare, the employee shall be reinstated into the post set out in the employment contract. However, the Confederation of Autonomous Trade Unions of Serbia (CATUS) indicates that, in practice, after maternity leave, women who return to work face a reduction in their wage on the grounds that they will have lost the capacity for work that they would have acquired if they had not been absent. This wage reduction appears in a rider to the employment contract. The Confederation emphasizes the difficulty of providing proof of harassment or discrimination of the employee. The Committee recalls that, under *Article 8(2)* of the Convention, at the end of the maternity leave a woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate. ***In view of these comments, the Committee requests the Government to indicate the manner in which the application of Article 8(2) of the Convention is ensured in law and practice.***

Article 10. Nursing breaks. The Government indicates that there is no provision on nursing breaks or the reduction of hours of work for breastfeeding as employees are entitled to leave of up to two years. The Government also indicates that amendments will be made to the Labour Law to enable women who wish to work to benefit from daily breaks to breastfeed their child. ***The Committee hopes that these amendments will be adopted shortly and that they will ensure the full application of this Article of the Convention in national law.***

Maternity Protection Convention, 2000 (No. 183) - Serbia (Ratification: 2010)

Observation (CEACR) - adopted 2013, published 103rd ILC session (2014)

Article 1 of the Convention. Atypical forms of work. The Committee notes the comments of the Trade Union Confederation "Nezavisnost" dated 5 September 2013 indicating that, although the national legislation provides for maternity protection that exceeds the provisions of the Convention, in practice those provisions are not applied to all forms of work. Only employees in the formal sector with an open-ended contract are covered, which represents less than 10 per cent of the country's women employees. In 2012, there were 935,486 women aged 15–65 years in the labour market, of whom 850,971 (90.96 per cent) had a fixed-term contract and only 84,515 (9.34 per cent) had a permanent contract. In respect of the number of workers of childbearing age, according to the trade union, only 7.8 per cent of women exercise their right to cash benefits during maternity leave. ***The Committee requests the Government to reply to these comments and to specify the manner in which the provisions of the Labour Code on maternity protection apply to women workers with a fixed-term contract, including women workers with occasional or temporary employment, or who are members of youth or student cooperatives governed by sections 197, 198 and 199 of the Labour Code.***

The Committee is raising other points in a request addressed directly to the Government.