

## **INTRODUCTION OF THE SOCIAL SECURITY SYSTEM IN SERBIA**

### **The concept of the social security system**

The social security system in the Republic of Serbia consists of the following schemes: social insurance, social protection and family benefits schemes.

The social insurance schemes are covering three basic types of insurances, i.e. the health insurance, the pension and invalidity insurance and the unemployment insurance. They are primordially financed on the basis of social security contributions and are of a professional nature. They are covering the professionally active persons - employees (including civil servants, police and army officers), self-employed people and farmers, their family members and some assimilated groups. Although professional of nature, the health care insurance is covering the entire population residing in the country and guarantees equal access to health care regardless of employment and legal status of the citizens.

Social protection schemes are taken care of by the state, and focus upon prevention and coverage of the basic social needs. These schemes are universal in the sense that they cover all citizens and persons residing in the country. Some categorical assistance schemes, providing assistance to specific groups (elderly in need, handicapped) exist as well.

The family benefit (child protection) schemes are separately organised. They provide families with cash benefits and services. Special benefits are provided to children with special needs.

### **The legal value of the constitutional provisions for social security**

The Constitution of the Republic of Serbia includes a detailed list of provisions regarding the economic and social protection of the citizens. Under Article 1 of the Constitution Principles, the Republic of Serbia is based on the rule of law and social justice, principles of civil democracy, human and minority rights and freedoms, and commitment to European principles and values. The social rights can be found in Section 2, Part 2 of the Constitution – "Human rights and Freedoms" and they include special protection of the family, mother (before and after childbirth), single parent and child (Article 66<sup>i</sup>) as well as right to health care, social protection and pension insurance (Articles 68 - 70<sup>ii</sup>).

Citizens may invoke the protection of rights determined by the Constitution before the courts, as well as before the Constitutional Court of the Republic of Serbia.

### **Judicial protection of social security rights of individuals**

Individual's access to social rights is guaranteed in a three instance procedure, the third instance always restricted to the legality of the individual acts of the state administration.

The procedures for attainment of the rights and obligations related to health insurance are laid down in the Health Insurance Law and the Law on General Administrative Procedure. The procedure is being initiated upon an application of the insured person or a member of their family. A regional branch of the Republic Health Insurance Institute is obliged to issue a decision regarding the filed application and to deliver it to the applicant thereof. The applicant has a right to a complaint to the Institute in the capacity of a second instance authority against the aforesaid decision of its regional branch. Judicial protection is provided to the insured person against the decision of the Institute. The individual can address his/her complaints to the Administrative Court in accordance with the Law on Administrative Disputes.

The rights related to the pension and invalidity insurance are different because they are acquired depending on the insurance period and amount of salaries and other benefits used as contribution base while being insured for the pension insurance.

The procedure is provided through the Republic Fund for Pension and Disability Fund, having regional units throughout the country. Applications should be launched with the local branch office of the Fund. In case a person wants to launch an appeal against the taken decision, he/she can apply to the body of higher instance specified in the general act of the Fund, which, in practice, is the Directorate of the Fund. This is the second instance, while in a further process against the second instance decision the individual can launch an administrative dispute in front of the Administrative Court.

The procedures for attaining the rights and obligations related to unemployment insurance are laid down in the Law on Employment and Insurance in Case of Unemployment and Law on General Administrative Procedure. The procedure is provided through the National Employment Service. Applications should be launched with the body specified in the general act of the Service. The applicant has a right to launch a complaint to the Director of the national Employment Service in the capacity of a second instance authority against the aforesaid decision. In third instance the individual can lodge an administrative appeal with the Administrative Court against the decision of the Director of the Service.

The municipality or city administration decides upon the rights of social welfare and family benefits in first instance. The competent administration of the municipality or city is where the individual holds temporary or permanent residence, except for maternity benefits where the competent authority is the administration of the municipality or city according to the registered office of the Employer. The Ministry of Labour and Social Policy deals with social and family benefits complaints in the second instance procedures. The judicial protection is provided by means of initialising administrative proceedings before the Administrative Court of the Republic of Serbia.

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**<sup>i</sup> Special protection of the family, mother, single parent and child**

**Article 66:**

"Families, mothers, single parents and any child in the Republic of Serbia shall enjoy special protection in the Republic of Serbia in accordance with the law.

Mothers shall be given special support and protection before and after childbirth."

**<sup>ii</sup> Health care**

**Article 68:**

"Everyone shall have the right to protection of their mental and physical health.

Health care for children, pregnant women, mothers on maternity leave, single parents with children under seven years of age and elderly persons shall be provided from public revenues unless it is provided in some other manner in accordance with the law.

Health insurance, health care and establishing of health care funds shall be regulated by the law.

The Republic of Serbia shall assist development of health and physical culture."

**Social protection**

**Article 69:**

"Citizens and families that require welfare for the purpose of overcoming social and existential difficulties and creating conditions to provide subsistence, shall have the right to social protection the provision of which is based on social justice, humanity and respect of human dignity.

Rights of the employees and their families to social protection and insurance shall be regulated by the law.

The employees shall have the right to salary compensation in case of temporary inability to work, as well as the right to temporary unemployment benefit in accordance with the law.

Disabled people, war veterans and victims of war shall be provided special protection in accordance with the law.

Social insurance funds shall be established in accordance with the law."

**Pension insurance**

**Article 70:**

"Pension insurance shall be regulated by the law.

The Republic of Serbia shall see to economic security of the pensioners."