



13/03/2017

RAP/RCha/SRB/6(2017)

EUROPEAN SOCIAL CHARTER

6th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF SERBIA

Articles 3, 11, 12, 13, 14, 23 and 30 for the period
01/01/2012 - 31/12/2015

Report registered by the Secretariat on
13 March 2017

CYCLE 2017

REPORT ON IMPLEMENTATION OF THE REVISED EUROPEAN SOCIAL CHARTER, 2016

REPUBLIC OF SERBIA

ARTICLES: 3, 11, 12, 13, 14, 23 and 30.

Article 3 – The right to safe and healthy working conditions

With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers' and workers' organisations:

1. to formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment. The primary aim of this policy shall be to improve occupational safety and health and to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, particularly by minimising the causes of hazards inherent in the working environment;
2. to issue safety and health regulations;
3. to provide for the enforcement of such regulations by measures of supervision;
4. to promote the progressive development of occupational health services for all workers with essentially preventive and advisory functions.

Appendix to Article 3§4

It is understood that for the purposes of this provision the functions, organisation and conditions of operation of these services shall be determined by national laws or regulations, collective agreements or other means appropriate to national conditions.

Article 3§1

- 1) Please describe the national policy on occupational health and safety and the consultation with employers' and workers' organisations in formulating this policy. Please specify the nature of, reasons for and extent of any reforms.

Reply:

National policy on occupational health and safety established in the Republic of Serbia in 2006, has been regularly assessed and developed, which is reflected in enactment of the Strategy on Occupational Health and Safety in the Republic of Serbia for period between 2013 and 2017 ("Official Gazette of the RS", number 100/13) and the Action Plan for implementation of the Strategy on Occupational Health and Safety in the Republic of Serbia for period between 2013 and 2017 ("Official Gazette of the RS", number 81/14).

The Strategy is based on principles of Decent Work Country Programme for the Republic of Serbia for period between 2013 and 2017 as well as on Seoul Declaration (2008) and Istanbul Declaration (2011). In the forthcoming period, there still will be a need to introduce elements influencing creation of safe and healthy working conditions such as: introducing principles for preventing occurrence of injuries at work and occupational diseases, active involvement of occupational health services, introducing principle of liability borne by individuals organising activities intended for implementation of occupational health and safety measures, selection of employees' representative for occupational health and safety, and/or establishment of an occupational health and safety committee, establishing options for introduction of special insurance against injuries at work and occupational diseases for the purpose of securing damage compensation, introduction of occupational health and safety into school educational system (primary and secondary education), introduction of a central register of injuries at work and occupational diseases, continuous education/training of professionals and persons

responsible for occupational health and safety and other persons and promoting prevention culture and good practice examples in the area of occupational health and safety.

This Strategy starts from legislation in this area and it is based on social dialogue principles at all levels between employees' representatives, employers and public interest representatives. The Strategy encompasses all economic and social spheres aiming to accomplish the vision of what we want to achieve – full application of regulations, change of awareness on importance of measures application, socially responsible companies and responsible society in general.

Overall objective of the Strategy is improvement and maintenance of working age population health, and/or improvement of working conditions to prevent injuries at work and occupational diseases and work-related diseases and its reduce to the smallest possible degree and/or elimination of professional risks. The Strategy intends to reduce the number of injuries at work, during this period, by 5% comparing to the records of injuries at work kept by the Labour Inspectorate. All participants included in the occupational health and safety system will be involved in implementation activities and full integration of regulations in the area of occupational health and safety, and/or their full acceptance and usage in practice.

In formulating the Strategy activities, principles from previous Strategy have been used and a new principle has been introduced concerning promotion of this area:

- 1) Promotion: change of overall public awareness on importance of occupational health and safety measures implementation by organising different promotional activities and campaigns;
- 2) Prevention: occupational health and safety activities ought to focus on preventing work related injuries, occupational diseases and work related illnesses. The majority of injuries and work-related diseases can be prevented, and therefore prevention represents the most affordable method for proactive resolution of occupational health and safety issues;
- 3) Involvement of all stakeholders: improvements in occupational health and safety and working environment conditions may be the best accomplished through active involvement of all participants in the occupational health and safety system. In the workplace those participants are employees performing work related activities and their representatives for occupational health and safety issues. At the market and state level they are employers, trade unions, state bodies, non-governmental organisations, educational institutions, scientific institutions and others;
- 4) Responsibility: employers bear the most responsibility for health and safety at work. The most important obligation of employers is to provide employees with safe and healthy workplaces and to involve them in all discussions related to occupational health and safety issues. Employees are responsible for their own safety what is further reflected in the manner they act in their workplace;
- 5) Attainability: activities related to occupational health and safety are based on the application of occupational health and safety measures and increased knowledge about existing human resources and their abilities to apply minimum requirements and implement them with least expenses for the purpose of realising safe and healthy working conditions.

- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the national policy in consultation with employers' and workers' organisations.

REPLY

The Action Plan for implementation of the Strategy on Occupational Health and Safety in the Republic of Serbia for period between 2013 and 2017 stipulates the competent state administration authorities, social partners and other participants in the occupational health and safety system, with specific individual objectives and activities elaborating aims and measures from the Strategy, as the most important strategic document in the area of occupational health and safety.

Activities implementation and/or achievement of the aims defined in the Action Plan includes activities of the Occupational Health and Safety Administration, Labour Inspectorate, other ministries, Social and Economic Council of the Republic of Serbia, representative trade unions, representative employers' association.

The Action Plan represents the sum of the actual measures and activities, aimed at improvement of working-age population health and decrease of injuries at work and occupational diseases.

All participants included in the occupational health and safety system will be involved in implementation activities and full integration of regulations in the area of occupational health and safety, and/or their full acceptance and usage in practice.

Activities carried out in the Reporting Period according to individual objectives in implementation of the Strategy defined in the Action Plan are the following:

1) Passing acts, sub-legal acts and other general acts concerning occupational safety and health aiming at harmonisation with EU and ILO regulations, as well as their implementation and simultaneous encouragement of social partners for occupational safety and health issues to be regulated through collective bargaining system and these are:

- Law on Changes and Amendments of the Law on Occupational Health and Safety;
- Regulation on preventive measures for safe and healthy work due to risks from explosive atmospheres;
- Regulation on preventive measures for safe and healthy work to prevent exposure to asbestos;
- Rulebook on preventive measures for safe and healthy work when using work equipment;
- Rulebook on preventive measures for safe and healthy work to prevent exposure to electromagnetic field;
- Rulebook on programme, manner and amount of costs for preparation and passing vocational exam for performing duties of coordinator for development of projects and vocational exams for performing jobs of coordinator for works execution monitoring;
- Rulebook on conditions and amount of costs for issuance of licences for conducting jobs in the area of occupational health and safety;
- Rulebook on programme, manner and amount of costs for passing vocational exam for performing occupational health and safety jobs and responsible person jobs;
- Rulebook on manner and procedure for workplace and working environment risk assessment;
- Rulebook on content and manner of issuing report form on injury at work, occupational disease and work-related disease;
- Rulebook on procedure of examining and checking working equipment and examining working environment conditions;
- Rulebook on records in the area of occupational health and safety;
- Rulebook on contents of elaborate on construction site arrangement;

Opinions have been also given on proposal of collective bargaining and these are:

Special Collective Agreement for the public enterprises in the utility services and housing of the City of Belgrade, Collective Agreement for "Serbia Railways" J.S.C., Collective Agreement for PC "Srbijagas" Novi Sad, Collective Agreement for PC "Transnafta" Pancevo, Collective Agreement for Nikola Tesla Airport Belgrade, Collective Agreement for National Pension and Disability Insurance Fund of the Republic of Serbia, Collective Agreement for PC "Electric network of Serbia" Belgrade, Special Collective Agreement for public water company "Serbia waters", Special Collective Agreement for pre-school institutions founded by the City of Belgrade, Special Collective Agreement for the public utility companies of the City of Pancevo, Collective Agreement for PC "Institute for textbooks" Belgrade, Collective Agreement "Shelters", Collective Agreement PC "Skiing resorts of Serbia", Special Collective Agreement for social welfare in the Republic of Serbia, Special Collective Contract for Electric Power Industry, Collective Agreement PSS Kraljevo, Special Collective Agreement for state authorities, Special Collective Agreement for higher education, Collective Agreement for PC for coal exploitation and Special Collective Agreement for public enterprises in Cacak.

2) Further development and adoption of mechanisms and procedures for implementation of regulations on occupational health and safety (integrated labour inspection), deadline the end of 2016;

3) Deciding on options for introduction of for the purpose of securing damage compensation:
-Professional Working Group has been established for introduction of special insurance against injuries at work and occupational diseases and its task is to conduct an analysis of the existing security system against injuries at work and occupational diseases and to propose an option for introduction of special insurance against injuries at work and occupational diseases;
-Twinning Project „HARMONISATION AND IMPLEMENTATION OF LEGISLATION FOR OCCUPATIONAL HEALTH AND SAFETY“ within which an activity has been proposed resulting in development of special insurance system against injuries at work and occupational diseases;

4) Raising awareness on importance of occupational health and safety with students in primary and secondary education:
- Law on Primary Education („Official Gazette of the RS”, no. 55/13-Article 27) and Law on secondary education („Official Gazette of the RS”, no 55/13-Article 22) stipulate that an integral part of school curriculum is programme of occupational health and safety which includes common activities of the school, parents, i.e. guardians and local self-government units, focused on development of awareness for implementation and improvement of occupational health and safety;
- Training of children on a public lecture within the Fair 112 EXPO 2014- NAPO films has been conducted;

5) Continued education/training of professionals responsible for occupational health and safety and other persons in the area of occupational health and safety:
- Law on Changes and Amendments of the Law on Occupational Health and Safety (Article 38, Paragraph 4) stipulates that there is a need for Programme for education of persons relating to occupational health and safety to be brought by minister with responsibility for labour;
- Training on public lectures within Fair 112 EXPO 2014 has been conducted;

6) Introduction of unified register for injuries at work:

- implementation of this objective is expected by the end of 2018 within Twinning Project „HARMONISATION AND IMPLEMENTATION OF LEGISLATION FOR OCCUPATIONAL HEALTH AND SAFETY“, as well as introduction of ESAW methodology with an aim of harmonisation with EU statistics relating to maintaining of statistics on injuries at work;

7) Improvement of occupational safety service's role in the occupational health and safety system by monitoring health condition of employees

- In 2018 it is planned to bring new Law on Occupational Health and Safety, which will, inter alia, improve the system of employees' health condition monitoring. This issue is covered by the Twinning Project „HARMONISATION AND IMPLEMENTATION OF LEGISLATION FOR OCCUPATIONAL HEALTH AND SAFETY“;

8) Promotion of prevention culture and good practice examples in the area of occupational health and safety at all levels of organising employers, employees, educational institutions and the state (employers' associations, trade unions, labour inspection, school system, pension, disability and health insurance funds, etc.):

Manifestations organised every year:

-competition organised for National recognitions in the area of occupational health and safety for the Serbian Occupational Health and Safety Day and the World Occupational Health and Safety Day, 28 April;

-marking of European Week for Occupational Health and Safety organised in the last week of October;

-marking of the Miners' Day on 6 August organised;

-marking of the Construction Workers Day on 8 August organised;

-competition organised for European Good Practice Awards in the Republic of Serbia in cooperation with EU-OSHA;

-organisation of the Fair 112 EXPO every second year (organised in 2014 and planned for October 2016).

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Article 3§2

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

REPLY

In line with the Strategy on Occupational Health and Safety in the Republic of Serbia for period between 2013 and 2017 and the Action Plan for implementation of the Strategy, the following regulations have been brought:

Sublegal regulations by which EU directives have been transposed into national legislation

- **Regulation on preventive measures for safe and healthy work due to risks from explosive atmospheres** (“Official Gazette of the RS”, no. 101/12 и 12/13-corrigendum) by which Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres has been transposed;
- **Regulation on preventive measures for safe and healthy work to prevent exposure to asbestos** (“Official Gazette of the RS”, no 108/15), by which Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work has been transposed. This Regulation lays down the limit value for exposure to asbestos, which is 0.1 fibres per cm³ as an 8-hour time-weighted average (Article 8);
- **Rulebook on preventive measures for safe and healthy work when using work equipment** (“Official Gazette of the RS”, no 23/09, 123/12 and 102/15), by which Directive 2009/104/EC of the European Parliament and of the Council concerning the minimum safety and health requirements for the use of work equipment by workers at work;
- **Rulebook on preventive measures for safe and healthy work to prevent exposure to electromagnetic field** (“Official Gazette of the RS”, no 111/15) by which Directive no 2013/35/EU on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields).

Opinions of the SES Working Body on Workplace Safety and Health Issues have been obtained for all the mentioned regulations.

The foundation of the occupational health and safety system is the **Law on Occupational Health and Safety** (“Official Gazette of the RS”, no 101/05) regulating implementation and improvement of occupational health and safety for persons involved in work processes, as well as for persons currently in the working environment, in order to prevent injuries at work, occupational disease and work-related disease. Furthermore on 3 November 2015, the National Parliament of the Republic of Serbia brought the Law on Changes and Amendments of the Law on Occupational Health and Safety (“Official Gazette of the RS”, no 91/15).

The Law on Occupational Health and Safety shall apply on all employees at workplace or when involved in work processes as well as for all persons currently in the working environment. The term „Employee” is broader in comparison to the same term in the Labour Law, for the purpose of securing occupational health and safety to all persons who are hired by employer, on any grounds. Hence, Employee is a domestic or foreign natural person, employed by Employer, as well as the person who carries out work on any grounds or is trained by Employer, except for the person employed by Employer in order to carry out domestic assistance. The right to safe and health working conditions belongs to all persons who are hired by employer, and even for persons who are hired on basis of factual work, students on production practice, etc. In that way, legal protection is secured in the area of occupational health and safety to all persons who are in production or other work process.

In addition, the Regulation on occupational health and safety for temporary or mobile constructions sites (“Official Gazette of the RS”, no 14/09 and 95/10) introduces a self-employee into the system of rights, liabilities and responsibilities who is defined as other person who is entrepreneur independently performing the duty without engagement of other persons, and/or who does not have characteristic of an employer in line with regulations in the area of occupational health and safety or any other natural person who does not have characteristic of an employee.

The Law regulating the work of employees through temporary employment agencies is being prepared.

For the purpose of the Law on Occupational Health and Safety implementation and/or implementation of preventive measures in securing occupational health and safety, the following sublegal acts have been brought:

- **Rulebook on programme, manner and amount of costs for preparation and passing vocational exam for performing duties of coordinator for development of projects and vocational exams for performing jobs of coordinator for works execution monitoring** (“Official Gazette of the RS”, no 113/13, 57/14 and 111/15);
- **Rulebook on conditions and amount of costs for issuance of licences for conducting jobs in the area of occupational health and safety** (“Official Gazette of the RS”, no 112/13, 57/14 and 102/15);
- **Rulebook on programme, manner and amount of costs for passing vocational exam for performing occupational health and safety jobs and responsible person jobs** (“Official Gazette of the RS”, no 111/13, 57/14, 126/14 and 111/15);
- **Rulebook on manner and procedure for workplace and working environment risk assessment** (“Official Gazette of the RS”, no 72/06, 84/06 – corrigendum, 30/10 and 102/15);
- **Rulebook on content and manner of issuing report form on injury at work, occupational disease and work-related disease** (“Official Gazette of the RS”, no 72/06, 84/06-corrigendum and 04/16);
- **Rulebook on procedure of examining and checking work equipment and examining working environment conditions** (“Official Gazette of the RS”, no 94/06 and 108/06-corrigendum, 114/14 and 102/15);
- **Rulebook on records in the area of occupational health and safety** (“Official Gazette of the RS”, no 62/07 and 102/15);
- **Rulebook on contents of elaborate on construction site arrangement** (“Official Gazette of the RS”, no 121/12 and 102/15).

Opinions of the SES Working Body on Workplace Safety and Health Issues have been obtained for all the mentioned regulations.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework in consultation with employers’ and workers’ organisations.

REPLY

Occupational Safety and Health Administration, as an Administrative Body within the Ministry of Labour, Employment, Veteran and Social Affairs, in accordance with the National Policy of the Republic of Serbia and the Action Plan for implementation of the Strategy on Occupational Health and Safety in the Republic of Serbia, within the procedure of bringing the Law and sub-legal acts for transposition of Directives and EC regulations, actively collects opinions from state bodies and from representative trade unions representatives: Confederation of Autonomous Trade Unions and United Branch Trade Unions “Nezavisnost”, Social and Economic Council of the Republic of Serbia and Employers’ Association of Serbia.

With an aim to develop work culture and to promote occupational health and safety, as well as to include occupational health and safety in all social activities, the Administration

representatives attended seminars where target group was employers, employees and their representatives, as well as other manifestations:

- Seminar “Occupational Injuries and occupational diseases” organised by Centre for Human Resources Development;
- Counselling “Current problems of occupational health and safety in Serbia”, organised by TEHPRO L.L.C.;
- Round Table „Awareness on occupational health and safety” due to marking of the World Occupational Health and Safety Day;
- Seminar „Application of measures for arrangement of near road constructions sites” organised by Taurunum College of Engineering and Professional Studies;
- Seminar “Challenges in occupational health and safety” organised by Institute for Integrated Security, Protection and Preventive;
- Seminar “Towards more efficient prevention of informal work and grey economy” organised by Centre for Democracy Foundation;
- Occupational Health Congress Zlatibor;
- Presentation of Regulation on preventive measures for safe and healthy work on temporary and mobile constructions sites, organised by Electric Power Industry of Serbia in Belgrade;
- Seminar for civil servants aimed at efficient performance of jobs relating to occupational health and safety, organised by Human Resource Management Service, Government of the Republic of Serbia;
- Final Conference related to the Project “Assistance in the Implementation of a Chemicals Management System in Serbia”;
- Presentation of the Regulation on preventive measures for safe and healthy work on temporary and mobile constructions sites to the management of the company „Tiger Tyres”, Pirot;
- Round Table „Occupational Health and Safety on construction sites in Serbia” Andrevlje;
- Seminar „On the way towards elimination of asbestos-related diseases in South East Serbia, organised by Occupational Health Institute of Serbia “Dr Dragomir Karajovic”.
- Seminar “For safer and healthier work”, organised by Confederation of Independent Trade Unions of Vojvodina, Novi Sad;
- Round Table “Elimination of the worst forms of child labour in Serbia: International experience and recommendations“, Belgrade, organised by the Ministry of interior, USA Embassy and ILO;
- VIII Counselling Current problems of occupational health and safety “Practical application of new rulebooks on preventive measures for safe and healthy work”, Belgrade;
- Conference „Maintenance of machines and equipment”, Mechanical Faculty of the University in Belgrade;
- Presentation of the Project “Serbia substitutes” on the most dangerous chemicals and safer alternatives, Belgrade;
- Counselling “New and current issues in application of the Law on Occupational Health and Safety”, Regional Chamber of Commerce Novi Sad;
- Conference “Programme for presentation of the Report on sustainable development of NIS for 2013, Belgrade;
- Seminar “Serbian association of managers and USAID project for better business conditions, Belgrade;
- Seminar “Implementation of new subjects from the Labour Law aimed at improvement of labour relations system and business”, Belgrade;
- Workshop within Twinning project “Enhancement of social dialogue“, Belgrade;

- Seminar “Law on Changes and Amendments of the Law on Occupational Health and Safety“ and Law on Changes and Amendments of the Labour law“, National University Nis;
- Regional International Conference “Applied protection and its trends“, International Institute for applied knowledge management, Zlatibor;
- “Development Partnership Framework 2016-2020 (UNDAF)”, organised by the Government of the Republic of Serbia and the United Nations, Belgrade;
- Seminar “Management, knowledge development and transfer of good practice biosafety, biosecurity and biorisk management“, Belgrade, organised by Defence University on Belgrade and European Centre for peace and Development of the University for peace of the United nations, in cooperation with International Centre for safe studies of University in Insubria, Como, Italy;
- “Meeting of Sub-Committee for Research, Innovation, Information Society and Social Policy”, Belgrade;
- Seminar “Liabilities of producer, importer and user of work equipment and means and personal hygiene equipment” organised by International Institute for applied knowledge management from Novi Sad”, Belgrade;
- Panel discussion organised by Employers’ Association of Serbia “Socially Responsible Business for All, Belgrade;
- Workshop within Twinning Project “Enhancement of Social Dialogue”, Belgrade;
- “Regional Forum of Information Exchange in the area of occupational health and safety Belgrade”, organised by European Trade Union Institute and United Branch Trade Unions “Nezavisnost” and Confederation of Autonomous Trade Unions, Belgrade;
- Forum in occupational health and safety area on topic: “Problems in practice in application of regulations in occupational health and safety and treatment by labour inspectors’ decisions” Tehpro, Belgrade;
- “Application of Regulation on occupational health and safety on temporary or mobile constructions sites”, Srem Chamber of Commerce, Sremska Mitrovica;
- Seminar on topic: “Regulations from the occupational health and safety area”, Zlatibor;
- Seminar organised by Union of Employees in Public Utilities and Housing of Vojvodina and Novi Sad on topic “Law on Occupational Health and Safety”, Jahorina;
- Meeting of the Joint Body for chemical accident management” Palace of Serbia, Belgrade;
- “Presentation of the Company NIS J.S.C. Novi Sad to advance its operation in the area of industrial security, occupational health and safety and environmental protection through information system”, Belgrade;
- Seminar organised by Trade Union Alfa Plam on topic: Application of the Labour Law and Law on Occupational Health and Safety, Vranje;
- Meeting within Twinning Project “Improvement of hazardous waste management in the Republic of Serbia”, Belgrade;
- Seminar “Training for passing vocational exam related to occupational health and safety, organised by Autonomous Trade Union of Road Maintenance Workers of Serbia, Belgrade;
- “Symposium of occupational health and safety”, Serbian Chamber of Commerce, Belgrade;
- “Presentation of the Law on Occupational Health and Safety and other matters from this area”, organised by Emergency Situations Association of the RS, Belgrade;
- “Presentation of the Law on Changes and Amendments of the Law on Occupational Health and Safety”, Serbian Chamber of Commerce, Belgrade;
- Regional Conference organised by Labour Inspectorate in cooperation with Federal Ministry of Labour, Social Affairs and Consumers Protection of the Republic of Austria, USAID Business Enabling Project and ILO on topic: “Repression of informal work and improvement of employees’ rights”, Palace of Serbia, Belgrade;

- Seminar on topic: “Security at workplace – application of the Law on Changes and Amendments of the Law on Occupational Health and Safety”, organised by Serbian Academy of Innovation Sciences;
- Seminar within Project “Easy connecting” on topic “Transport and Logistics Safety and Security Management” Serbian Chamber of Commerce, Belgrade.

Article 3§3

- 1) Please describe the enforcement of safety and health regulations. Please specify the nature of, reasons for and extent of any reforms.

Pursuant to provision of the Article 61 of the Law on Occupational Health and Safety (“Official Gazette of the RS, no. 101/05 and 91/15) Labour Inspectorate shall supervise the implementation of the Law and regulations adopted on the basis of this Law, technical and other measures relating to occupational health and safety prescribed by General Employer’s Act, Collective Contract or Employment Contract.

- 2) Please provide pertinent figures, statistics (for example Eurostat data) or any other relevant information on the number of accidents at work, including fatal accidents, in absolute figures as well as in terms of standardised accident rates per 100,000 workers; on the number of health and safety inspection visits by the labour inspectorate and the proportion of workers and companies covered by the inspections; and on the number of breaches to health and safety regulations and the nature and type of sanctions imposed.

Article 3§4

- 1) Please describe the occupational health services. Please specify the nature of, reasons for and extent of any reforms.

REPLY

Pursuant to Article 41 of the Law on Occupational Health and Safety, aiming to protect health of employees at workplace, Employer shall hire Occupational Health Service for carrying out the following tasks prescribed by the Law:

- 1) Participate in identification and assessment of risks at workplace and working environment in course of preparation of Risk Assessment Act;
- 2) Familiarise employees with health risks related to their work and educate employees for first aid assistance;

- 3) Identifies and examine reasons for occurrence of occupational disease and work-related disease;
- 4) Assess and establish special health abilities to be met by employees for performing certain tasks at workplace with increased risk or for usage and/or handling particular work equipment;
- 5) Carries out pre-employment and periodic medical examinations of employees at workplaces with increased risk and issues reports on medical examinations in line with occupational health and safety regulations;
- 6) Participate in organisation of first aid, rescue and evacuation in case of injury of employees or disasters;
- 7) Advises employer during selection of other appropriate job with regard to employee health ability;
- 8) Advises employer concerning selection and testing of new working devices, hazardous substances and personal protection equipment, from medical point of view;
- 9) Participate in analysis of injuries at work, occupational disease and work-related disease;
- 10) Directly cooperates with persons responsible for occupational health and safety.

Pursuant to Article 16 of the Law, on the basis of Occupational Health Service evaluation and by the Risk Assessment Act, Employer shall be liable to identify special health requirements to be met by employees at workplace with increased risk.

Pursuant to Article 43 of the Law, Employer shall be liable to provide pre-employment medical examination to employee at workplace with increased risk, as well as periodic medical examination at workplace. Pre-employment and periodic medical examination of employees at workplaces with increased risk shall be carried out in a manner, under the procedure and by deadlines laid down in occupational health and safety regulations, prescribed by Ministers of Labour and Health by mutual agreement. If during periodic medical examination procedure is concluded that special health requirements for performance of tasks at workplace with increased risk are not met by employee, Employer shall be liable to reassign him/her to other workplace suitable to his/her health abilities. Failure to meet special health requirements at the workplace with increased risk cannot be a reason to cancel Employment Contract.

The following sub-legal acts regulate conducting of health supervision:

- **Rulebook on preventive measures for safe and healthy work while carrying loads** (“Official Gazette of the RS”, no. 106/09),
- **Rulebook on preventive measures for safe and healthy work while using display screen equipment** (“Official Gazette of the RS”, no. 106/09),
- **Rulebook on preventive measures for safe and healthy work during exposure to chemical substances** (“Official Gazette of the RS”, no. 106/09),
- **Rulebook on preventive measures for safe and healthy work during exposure to biological damages** (“Official Gazette of the RS”, no. 96/10),
- **Rulebook on preventive measures for safe and healthy work during exposure to vibrations** (“Official Gazette of the RS”, no. 93/11),
- **Rulebook on preventive measures for safe and healthy work during exposure to carcinogens or mutagens** (“Official Gazette of the RS”, no. 96/11),
- **Rulebook on preventive measures for safe and healthy work during exposure to noise** (“Official Gazette of the RS”, no. 96/11);
- **Rulebook on preventive measures for safe and healthy work during exposure to artificial optical radiations** (“Official Gazette of the RS”, no. 120/12 и 29/13-corrigendum),

- Regulation on preventive measures for safe and healthy work during exposure to asbestos (“Official Gazette of the RS”, no. 108/15).

ORGANISATION OF OCCUPATIONAL HEALTH SERVICE OF SERBIA

In accordance with the Law on Health Care ("Official Gazette of the RS", no. 107/05, 72/09, 88/10, 99/10, 57/11, 119/12 and 45/13) and Regulation on the plan of health care institutions network in Serbia (“Official Gazette of the RS, no. 42/2006, 119/2007, 84/2008, 71/2009 and 85/2009) occupational health services are organised in the following way:

I Health care at primary level:

- Workers’ health Care Service in Health Centre or in Private Clinic and
- Workers’ Health Care Institute within which Occupational Health Service can be established (Health Care Institutes in Nis, Novi Sad, Kragujevac, MOI of Serbia and “Serbian Railways“).

II Health care on several levels:

- Serbian Institute of Occupational Health “Dr Dragomir Karajović“.

Occupational Health tasks

Occupational Health is deemed as medical specialty dealing with:

- Examining and assessing impact of working conditions and work process on workers’ health,
- Assessment of health condition and working-age population work ability (and workers individuals) and
- Primary, secondary and tertiary prevention of diseases among working population.

Occupational Health represents the basis for maintenance and promotion of health at workplace; its tasks had been defined in 1950 at first meeting of the Joint International Labour Organisation/World Health Organisation Committee and redefined on 12th session in 1995 and it focusses on:

1. Maintenance and promotion of workers health and work ability,
2. Promotion of working environment by implementing occupational health and safety measures and
3. Development of work organisation and work culture with support to occupational health and safety and in that way improve positive social climate, facilitate the work and increase work productivity.

Occupational Health priority objectives, according to the Draft Occupational Health Strategy of the RS are the following:

1. Covering all workers with occupational health services (employed and unemployed persons, including farmers of registered households);
2. Maintenance and promotion of workers’ health at workplace, as well as health of working environment;
3. Prevention of injuries at work, occupational disease and work-related disease;
4. Professional orientation, professional selection and work ability assessment;
5. Health promotion at workplace;
6. Diagnosis and treatment of occupational diseases;

7. Promotion, development and support to activities for enhancement of health of working-age vulnerable population;
8. Monitoring, evaluation and analysis of health needs and expectations of working-age population – monitoring of health status, health determinants and inequalities;
9. Reorientation (in phases) of occupational health services from mainly curative to dominantly preventive work;
10. Reorganisation of occupational health in line with documentation – creation of integrated occupational health services;
11. Human resources development and education in the occupational health area;
12. Support to development of accessible and quality occupational health service.

World Health Organisation endorsed a Global Plan of Action on Workers' Health 2008–2017 at 60th session of the WHO General Assembly held on 23 May 2017. The Plan of Action includes the following objectives for reference period:

- (1) To devise and implement policy instruments on workers' health;
- (2) To protect and promote health at the workplace;
- (3) To improve the performance of and access to occupational health services;
- (4) To provide and communicate evidence for action and practice and
- (5) To incorporate workers' health into other national strategies and policies.

More information is available on the following web page:

http://apps.who.int/gb/ebwha/pdf_files/WHA60/A60_R26-en.pdf

Occupational diseases

Pursuant to Article 24 of the Law on Pension and Disability Insurance (“Official Gazette of the RS”, no. 34/03, 64/04, 84/04, 85/05, 101/05, 63/06, 5/09, 107/09 and 101/10) occupational diseases are defined as specific diseases incurred in the course of insurance, and caused by long-term immediate effects of the processes and the working conditions at specific working posts, i.e. activities performed by the Insured Party. Occupational diseases, working posts, i.e. activities in which the incidence of specific diseases is identified, and the terms and conditions under which they are considered occupational diseases, in the context of Paragraph 1 of this Article, shall be determined by the minister authorized for the pension and disability insurance, at the motion of the Fund.

On the basis of this, a Rulebook on identifying occupational diseases (“Official Gazette of the RS”, no. 105/2003), identifying occupational diseases, working posts, i.e. activities in which the incidence of these diseases are identified and the terms under which they are considered occupational diseases. This is closed list of defined diseases i.e. working posts, which are recognised, under prescribed conditions, as occupational and includes 56 different diseases and conditions.

Occupational Health Doctors Specialists examine causes for occupational diseases incidence and establish their existence. Verification of occupational diseases on the basis of valid medical documentation is performed by Commissions established at Health Insurance Fund.

Organisational Units

The organisational units of the Institute are as follows:

1. Administration

2. **Centre of Occupational Health Development**
3. **Centre for Diagnosis and Treatment of Occupational and Work-Related Diseases**
 - Centre of Outpatient and Hospital Diagnosis Sleep Apnea syndrome cabinet
 - Department of laboratory diagnosis
4. **Centre of Radiological Protection;**
 - Department for Medical Examinations
 - Department for Dosimetry
 - Department for Radioecology
5. **Centre of Occupational Hygiene and Physiology;**
6. **Centre of Work Ability Assessment;**
7. **Centre for Legal, Economic, Financial, Mutual and Support Activities**

Occupational Health Service provides specific workers' health care and primary health care of working-age population. In 2015 health services in this Service were provided by 373 doctors. Out of this number there are 255 (68%) doctor specialists, 98 general medicine doctors (26%) and 20 on specialisation (5%). Total number of services obtained i.e. visit to doctors during 2015 is 1,653,882. Out of this number 39% are the first visits. Total number of identified diseases, conditions and injuries at occupational health service in 2015 is 709,004. Within the morbidity structure the mostly registered are: 1. Respiratory system diseases with 21% 2. Circulatory System Diseases with 16% 3. Factors influencing health condition and contract with health service make 14%. http://www.batut.org.rs/index.php?category_id=66

- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

REPLY TO ECSR COMMENTS on previous report

General policy objective

Occupational health and safety policy in the Republic of Serbia is regularly assessed and developed and that's why, on 14 November 2013, the Government brought new Strategy on Occupational Health and Safety in the Republic of Serbia for period between 2013 and 2017 ("Official Gazette of the RS", no. 100/13), and on 1 August 2014 the Action Plan for implementation of the Strategy on Occupational Health and Safety in the Republic of Serbia for period between 2013 and 2017 ("Official Gazette of the RS", no. 81/14).

The Strategy is based on principles of Decent Work Country Programme for the Republic of Serbia between 2013 and 2017 as well as on Seoul Declaration (2008) and Istanbul Declaration (2011). In the forthcoming period, there still will be a need to introduce elements influencing creation of safe and healthy working conditions such as: introducing principles for preventing occurrence of injuries at work and occupational diseases, active involvement of occupational health services, introducing principle of liability borne by individuals organising activities intended for implementation of occupational health and safety measures, selection of employees' representative for occupational health and safety, and/or establishment of an occupational health and safety committee, establishing options for introduction of special insurance against injuries at work and occupational diseases for the purpose of securing damage compensation, introduction of occupational health and safety into school educational system (primary and secondary education), introduction of a central register of injuries at work and occupational diseases, continuous education/training of professionals and persons responsible for occupational health and safety and other persons and promoting prevention culture and good practice examples in the area of occupational health and safety.

This Strategy starts from legislation in this area and it is based on social dialogue principles at all levels between employees' representatives, employers and public interest representatives. The Strategy encompasses all economic and social spheres aiming to accomplish the vision of what we want to achieve – full application of regulations, change of awareness on importance of measures application, socially responsible companies and responsible society in general.

Overall objective of the Strategy is improvement and maintenance of working age population health, and/or improvement of working conditions to prevent injuries at work and occupational diseases and work-related diseases and its decrease to the smallest possible degree and/or elimination of professional risks. The Strategy intends to reduce the number of injuries at work, during this period, by 5% comparing to the records of injuries at work kept by the Labour Inspectorate. All participants included in the occupational health and safety system will be involved in implementation activities and full integration of regulations in the area of occupational health and safety, and/or their full acceptance and usage in practice.

The Action Plan represents the sum of the actual measures and activities, aimed at improvement of working-age population health and decrease of injuries at work and occupational diseases. The Action Plan stipulates the competent state administration authorities, social partners and other participants in the occupational health and safety system, with specific individual objectives and activities elaborating aims and measures from the Strategy, as the most important strategic document in the area of occupational health and safety. Activities implementation and/or achievement of the aims defined in the Action Plan includes activities of the Occupational health and safety administration, Labour Inspectorate, other ministries, Social and Economic Council of the Republic of Serbia, representative trade unions, representative employers' association.

All participants included in the occupational health and safety system will be involved in implementation activities and full integration of regulations in the area of occupational health and safety, and/or their full acceptance and usage in practice.

Furthermore, on 3 November 2015, the National Assembly of the Republic of Serbia brought the Law on Changes and Amendments of the Law on Occupational Health and Safety ("Official Gazette of the RS, no. 91/15), in which, apart from other changes and amendments, principle of prevention has been complemented with principle of "development of coherent

overall prevention policy”, expanding prevention principle in line with Article 6 of the Directive 89/391/EEC, informing employers about the need for prevention policy development in the area of occupational health and safety, at level of state and at level of each employer.

Organisation of risk prevention at workplace

Pursuant to Article 7 of the Law on Occupational Health and Safety (“Official Gazette of the RS”, no. 101/05 and 91/15), the following regulations have been brought:

1. Rulebook on Changes and Amendments of the Rulebook on preventive measures for safe and healthy work while using display screen equipment (“Official Gazette of the RS”, no. 93/13);
2. Rulebook on Changes and Amendments of the Rulebook on preventive measures for safe and healthy work during exposure to noise (“Official Gazette of the RS”, no. 78/15);
3. Rulebook on Changes of the Rulebook on preventive measures for safe and healthy work when using work equipment (“Official Gazette of the RS”, no 102/15);
4. Rulebook on preventive measures for safe and healthy work to prevent exposure to electromagnetic field (“Official Gazette of the RS”, no 111/15);
5. Regulation on preventive measures for safe and healthy work during exposure to asbestos (“Official Gazette of the RS”, no. 108/15)

as well as 8 sub-legal acts that have not been brought on the basis of the Article 7 of the Law on Occupational Health and Safety, but brought for the purpose of law implementation.

Plan for 2016

1. Regulation on preventive measures for safe and healthy work on prevention from sharp injuries with objects that are medical equipment in healthcare service – harmonisation with Directive 2010/32/EU dated 10 May 2010 which implements the Framework Agreement on prevention from sharp injuries with medical instruments in the hospital and healthcare sector, which has been signed by the HOSPEEM and EPSU,
2. Rulebook on preventive measures for safe and healthy work of employed woman during their pregnancy and employed breastfeeding woman – harmonisation with Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures and with Directive 2/85/EEC as of 19.10.1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding,
3. Rulebook on preventive measures for safe and healthy work of youth – harmonisation with Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures and with Directive 94/33/EC as of 22.06.1994 on protection of youth at workplace in occupational health and safety area,
4. Rulebook on the way how first aid is provided, type of equipment to be procured for workplace, manner and deadlines for training of employees to provide first aid –

implementation of Article 40 of the Law on Changes and Amendments of the Law on Occupational Health and Safety (“Official Gazette of the RS, no. 91/15).

Plan for 2017

1. Rulebook on Changes and Amendments of the Rulebook on preventive measures for safe and healthy work during exposure to chemical substances (“Official Gazette of the RS”, no. 106/09) – harmonisation with Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures,
2. Rulebook on Changes and Amendments of the Rulebook on securing labelling for occupational health and safety (“Official Gazette of the RS”, no. 95/10) – harmonisation with Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures,
3. Rulebook on Changes and Amendments of the Rulebook on preventive measures for safe and healthy work during exposure to carcinogens or mutagens (“Official Gazette of the RS”, no. 96/11) – harmonisation with Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures,
4. Rulebook on programme and training of persons responsible for occupational health and safety – implementation of Article 40 of the Law on Changes and Amendments of the Law on Occupational Health and Safety (“Official Gazette of the RS, no. 91/15).

Plan for 2018

1. Law on Occupational Health and Safety, by which full harmonisation will be done with Directive of the Council 89/391/EEC as of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work .
2. Strategy on Occupational Health and Safety in the Republic of Serbia for period between 2018 and 2022 and the Action Plan for implementation of the Strategy on Occupational Health and Safety in the Republic of Serbia for period between 2018 and 2022.

Pursuant to the Article 13, Paragraph 1 of the Law on Occupational Health and Safety:

“Employer shall be liable to adopt Risk Assessment Act in written form for all workplaces in the working environment, and lay down the method and measures for risk elimination.”

Pursuant to the Provision of Article 3 of the Rulebook on method and procedure of workplace and working environment risk assessment (“Official Gazette of the RS” no. 72/06, 84/06 and 102/15): “Risk assessment is based on system recording and assessing all factors in work process – possible types of danger and harm at workplace and in working environment that could cause injury at work, health damage or employee sickness. Risk assessment aims at checking work organisation, work process, work equipment, raw materials and materials used in technological and work processes, personal protective equipment at the workplace and

other elements that could cause risk from injuries at work, health damage or employee sickness. Risk assessment covers: 1) employer's general data; 2) description of technological and work process, description of work equipment and their grouping and description of personal protective equipment at the workplace; 3) looking into work organisation; 4) recognising and determining the danger and harm at the workplace and in working environment; 5) risk assessment comparing to danger and harm; 6) identifying the method and measures for risk elimination, mitigation or prevention; 7) conclusion; 8) changes and amendments of the Risk Assessment Act". Hence, employer shall be liable to bring Risk Assessment Act, a document resulted from risk assessment process implementation. The purpose of this process is to carry out system and permanent recording and assessing of all dangers and harms in work process that could cause incidence of injury at work, diseases or health damage with an aim to identify possibility i.e. method for risk prevention, elimination or mitigation. Risk assessment procedure is carried out at the employer's level, and risk assessment is conducted for each working post. In order to properly determine the method and measures for risk elimination, mitigation or prevention at the workplace it is necessary to look into work organisation, work processes, work equipment and other elements that could cause incidence of employees' injury or health damage at workplace i.e. starting from prescribed, establish facts on work organisation and work processes as well as work equipment (facilities, etc.) used during work processes.

Risk assessment is a key tool enabling employer to gain a thorough insight into occupational health and safety state of affairs and a simple work processes management from the aspect of occupational health and safety, which is very important part of overall operation. Occupational Health and Safety Administration published Risk Assessment Guidelines on its internet page to support employers to independently, in cooperation with employees, conduct risk assessment procedure at workplace.

Pursuant to Article 27 of the Law on Occupational Health and Safety Employer shall be liable to carry out training of Employee for a safe and healthy work, at the beginning of his employment, i.e. reassignment to other jobs, when introducing a new technology or new work instruments or alteration of work equipment, as well as in case of alteration of the work process that may cause change of safe work and occupational health measures. Employer shall be liable to introduce Employee, during the training on safe and healthy work, with all types of risks at jobs of his/hers appointment, and with concrete safe work and occupational health measures in accordance with Risk Assessment Act. Training shall be provided by Employer during working hours, and training costs may not be charged to Employee. Training for safe and healthy work of the Employee has to be adjusted to particularities of his/hers workplace and it is conducted according to programme, which is updated and changed by Employer, accordingly. If Employer appoints Employee to perform jobs simultaneously at two or more workplaces, he shall be liable to train Employee for safe and healthy work at each of these workplaces.

Improvement of occupational health and safety

With an aim at development of work culture and promotion of occupational health and safety, as well as at inclusion of occupational health and safety in all social activities, Occupational Health and Safety Administration attended the following seminars and workshops:

In 2013

- Seminar "The way of improving institutions work for better labour and employment conditions", organised by USAID;

- Round Table devoted to present experience in the work of specialist studies at Faculty of Security;
- Seminar “Injuries at work and occupational diseases” organised by Centre for Human Resources Development;
- Ninth International Counselling “Risk and Security Engineering” organised by Higher Education Technical School of Professional Studies in Novi Sad;
- Seminar „Application of measures for arrangement of near road constructions sites” organised by Taurunum College of Engineering and Professional Studies;
- Seminar “Challenges in occupational health and safety” organised by Institute for Integrated Security, Protection and Preventive;
- Occupational Health Congress Zlatibor;
- Round Table „Occupational Health and Safety on construction sites in Serbia” Andrevlje;
- Seminar „On the way towards elimination of asbestos-related diseases in South East Serbia, organised by Occupational Health Institute of Serbia “Dr Dragomir Karajovic”.
- Final Conference was held between 14 and 15 May in Belgrade within Project “Improvement of occupational health and safety in the Republic of Serbia”

In 2014

- VIII Counselling on actual problems of occupational health and safety “Implementation of new Rulebooks on preventive measures for safe and healthy work”, Belgrade;
- Conference “Maintenance of machines and equipment”, Mechanical Faculty, University in Belgrade;
- Workshop within Twinning Project “Enhancement of social dialogue“, Belgrade;
- Seminar on topic “Law on Changes and Amendments of the Law on Occupational Health and Safety“ and “Law on Changes and Amendments of the Labour Law“, National University Nis;
- “XI National Conference with international participation on topic: Enhancement of the occupational safety system”, Prolom Banja;
- 24 International Conference “Noise and vibrations”, organised by Faculty of Occupational Safety, Nis;
- 28 April is marked - the World Occupational Health and Safety Day and Serbian Occupational Health and Safety Day, in cooperation with social partners, ILO and Red Cross of Serbia on topic “Occupational Health and Safety when using chemicals” During this manifestation, national recognitions were awarded in this area, theatre performance and demonstration exercise on the injuries at work subject were held;
- Between 23 and 26 September 2014, 39th International Fair 112 EXPO – Fair of prevention and response in emergency situations and occupational health and safety, under slogan “Prevention at first place”, organised by Belgrade Fair and under the main sponsorship of the Ministry of Interior- Sector for emergency situations and under the sponsorship of the Ministry of Labour, Employment, Veteran and Social Affairs – Occupational Health and Safety Administration. Workshops and panel discussions were organised by the Administration during Fair manifestation, on the following subjects: “Biological agents– safety and health of workers being exposed to biological agents during and after the floods”; “Occupational health and safety when using chemical at workplace”; “Implementation of the Regulation on occupational health and safety on temporary and mobile construction sites”; For students from fourth to sixth grade of primary schools PS “Isidora Sekulic” and PS „Radojka Lakic ” a Public class was held on topic “Occupational Health and Safety and Fire Protection”. A demonstration exercise on topic Fire Protection followed the Public class. A Round Table was organised by Serbian Association of Employers on topic “Analysis of

occupational health and safety from employer's point of view". In cooperation with Electric Power Industry of Serbia and NIS petrol, good practice examples presentations were held, while in cooperation with High Engineering School of Professional Studies students' competition was organised in recognising safety gaps and solving safety issues in the area of fire protection and occupational safety and health.

- Conference on topic "Health Status of Rural Population" was held in cooperation with Faculty of Medicine of University in Belgrade and Serbian Academy of Sciences and Arts with participation of representatives of the European Agency for Safety and Health at Work;
- On 23 October 2014 European Week for Safety and Health at Work was marked in cooperation with European Agency for Safety and Health at Work and Conference was held on topic "Workplace Stress Management" with participation of representatives of the Ministry of Labour, Social Partners, representatives of European Agency for Safety and Health at Work and eminent experts from the Republic of Serbia.

In 2015

- Seminar "Knowledge Development and Transfer of Best Practice on Bio/Safety, Bio/Security and Bio/Risk Management", Belgrade, organised by University of Defence in Belgrade and European Centre for Peace and Development, UN University for Peace, in cooperation with International Centre for Security Studies of University in Insubria, Como, Italy;
- Seminar "Liabilities of manufacturers, importers and users of work equipment and means and equipment for personal protection at workplace" organised by International Institute for Applied Knowledge Management from Novi Sad", Belgrade;
- Workshop within Twinning Project "Enhancement of Social Dialogue", Belgrade;
- "Regional Forum for information exchange on safety and health at work Belgrade", organised by European Trade Union Institute and United Branch Trade Unions NEZAVISNOST and Confederation of Autonomous Trade Unions of Serbia, Belgrade;
- Workshop within Twinning Project "Enhancement of Social Dialogue", Vrsac;
- "Regional International Conference – Applied Protection and Its Trends", Zlatibor;
- "Information System for the needs of Labour Inspectorate", Belgrade
- "XII National Conference on Safety at Work", organised by Faculty of Technical Sciences, Occupational Safety Alliance of Vojvodina and University of Nis, Faculty of Occupational Safety, Tara;
- Regional Conference organised by Labour Inspectorate in cooperation with the Federal Ministry of Labour, Social Affairs and Consumer Protection of the Republic of Austria, USAID Business Enabling Project and ILO on topic "Prevention of informal work and employees' rights improvement", Palace of Serbia, Belgrade;
- Seminar on topic "Safety at Work – implementation of the Law on Changes and Amendments of the Law on Occupational Health and Safety", organised by Serbian Academy of Innovation Sciences".

A Practical Guide on best practice to prevent or minimise asbestos risks at workplace that include (or might include) asbestos: for employer, employees and labour inspectors is published on internet page of the Ministry of Labour, Employment, Veteran and Social Affairs as well as Guide of Senior Labour Inspectors' Committee (SLIC), Non-binding guide to good practice; Non-binding guide to good practice for implementation of Directive 1999/92/EC of the European Parliament and of the Council on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres; ILO Manual – Stress prevention at work checkpoints; Guidelines for work on high temperatures and Guidelines for EU Risk Assessment.

Pursuant to Article 38 of the Law on Occupational Health and Safety employer shall be liable to ensure that person for safety and health at work may independently and individually carry out activities in accordance with this Law, and to have access to all necessary data in the field of safety and health at work. Person for workplace safety and health shall be directly responsible to Employer for whom he/she performs such activities, and may not suffer any detrimental effect if he/she carries out his/hers work in accordance with this Law. Employer shall be liable to provide Employee's knowledge development in the field of safety and health at work, appointed for carrying out of these activities. In line with Changes and Amendments of the Law on Occupational Health and Safety, Knowledge Development Programme and other matters concerning employees' knowledge development shall be prescribed by Minister with responsibility for labour and it shall be brought within two years from the day when the law entered into force, i.e. by 13 November 2017.

Consultation with associations of employers and employees

At national and sectorial level, social dialogue between state representatives and representatives of associations of employers and employees, with regard to safety and health at work, is conducted through the work of Social and Economic Council and Occupational Health and Safety Council.

Social and Economic Council of the Republic of Serbia is established by the Law on Social and Economic Council ("Official Gazette of the RS", number 125/04), and became operational as an institution in April 2005. Social and Economic Council comprises 18 members, six Government representatives, six representatives of trade unions and six representatives of associations of employers, appointed for a period of four years. Every Council members has a deputy. Social and Economic Council of the Republic of Serbia shall discuss draft laws and proposals of other regulations of importance for the economic and social position of employees and employers and of occupational health and safety and issue opinions thereon. Four working bodies are established within the Social and Economic Council, including standing working body for occupational health and safety matters. Standing working body for occupational health and safety matters is obligated to communicate its professional opinion, stands and recommendations on particular material to Social and Economic Council of the Republic of Serbia within the deadline specified. Conclusions on defining of professional opinion, stands, initiatives or recommendations shall be taken by standing working body by consensus. Rarely, when consensus on important matters is not reached, selected stands of certain standing working body articles shall be communicated to Social and Economic Council for consideration. In 2013, the standing working body for occupational health and safety matters held two meetings. Secretary of the Social and Economic Council of the Republic of Serbia was involved in the work of the Working Group for development of the Strategy on Occupational Health and Safety in the Republic of Serbia for period between 2013 and 2017 and Draft Law on Changes and Amendments of the Law on Occupational Health and Safety. In 2014 the standing working body for occupational health and safety matters held two meetings. Topics of the meetings were: Proposal of the Action Plan for implementation of the Strategy on Occupational Health and Safety in the Republic of Serbia and Draft Law on Changes and Amendments of the Law on Occupational Health and Safety. Secretary of the Social and Economic Council of the Republic of Serbia was involved in the work of professional working group for establishing special insurance against injuries at work and occupational diseases for the purpose of securing damage compensation and Committee awarding national recognitions in the occupational health and safety domain. In 2015, Standing working body of the Council for

occupational health and safety in cooperation with Council Secretariat and Occupational Health and Safety Administration, prepared a Leaflet for the purpose of marking 28 April – Serbian Occupational Health and Safety Day. Leaflet named “Join in building a culture of prevention on occupational health and safety” was printed in 500 copies and includes review of death, collective, serious and minor injuries in period between 2007 and 2014, as well as part defining accountabilities of employers and employees in the occupational health and safety area. Standing working body for occupational health and safety matters in cooperation with Council Secretariat prepared publication “Law on Occupational Health and Safety (unofficial consolidated text)“. Publication was printed in 1000 copies and distributed to representative social partners in membership of Council, Administration, Labour Inspectorate, Provincial Social and Economic Council and other relevant organisations and institutions. Purpose of the publication was, as soon as Law on Changes and Amendments of the Law on Occupational Health and Safety was adopted, to prepare consolidated document to be used by all interested social dialogue actors in their work.

Members of the Standing working body gave professional opinions to the following documents delivered to the Council by the Occupational Health and Safety Administration of the Ministry of Labour, Employment, Veteran and Social Affairs:

- Proposal of the Rulebook on Changes and Amendments of the Rulebook on conditions and costs for issuance of licences for carrying tasks in occupational health and safety area (positive opinion, without proposals for change or amendment)
- Proposal of Rulebook on Changes of the Rulebook on contents of elaborate on arrangement of constructions site (positive opinion, without proposals for change or amendment)
- Proposal of Rulebook on Changes of Rulebook on preventive measures for safe and healthy work when using work equipment (positive opinion, with proposal for the change of Article 7, made by member of SWB from the Serbian Association of Employers)
- Proposal of the Rulebook on Changes and Amendments of the Rulebook on the method of risk assessment at workplace and working environment (positive opinion, without proposals for change or amendment)
- Proposal of the Rulebook on Changes and Amendments of the Rulebook on procedure for examinations and testing of work equipment and working environment (positive opinion, with stand of the Serbian association of employers’ representatives on the need for additional harmonisation with new approach directives aiming at financial discharge/relief of employer)
- Proposal of Rulebook on Changes of Rulebook on preventive measures for safe and healthy work during exposure to noise (positive opinion, without proposals for change or amendment)
- Proposal of the Rulebook on Changes and Amendments of the Rulebook on records in occupational health and safety (positive opinion with proposal for improvement of content of accompanying form 10 – Record on means issued and personal protection equipment at work)
- Proposal of the Regulation on preventive measures for safe and healthy work during exposure to asbestos (positive opinion, without proposals for change or amendment).

Safety at Work Council was established for the first time in Serbia by the Government Decision (“Official Gazette of the RS”, number 42/2001) and amended and established as the Occupational Health and Safety Council by the Government Decision (“Official Gazette of the RS”, number 40/05), including representatives of trade unions, Serbian Association of Employers, Ministry of Labour and Social Policy, Ministry of Mining and Energy, higher education institutions, non-governmental organisations, etc. Pursuant to the Decision on amending the Decision on instituting the Occupational Health and Safety Council (“Official Gazette of the RS, number 71/07) establishment of the Occupational Health and Safety

Council was confirmed. Occupational Health and Safety Council's tasks are the following: to present initiatives for adopting occupational health and safety regulations, present initiatives for devising national program for developing occupational health and safety, through its work contribute to convergence of different participants' positions in social dialogue in this area, to initiate preventative policy on all issues pertaining to health and safety at work. Occupational Health and Safety Council is tripartite body involving, apart from representatives of the Ministry of Labour, Employment, Veteran and Social Affairs and social partners, representatives of other ministries, higher education institutions and non-governmental organisations. In 2013 the Occupational Health and Safety Council held three sessions (29.03.2013, 27.06.2013 and 17.09.2013). In 2014 two sessions were held (30.10.2014 and 25.12.2014) and in 2015 two sessions were held (08.04.2015 and 25.12.2015).

In addition to the activities performed by these two bodies, Occupational Health and Safety Administration, in the course of marking 28 April, the World Occupational Health and Safety Day and Serbian Occupational Health and Safety Day, in cooperation with social partners, has been organising a competition for awarding national recognitions in the occupational health and safety area since 2013.

Occupational Health and Safety Administration is involved in procedure of concluding special Collective Agreements in the part of occupational health and safety, issuing opinions to Collective Agreements: Special Collective Agreement for the public enterprises in the utility services and housing of the City of Belgrade, Collective Agreement for "Serbia Railways" J.S.C., Collective Agreement for PC "Srbijagas" Novi Sad, Collective Agreement for PC "Transnafta" Pancevo, Collective Agreement for Nikola Tesla Airport Belgrade, Collective Agreement for National Pension and Disability Insurance Fund, Collective Agreement for PC "Electric network of Serbia" Belgrade, Special Collective Agreement for public water company "Serbia waters", Special Collective Agreement for pre-school institutions founded by the City of Belgrade, Special Collective Agreement for the public utility companies of the City of Pancevo, Collective Agreement for PC "Institute for textbooks" Belgrade, Collective Agreement "Shelters", Collective Agreement PC "Skiing resorts of Serbia", Special Collective Agreement for social welfare in the Republic of Serbia, Special Collective Contract for Electric Power Industry, Collective Agreement PSS Kraljevo, Special Collective Agreement for state authorities, Special Collective Agreement for higher education, Collective Agreement for PC for coal exploitation and Special Collective Agreement for public enterprises in Cacak.

Risks covered by regulations

For the purpose of harmonisation of domestic legislation with international standards, the following regulations have been brought:

- Regulation on preventive measures for safe and healthy work during exploitation of minerals by drilling ("Official Gazette of the RS", number 61/10), transposing Directive number 92/91 EEC of the European Parliament and of Council concerning the minimum requirements for improving the safety and health protection of workers in the mineral- extracting industries through drilling;
- Regulation on preventive measures for safe and healthy work during underground and surface extracting of minerals ("Official Gazette of the RS", number 65/10), transposing Directive number 92/104/EEC of the European Parliament and of Council on the minimum

requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries;

- Regulation on preventive measures for safe and healthy work while working on board fishing vessels (“Official Gazette of the RS”, number 70/10), transposing Directive number 93/103/EC of the European Parliament and of Council concerning the minimum safety and health requirements for work on board fishing vessels;

- Rulebook on preventive measures for safe and healthy work during exposure to biological agents (“Official Gazette of the RS”, number 96/10), transposing Directive number 2000/54/EC of the European Parliament and of Council on the protection of workers from risks related to exposure to biological agents at work;

- Rulebook on preventive measures for safe and healthy work during exposure to artificial optical radiations (“Official Gazette of the RS”, number 120/12 and 29/13-corrigendum), transposing Directive number 2006/25/EC of the European Parliament and of Council on the minimum health and safety requirements regarding the exposure of the workers to risks arising from physical agents- artificial optical radiation.

Prevention and protection levels

For the purpose of harmonisation of domestic legislation with international standards, the following regulations have been brought:

- Rulebook on preventive measures for safe and healthy work when using means and personal protective equipment at the workplace (“Official Gazette of the RS”, number 92/08), transposing Directive of the Council number 89/656/EEC on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace;

- Rulebook on preventive measures for safe and healthy work when using work equipment (“Official Gazette of the RS”, number 23/09, 123/12 and 102/15), transposing Directive number 2009/104/EC of the European Parliament and of Council concerning the minimum safety and health requirements for the use of work equipment by workers at work.

Rulebook on the method and risk assessment procedure at workplace and in working environment (“Official Gazette of the RS”, number 72/06, 84/06–corrigendum, 30/10 and 102/15) stipulates that risk assessment is based on system recording and assessing of all factors in the work process – possible types of dangers and harms at workplace and in working environment that could cause injury at work, health damage or employee sickness. Risk assessment aims at checking work organisation, work process, work equipment, raw materials and materials used in technological and work processes, personal protective equipment at the workplace and other elements that could cause risk from injuries at work, health damage or employee sickness. Risk assessment covers: employer’s general data; description of technological and work process, description of work equipment and their grouping and description of personal protective equipment at the workplace; looking into work organisation; recognising and determining the danger and harm at the workplace and in working environment; risk assessment comparing to danger and harm; identifying the method and measures for risk elimination, mitigation or prevention; conclusion; changes and amendments of the Risk Assessment Act (Article 3)”. Employer identifies measures for risk prevention, elimination or mitigation starting from assessed risk, established priority and

following prevention principles, and in accordance with regulations on occupational health and safety, technical regulations, standards or generally accepted measures. Measures to be identified for risk prevention, elimination or mitigation are: maintenance of equipment in accurate condition and examining and testing work equipment; securing prescribed conditions for safe and healthy work in working environment; employees' training for safe and healthy work; securing personal protection equipment at work and their maintenance in accurate condition; sending employees to pre-employment and periodical medical examinations in accordance with evaluation by occupational Health Service, etc. (Article 12).

Pursuant to Article 61 of the Law on Occupational Health and Safety ("Official Gazette of the RS", number 101/05 and 91/15), the inspection supervision over implementation of this Law, regulations adopted on the basis of this Law, technical and other measures related to occupational health and safety, as well as over implementation of occupational health and safety measures prescribed by the Risk Assessment Act, General Employer's Act, Collective Agreement or Employment Contract, shall be carried out by the Ministry of Labour through Labour Inspectors.

Protection from dangerous agents and factors

Rulebook on preventive measures for safe and healthy work during exposure to asbestos ("Official Gazette of the RS", number 106/09, 6/10 – corrigendum and 15/10 – corrigendum) is replaced by Regulation on preventive measures for safe and healthy work during exposure to asbestos ("Official Gazette of the RS", number 108/15), transposing Directive 2009/148/EC of the European Parliament and of Council as of 30 November 2009 on protection of employees from the risks related to exposure to asbestos at workplace. This Regulation lays down the limit value for exposure to asbestos, which is 0.1 fibres per cm³ as an 8-hour time-weighted average (Article 8);

Minister responsible for labour, after obtaining opinion from social partners in accordance with the Law on Social and Economic Council, brought an Instruction on jobs exposed to dust originating from asbestos or materials containing asbestos occasionally of low intensity ("Official Gazette of the RS", number 42/16).

Scope of Regulations

The Law on Occupational Health and Safety shall apply on all employees at workplace or when involved in work processes as well as for all persons currently in the working environment. The term „Employee” is broader in comparison to the same term in the Labour Law, for the purpose of securing occupational health and safety to all persons who are hired by employer, on any grounds. Hence, Employee is a domestic or foreign natural person, employed by Employer, as well as the person who carries out work on any grounds or is trained by Employer, except for the person employed by Employer in order to carry out domestic assistance. The right to safe and health working conditions belongs to all persons who are hired by employer, and even for persons who are hired on basis of factual work, students on production practice, etc. In that way, legal protection is secured in the area of occupational health and safety to all persons who are in production or other work process.

In addition, the Regulation on occupational health and safety for temporary or mobile constructions sites (“Official Gazette of the RS”, no 14/09 and 95/10) introduces a self-employee into the system of rights, liabilities and responsibilities, who is defined as other person who is entrepreneur independently performing the duty without engagement of other persons, and/or who does not have characteristic of an employer in line with regulations in the area of occupational health and safety or any other natural person who does not have characteristic of an employee.

Law on Occupational Health and Safety shall be applied on all employees, regardless of the fact whether they are in employment relationship for indefinite or definite period of time, i.e. with full or part-time work, except for persons who carry out domestic assistance.

With regard to performance of works with increased risk (among other things due to exposure to dangerous agents), on the basis of Occupational Health Service evaluation and by the Risk Assessment Act, Employer shall be liable to identify special health requirements to be met by employees at workplace with increased risk. Employer shall be liable to provide pre-employment medical examination to employee at workplace with increased risk, as well as periodic medical examination at workplace. If during periodic medical examination procedure is concluded that special health requirements for performance of tasks at workplace with increased risk are not met by employee, Employer shall be liable to reassign him/her to other workplace suitable to his/her health abilities. Failure to meet special health requirements at the workplace with increased risk cannot be reason to cancel Employment Contract. Employee who is performing his duties at a workplace with increased risk, shall have the right and obligation to go to medical examination to which he has been sent by his employer. Employee shall be liable to perform his duties at workplace with increased risk, based on the occupational health service report, which concludes he is capable to work at that workplace.

Employer shall be liable to carry out training of Employee for a safe and healthy work, at the beginning of his employment, i.e. reassignment to other jobs, when introducing a new technology or new work instruments or alteration of work equipment, as well as in case of alteration of the work process that may cause change of safe work and occupational health measures. Employer shall be liable to introduce Employee, during the training on safe and healthy work, with all types of risks at jobs of his/hers appointment, and with concrete safe work and occupational health measures in accordance with Risk Assessment Act. Training shall be provided by Employer during working hours, and training costs may not be charged to Employee. Training for safe and healthy work of the Employee has to be adjusted to particularities of his/hers workplace and it is conducted according to programme, which is updated and changed by Employer, accordingly. If Employer appoints Employee to perform jobs simultaneously at two or more workplaces, he shall be liable to train Employee for safe and healthy work at each of these workplaces.

With an aim to prevent injuries of person who finds himself/herself in a working environment, in enterprise or construction site circle, on any grounds, Employer shall be liable, as soon as possible, to warn every person, who is in the working environment on any grounds, to the dangerous places or to the harms to their health during technological process, i.e. to safety measures he/she has to apply and to direct him/her to safe movement areas. Employer shall be obliged to provide visible and noticeable safety and health signs aiming at informing employees on technological process risks, movement directions and places on which it is allowed to stay for some time, as well as on measures for risk prevention or elimination. Employer shall be liable to secure access to workplace in working environment, on which there is direct danger from injuries or health damage (intoxication, suffocation, etc.), only to those persons who are trained for safe and healthy work, who got instructions to stop working i.e. to leave their workplace immediately and to go to a safe location, special instructions for

work at such workplace and who are equipped with appropriate means and personal protection equipment at workplace.

Mentioned provisions shall also cover employees for definite period of time and self-employed in civil engineering activities. Apart from meeting health requirements for work at workplace with increased risk, there are no other restrictions prescribed concerning employment of employees for definite period of time.

Based on labour regulations, jobs with increased risks cannot be performed from home. We would like to mention that the law, which will regulate the work of employees through temporary employment agencies, is being prepared.

Key activities of the Labour Inspectorate in period between 2013 and 2016

Between 2013 and 2016, the Labour Inspectorate was undertaking measures and activities in the in the field of labour relations and health and safety at work with primary goal to ensure implementation of provisions of the **Labour Law, Law on Occupational Health and Safety, Law on Strike, Law on prevention of mobbing at work, Law on gender equality, Law on the Protection of the Population from Exposure to Tobacco Smoke, Law on volunteering, Law on Protection of Whistle-blowers, Law on determining the maximum number of employees in the local administration and other laws, collective agreements, as well as more than 70 sub-legal acts.**

It is important to stress that the Law on Occupational Health and Safety shall not apply during performance of a specific military service in the Serbian Army and during performance of police jobs and jobs of protection and rescue from the scope of competent state authority, as well as during performance of jobs of protection and rescue carried out by other entities in accordance with special law, in which occupational health and safety matters during performance of such service and those jobs is regulated by a special law and regulations based on that law.

Priority operation of the Labour Inspectorate was directed towards decrease of number of injuries at work, occupational disease and work-related disease, as well as towards suppression of informal work, by carrying out inspection supervisions ex officio (regular, control supervisions with regard to injuries at work) and upon clients' requests and preventive actions.

Labour Inspection paid special attention to **occupational health and safety prevention and labour relations, in high-risk activities**, such as civil engineering, industry, agriculture. Given that the primary activity of the Labour Inspectorate is directed towards **solving issues related to categories of especially vulnerable groups of employees** (pregnant and parturient women), the Labour Inspectorate, in this Reporting Period, **had increased number of supervisions related to payment of wages and wage benefits to pregnant and parturient women, as well as regulation of legal employment status of pregnant and parturient women.**

Scope and effects of inspection supervisions in 2013

In 2013 labour inspectors conducted 30.252 inspection supervisions in the field of labour relations, covering 545.587 employees, whereat 5.523 persons were discovered on factual work ("informal work"), and after labour inspectors' measures being undertaken, employers established employment relationship with 4.290 persons. At the same time, labour

inspectors brought **5.128** decisions on ordering elimination of established deficiencies, as well as **460** decisions on delaying execution of employer's decision on employment contract cancellation; **2.680** requests for instituting offence proceedings, and submitted **12** criminal charges. Furthermore, **57** supervisions with regard to strike were carried out and brought **105** decisions on elimination of deficiencies, and **41** requests for instituting offence proceedings was submitted. From **April 2013, when Changes and Amendments of the Labour Law entered into force, concerning protection of parturient women employed for a definite period of time** and to whom employers cannot cancel employment contract before the expiry of maternity leave, i.e. child-care leave, **58 pregnant women employed for a definite period of time, and to whom employment contract was cancelled turned to labour inspection due to illegal employment contract termination. After inspection supervisions, employers concluded employment contracts with all pregnant women, to whom they had terminated employment contracts contradictory to Labour Law provisions.**

Labour inspectorate conducted **16.108 inspection supervisions in the field of health and safety at work, covering 269.186 employees.** At the same time, in the given period, **4.517** decisions on elimination of deficiencies were brought, **452** decisions on prohibition of work at workplace, due to dangerous appearance that could jeopardise safety and health at work, **26** charges for instituting criminal proceedings against responsible persons, due to reasonable doubt that they committed criminal act of causing danger due to lack of safety and health at work measures, as well as **950** requests for instituting offence proceedings.

During mentioned period, labour inspectors conducted **1146** inspection supervisions due to reported injuries at work:

- **24** supervisions due to fatal injuries at work
- **11** supervisions due to serious injuries at work resulting in death
- **14** supervisions due to collective injuries at work
- **849** supervisions due to serious injuries at work and
- **248** inspection supervisions due to minor injuries at work.

Comparative analysis of number of inspection supervisions related to injuries at work throughout the Republic of Serbia for 2013, comparing to 2012, shows that due to preventive work of labour inspection, total number of fatal and serious injuries at work resulting in death in 2013 is reduced by **11% comparing to 2012, and number of collective injuries at work reduced by 43%, and total number of serious injuries at work is reduced by 15%.**

Comparative analysis of number of inspection supervisions related to injuries at work for the period between 2012 and 2013

| Year | Number of inspection supervisions in case of fatal, collective, serious injury resulting in death, serious and minor injury at work | | | | | |
|------|---|-------|------------|----------------------------|---------|-------|
| | Total | Fatal | Collective | Serious resulting in death | Serious | Minor |
| 2012 | 1.243 | 26 | 24 | 13 | 1.003 | 177 |

| | | | | | | |
|------|-------|----|----|----|-----|-----|
| 2013 | 1.146 | 24 | 14 | 11 | 849 | 248 |
|------|-------|----|----|----|-----|-----|

Labour Inspectors conduct inspection supervisions in the field of labour relations and health and safety at work in a legal, professional, accountable and effective manner, and in accordance with principles of civil servants activities.

Labour inspectors shall submit requests for instituting offence proceedings and criminal charges against employers who fail to apply regulations in the field of labour. Based on above-mentioned data, only in 2013, labour inspectors submitted 3630 requests for instituting offence proceedings (2680 requests in the field of labour relations, and 950 requests in the field of safety and health at work), as well as 38 criminal charges.

*Analysis of the method of first-instance bodies decision-making on
Offence proceedings on submitted requests
for instituting offence proceedings in 2013*

In 2013, upon requests for instituting offence proceedings submitted **according to the Labour Law**, total amount of imposed penalties upon magistrates' decisions is **201.124.203,00 RSD** (based on **1224** requests submitted for instituting of offence proceedings).

32 requests were rejected, **57** interruptions of proceedings, **353** proceedings were suspended, **189** reminders were imposed, **424 offence proceedings that were initiated were out of use (maturity).** Labour inspectors lodged **65** complaints on the decisions made by offence authorities, and with regards to requests submitted for instituting offence proceeding in the field of labour relations.

In the field of **safety and health at work** and upon requests for instituting offence proceedings submitted in accordance with the **Law on Occupational Health and Safety**, total amount of imposed penalties upon magistrates' decisions is **109.910.402,00 RSD (based on 560 requests submitted** for instituting offence proceedings), while **184 proceedings came to maturity, 70 reminders** were imposed, **139** proceedings were suspended, **25** proceedings interrupted, **8** requests rejected. Labour inspectors lodged **32** complaints on the decisions made by offence authorities, and with regards to requests submitted for instituting offence proceeding in the field of health and safety at work.

Amount of imposed penalties upon magistrate's decisions, and with regards to requests submitted for instituting offence proceedings according to the Law on prevention of mobbing at work is **105.000,00 RSD**, according to the Law on the Protection of the Population from Exposure to Tobacco Smoke is **15.000,00 RSD**, and according to other regulations is **2.226.501, 00 RSD.**

Total amount of imposed penalties upon all the requests submitted for instituting offence proceedings in the field of labour relations and health and safety at work is **313.381.106,00 RSD.**

Cooperation between the Labour Inspectorate and the Ministry of Justice and Magistrate Courts

In 2013, cooperation with Ministry of Justice and Magistrate Courts continued resulting in more efficient operation of offence authorities and conditions were created for labour inspectors to follow all phases within request handling, as well as the method of its resolving (especially with regard to the amount of expresses penalties).

Cooperation between Labour Inspection departments/sections/groups in administrative districts and in the City of Belgrade and Magistrate Courts in the Republic of Serbia is good. In case of need, joint meetings are organised to resolve issues appearing in practice. At the moment, the amount of threatened penalties in the field of labour relations and health and safety at work is high, so there are difficulties in imposing appropriate penalties.

Magistrates often emphasises that amount of imposed penalties in the field of labour relations and health and safety at work for our economy at the moment is unreal, so they have difficulties in imposing penalties. In addition, they also emphasise issue of bulkiness of acts being applied in the field of labour and significant complexity of matters controlled by labour inspection.

Labour inspectors are facing problem of necessity of participation in almost each offence proceedings as witnesses, in frequent confrontations with offenders, etc., which means additional burden and time consumption for them. In the last several years, Magistrate Court penal policy significantly improved in a way that magistrates, by rule, impose penalties within range prescribed, without additional alleviation.

Labour inspectors contributed to this tendency, since labour inspectors from Labour Inspectorate who were against magistrate's decisions imposing reminder instead of penalty, or penalty with significantly less amount from minimally prescribed penalty, lodged complaints causing changes in penal policy. However, termination of court proceedings due to maturity is still very frequent and that is the question to be initiated in the forthcoming period to solve and reduce the number of court proceedings completed in such a way, increasing at the same time Magistrate Court' and labour inspection' effect as initiators of the proceedings in front of the court.

The conclusion is that penal policy in offence proceedings has been intensified recently. Labour inspectors and their activity contributed to this tendency, since they were against magistrate's decisions imposing penalties with significantly less amount from minimally prescribed penalty and lodged complaints causing changes in penal policy.

Taking into account that in the second half of the 2013 large number of business entities, entrepreneurs or legal entities, was deleted from the Serbian Business Registers Agency registry, to avoid settling liabilities towards employees, as well as liabilities towards the STA and disability and health insurance funds, and to register again under other name, a question of changing regulations on entry into the SBRA is to be considered.

Other most important activities of Labour Inspectorate in 2013

Social Dialogue

Aiming at social dialogue enhancement the Labour Inspectorate organised meetings with representative associations of employers and trade unions to secure more efficient protection of all labour market participants' rights, employees and employers. Topics of the mentioned meetings were the most important labour relations and occupational health and safety matters with an aim to suppress "grey market" and to reduce number of injuries at work.

Furthermore, Labour Inspectorate together with social partners got involved in marking Serbia's Construction Workers Day (8 August) to promote importance of occupational health and safety and implementation of all preventive measures in civil engineering activity, in order to reduce number of injuries at work.

Marking European Week for Safety and Health at Work

In October 2013, as a member of informative network for safety and health at work of the Republic of Serbia, Labour Inspectorate actively got involved in the activities foreseen by campaign of European Agency for Safety and Health at Work related to marking European Week for Safety and Health at Work, which was lead, in 2013, under slogan "Campaign Healthy Workplace 2012 – 2013: Working together on risk prevention".

The aim of the campaign is to encourage business entities' managers and employees to jointly work on improvement of health and safety at work, aiming at reduction of costs and increase of productivity, to reduce absence from work, reduce number of injuries at work, to have employees more satisfied and productive, to raise awareness on importance of mitigation and control of risk at work, as well as to bring corporate social responsibility to higher level.

During the European Week for Safety and Health at Work, Labour Inspectorate organised round tables and media appearances, to achieve the European campaign main goal and to contribute to raising awareness of employers and employees on importance of making joint efforts to eliminate risks or to reduce it to the lowest possible level ensuring safe and healthy workplaces for employees.

Labour Inspectorate activities at international plan

In 2013 Labour Inspectorate continued cooperation with the International Information Centre of the International Labour Organisation as Collaborating Centre for the Republic of Serbia. The data primarily concerning occupational health and safety situation in the Republic of Serbia was regularly communicated by Labour Inspectorate to the ILO. Labour Inspectorate representative actively participated on the 51st meeting of the ILO International Information Centre, held in Turin in November 2013.

Between 21 and 22 November 2013 the Labour Inspectorate organised two-day Regional Conference "Employees' Rights Protection". The Conference was organised due to cooperation between the Ministry of Labour, Employment, Veteran and Social Affairs of the Republic of Serbia and the Federal Ministry of Labour, Social Affairs and Consumer Protection of the Republic of Austria (Office of Attaché for Labour and Social Affairs of the Republic of Austria) and ILO. The mentioned Conference gathered representatives of the

labour inspections from the region, as well as the Federal Ministry of Labour, Social Affairs and Consumer Protection of the Republic of Austria and Austrian Accident Insurance (AUVA). Purpose of the Conference was exchange of information and experience on practical implementation of legal and sub-legal acts, which are supposed to be harmonised with EU regulations and which should contribute to efficient protection, exercise of employees' rights on healthy and safe working conditions and better position of employees in Serbia and in the region. Conference topics referred to suppression of "grey economy", prevention in occupational health and safety to reduce number of injuries at work, occupational disease and work-related disease.

Labour Inspectorate of the Republic of Serbia is a member of International Association of Labour Inspection (IALI) and Regional Alliance of Labour Inspections of South-East Europe, Ukraine and Azerbaijan (RALI), so it continued cooperation with labour inspections, members of Regional Alliance and International Association of Labour Inspection.

Scope and effects of inspection supervisions in 2014

In 2014, Labour Inspectorate conducted all activities foreseen by Work Plan through preventive labour inspection activities and targeted inspection supervisions in high-risk activities and activities including the most of "grey zone" activities, aiming at safe and healthy workplace for employees and regulation of their legal employment status.

In 2014, there were 260 employees in Labour Inspectorate who established employment relationship for indefinite period of time, **whereof 238 labour inspectors.**

Aiming at practical implementation of employment area regulations by employers, primarily with an aim to reduce number of injuries at work to the lowest possible level and to exercise safe and healthy working conditions for employees, to suppress "grey activity" and increase employment, the Labour Inspectorate established new work organisation by introducing continuous, strengthened inspection supervisions involving bigger number of labour inspectors by "rotation" principle, targeted extraordinary inspection supervisions in some activities, two-shift work, improved media campaign, as well as unified work of labour inspectors in line with instructions brought by Labour Inspectorate. In addition to existing monthly reporting on work and work plans, weekly planning and reporting on labour inspectors' activities and work effects was introduced.

During Reporting period, Labour Inspectorate implemented labour relations measures and activities, primarily aiming at respect of the Labour Law, i.e. to reduce number of violations of the law and other regulations regulating labour relations area. **In 2014, 30,226 ex officio supervisions were conducted in labour relations area – 2,021 complete supervisions, 17,567 partial supervisions, 9,267 supervisions upon client's request, as well as 1,371 control supervisions (execution of decision control).**

Labour Inspection measures, during inspection supervision, cover **preventive and repressive approach.** Preventive approach reflects cooperation with employers and their representatives, providing advices and guidelines, aiming at consistent implementation of Labour Law regulations. Repressive Labour Inspection measures reflect decision-making on

ordering elimination of identified violations of the Labour Law, submitting the request for instituting offence proceedings, lodging criminal charges and imposing mandatory fines. **In 2014, 4,683 decisions on elimination of identified violations of the Labour Law were brought and 387 decisions pursuant to Article 271 of the Labour Law.**

Occupational Health and Safety Area

Between January and December 2014 Labour Inspectorate conducted **16,698** inspection supervisions **in the area of occupational health and safety**, covering **277,530 employees**, **4,935** decisions on removal of deficiencies were brought, **371** decisions were brought on prohibition of work at workplace, due to dangerous appearance that could jeopardise safety and health at work, **30** charges for instituting criminal proceedings against responsible persons, due to reasonable doubt that they committed criminal act of causing danger due to lack of safety and health at work measures, as well as **1234** requests for instituting offence proceedings (**800** requests for instituting offence proceedings against legal entities and responsible persons within legal entity, **256** against entrepreneurs, **127** against employees and **51** requests for instituting offence proceedings against person responsible for occupational health and safety).

Between January and December 2014, labour inspectors conducted **1,100** inspection supervisions with regard to **fatal injuries, serious injuries resulting in death, serious, collective and minor injuries at work**, whereof **21** supervision with regard to **fatal injuries at work**, **17** supervisions – **serious injuries resulting in death**, **904** supervisions – **serious injuries at work**, **19** supervisions – **collective injuries at work** and **139** supervisions with regard to **minor injuries at work**.

Injuries at work mostly occur in civil engineering and industry activities, i.e. in high-risk activities on hard physical labour, on which employees are mostly men; the most frequent causes of fatal injuries at work are electrocution (in 24% of cases), struck by falling object (in 23% of cases), as well as fall of an object from height (in 24% of cases), trapped underground (in 10% of cases), high fall (in 5% of cases).

Among persons who died as a result from injury at work, 57% had employment relationship (employment contract for definite or indefinite period of time), while 43% of those who died due to injury at work worked “informally – grey activity”.

In 2014, upon requests for instituting offence proceedings submitted according to the Labour Law, total amount of imposed penalties upon magistrates' decisions is **146.004.670,00** RSD (on the basis of **1,155** requests for instituting offence proceedings).

Analysis of the method of first-instance bodies decision-making on

**offence proceedings on submitted requests
for instituting offence proceedings in 2014**

In **2014**, upon requests for instituting offence proceedings submitted **according to the Labour Law**, total amount of imposed penalties upon magistrates' decisions is **146.004.670,00 RSD** (based on **1,155** requests submitted for instituting of offence proceedings).

27 requests were rejected, **49** interruptions of proceedings, **230** proceedings were suspended, **189** reminders were imposed, **353 offence proceedings that were initiated were out of use (maturity)**, while upon **248** requests **proceedings is still ongoing**. Labour inspectors lodged **96** complaints on the decisions made by offence authorities, and with regards to requests submitted for instituting offence proceeding in the field of labour relations. It is worth mentioning that, based on requests submitted by labour inspection in previous period (2013 and 2014), according to the records made by competent Magistrate Courts, proceedings is still ongoing for **1314** requests.

In the field of **occupational health and safety**, upon requests for instituting offence proceedings submitted **in accordance with the Law on Occupational Health and Safety**, total amount of imposed penalties upon magistrates' decisions is **85.833.550,00 RSD** (based on **580** requests submitted for instituting offence proceedings), while **164** proceedings came to maturity, **82** reminders were imposed, **146** proceedings were suspended, **27** proceedings interrupted, **25** requests rejected, while upon **136** requests proceedings is still ongoing. Labour inspectors lodged **28** complaints on the decisions made by offence authorities, and with regards to requests submitted for instituting offence proceeding in the field of health and safety at work. Furthermore, based on requests submitted by labour inspection in occupational health and safety area, in previous period (2013 and 2014), according to the records made by competent Magistrate Courts, proceedings is still ongoing for 508 requests.

Amount of imposed penalties upon magistrate's decisions, and with regards to requests submitted for instituting offence proceedings in accordance with the Law on prevention of mobbing at work is **966.200,00 RSD**, in accordance with the Law on the Protection of the Population from Exposure to Tobacco Smoke is **60.000,00 RSD**, and according to other regulations is **2.599.700,00 RSD**.

Total amount of imposed penalties upon all the requests submitted for instituting offence proceedings in the field of labour relations and health and safety at work is **235.464.120,00 RSD**. It should be taken into account that during 2014 several month long strike of lawyers disabled regular operation of courts.

Comparative analysis of the method of first-instance bodies decision-making on offence proceedings on submitted requests for instituting offence proceedings in 2012, 2013 and 2014

| Year | Amount of penalties in acc. with Labour Law | Amount of penalties in acc. with LOHS | Amount of penalties in acc. with LPMW | Amount of penalties in acc. with LPPETS | Amount of penalties in acc. with other laws | TOTAL |
|-------------|--|--|--|--|--|-----------------------|
| 2012 | 165.107.201,00 | 132.560.200,00 | 1.235.000,00 | 140.000,00 | 4.032.100,00 | 303.074.501,00 |
| 2013 | 201.124.203,00 | 109.910.402,00 | 105.000,00 | 15.000,00 | 2.226.501,00 | 313.381.106,00 |

| | | | | | | |
|-----|--------------|--------------|------------|-----------|------------|---------------------|
| 3 | 00 | 00 | | | 00 | 00 |
| 201 | 146.004.670, | 85.833.550,0 | 966.200,00 | 60.000,00 | 2.599.700, | 235.464.120, |
| 4 | 00 | 0 | | | 00 | 00 |

Agenda:

- * LOHS – Law on Occupational Health and Safety
- * LPMW – Law on Prevention of Mobbing at Work
- * LPPETS – Law on the Protection of the Population from Exposure to Tobacco Smoke

Cooperation with Central Registry of Compulsory Social Insurance, Tax Administration, National Employment Service and Market Inspection

Aiming at more efficient work and execution of tasks from the area of its jurisdiction, regulated by laws and sub-legal acts, Labour Inspectorate established cooperation with the Central Registry of Compulsory Social Insurance, which is verified by conclusion of the Agreement on Cooperation, and on the basis of the Law on Central Registry of Compulsory Social Insurance (“Official Gazette of the RS“, no. 30/10) and Labour Law. During the control procedure by Labour Inspectorate, in this way it is possible to check whether employer filed a single application for compulsory social insurance for employees into Unique Central Registry Database.

As of 1 June 2014, Labour Inspectorate intensified cooperation with the Tax Administration by introducing strengthened supervisions, mainly to control the work in “grey zone”, which involved labour inspectors and tax inspectors with support of the Ministry of Interior. The practice showed that the joint supervisions are the most efficient method for repression of grey economy.

The fact is that some individuals working „in grey zone – informal work“, who at the same time realise the right to monetary compensation from the National Employment Service, refuse to sign Employment Contract with employer. Due to these reasons, Inspectorate informs the National Employment Service on persons discovered to work informally.

Taking into consideration that, at the beginning of inspection supervisions in shopping centres being controlled, when it was known that labour inspection was present, the large number of persons locked and left their facilities, regardless the working hours, and with obvious intention to avoid inspection supervisions, Labour Inspectorate initiated joint inspection supervisions with market inspection, which will be conducted in the forthcoming period.

Answers to the questions from the Quick Replies Office

Between 3 June 2014 when Quick Replies Office (brziodgovori@minrzs.gov.rs) was established and 31 December 2014, the Office sent to the Labour Inspectorate 247 questions, the reply was provided, where majority of questions was related to the request for execution of inspection supervisions with employers.

Cooperation with other ministries

In cooperation with the **Ministry of Foreign Affairs** and **Ministry of Interior**, “**agencies for mediation**”, which were posting our citizens to the Russian Federation without necessary licenses and approvals, were controlled aiming at exercise of the rights for persons who suffered a damage. All relevant institutions were informed on the situation established in order to take necessary measures from the areas of their jurisdiction.

Operational meetings were organised **with representatives of the Ministry of Public Administration and Local Self-Government**, to discuss the Draft Law on Inspection Supervision. In addition, a meeting was held **with market inspection of the Ministry of Trade, Tourism and Telecommunications**, as well as with the **Tax Administration**.

Meetings with investors and contractors

Several meetings, organised by the Labour Inspectorate of the Ministry of Labour, Employment, Veteran and Social Affairs, were held with **bigger investors** (Corridors of Serbia, Serbia Railways) and **bigger contractors** in civil engineering activities, as well as with “Electric Power Industry of Serbia”, Telekom and Telenor, to emphasise the importance of occupational and health safety measures implementation and realisation of employees’ rights in the field of labour relations, which is responsibility of investors and their contractors and sub-contractors.

Meetings with ILO Office in Belgrade, USAID and Office of Attaché for Labour and Social Affairs of the Republic of Austria

In the last 10 months, the Labour Inspectorate held several meetings with representatives of the **ILO Office in Belgrade, USAID and Office of Attaché for Labour and Social Affairs of the Republic of Austria**, aiming at joint activities and projects regarding education of labour inspectors and representatives of employers and employees, with an aim to protect the rights of employees and to provide better working conditions.

Social Dialogue

Aiming at social dialogue enhancement the Labour Inspectorate organised meetings with representative associations of employers and trade unions to secure more efficient protection of all labour market participants’ rights, employees and employers. Topics of the mentioned meetings were the most important labour relations and occupational health and safety matters with an aim to suppress “grey market” and to reduce number of injuries at work. Meetings were held with Confederation of Autonomous Trade Unions of Serbia - Metal Workers’ Union, Autonomous Union of Entertainers of Serbia and Association of Free and Independent Trade Unions of Serbia, United Branch Trade Unions “Nezavisnost”, as well as with Employers’ Association of Serbia.

Furthermore, Labour Inspectorate representatives were actively involved in all conferences, round tables, workshops and seminars organised by social partners.

Seminars for labour inspectors with regard to changes and amendments of the Labour Law and future changes and amendments of the Law on Occupational Health and Safety

In 2014 Labour Inspectorate, in cooperation with Labour Department and Occupational Health and Safety Administration in Belgrade, Novi Sad, Kragujevac and Nis held seminars when labour inspectors were acquainted with changes and amendments of the Labour Law and with proposals for future changes and amendments of the Law on Occupational Health and Safety. These seminars (4 in total) were the opportunity to consider new law provisions, which give bigger authorities to labour inspectors, aiming at uniform treatment of labour inspectors on the territory of the Republic of Serbia.

Other activities of the Labour Inspectorate

Operational meetings were organised with representatives of the Slovenian Embassy, Sector for emergency situations, Mine Action Centre, “Idea L.LC”, Centre for Democracy, Telenor, and Agency for Peaceful Settlement of Disputes.

Labour Inspection departments and sections in 24 administrative districts were visited and operational meetings held with labour inspectors and with some heads of districts.

Instruction on labour inspectors’ procedures during inspection supervisions in the field of labour relations and occupational health and safety was prepared and adopted and it is applied on the territory of the Republic of Serbia.

The Occupational Health and Safety Council’ meeting was attended by Labour Inspectorate representatives, when the Draft Law on Changes and Amendments of the Law on Occupational Health and Safety was discussed.

Labour Inspectorate representatives were involved in the work of the Working Group for creation of the Law on insurance against injuries at work and occupational diseases, Working group for creation of the Law on Inspection Supervision, as well as Working Group for preparation of preliminary list of companies and other organisations, which activity is designing, construction and supervision in the area of traffic infrastructure in order to create unique record (so called white and black list) of mentioned companies and other organisations in the area of traffic infrastructure.

In addition, Labour Inspectorate representatives attended sessions of the **Professional Group for repression of grey economy**, organised by the National Alliance for Local Economic Development and National Secretariat for Public Policy, **ETUI Regional Forum for exchange of information in the field of occupational health and safety**, held in Belgrade, as well as the meeting with representatives of the **OECD, with topic – South East Europe 2020 Strategy for Employment**.

KEY EFFECTS OF INSPECTION SUPERVISIONS IN 2015

- Labour Inspection conducted **58,750 inspection supervisions in the field of labour relations and occupational health and safety**, totally covering **1.309.721 employees**

(696,882 employees in supervisions in the field of labour relations, 216,824 employees in supervisions in the field of occupational health and safety and 396,015 employees in integrated supervisions – compiled supervisions in the field of labour relations and occupational health and safety), 16,408 persons were identified to perform “informal work” and that is, comparing to 2014, increase by 181% when 5,831 persons were identified to perform “informal work”. Soon after inspection supervisions in 2015, employers established employment relationship with 12,250 persons;

- **947 supervisions with regard to injuries at work were conducted, while in 2014 supervisions conducted with regard to 1,100 injuries at work, so the number of injuries at work in 2015 is reduced by 14% comparing to the number of injuries at work in 2014;**
- **Upon requests for instituting offence proceedings, submitted by labour inspectors, RSD 270.931.607,00 was collected;**
- **13,610 decisions on elimination of established deficiencies were brought;**
- **5,537 requests for instituting offence proceedings were submitted;**
- **1,014 minor offence warrants were issued – on the basis of warrants issued RSD 36.504.000,00 was deposited to the budget of the Republic of Serbia;**
- **389 non-registered entities were discovered, in which 599 persons performed “informal work”.**

Occupational Health and Safety Area

In the field of Occupational Health and Safety Labour Inspectorate conducted 16,640 inspection supervisions covering 216,824 employees. Furthermore, in the given period, 3,725 decisions on removal of deficiencies were brought, 412 decisions were brought on prohibition of work at workplace, due to dangerous appearance that could jeopardise safety and health at work, 42 charges for instituting criminal proceedings against responsible persons, due to reasonable doubt that they committed criminal act of causing danger due to lack of safety and health at work measures, as well as 938 requests for instituting offence proceedings.

During mentioned period, labour inspectors conducted 947 inspection supervisions due to reported injuries at work:

- 24 supervisions due to fatal injuries at work
- 14 supervisions due to serious injuries at work resulting in death
- 18 supervisions due to collective injuries at work
- 780 supervisions due to serious injuries at work and
- 111 inspection supervisions due to minor injuries at work.

The largest number of fatal injuries at work was in the area of civil engineering activities and industry – 63% out of total number of all fatal injuries at work reported to labour inspection, and due to which inspection supervisions were conducted.

In the course of the year, according to planned and priority activities of the Labour Inspectorate, aiming at taking preventive occupational health and safety measures by employers and employees, and reducing the number of injuries at work and realisation of safe and healthy working conditions, apart from regular ex officio supervisions, strengthened inspection supervisions were also organised and implemented, in high-risk activities, mainly in civil engineering activities, agriculture and industry, with participation of maximum available number of labour inspectors.

Upon requests for instituting offence proceedings, submitted by labour inspectors, RSD 270.931.607,00 was collected. In the mentioned period 1,014 minor offence warrants were issued (on the basis of warrants issued RSD 36.504.000,00 was deposited to the budget of the Republic of Serbia).

Comparative preview of inspection supervisions executed in case of fatal, serious injury resulting in death, collective, serious and minor injury at work.

Comparative analysis of the number of inspection supervisions at work for 2015 comparing to 2014, shows that total number of injuries at work in 2015 is reduced by 14% comparing to 2014.

| Year | Number of inspection supervisions in case of fatal, collective, serious injury resulting in death, serious and minor injury at work | | | | | |
|------|---|-------|----------------------------|------------|---------|-------|
| | Total | Fatal | Serious resulting in death | Collective | Serious | Minor |
| 2014 | 1100 | 21 | 17 | 19 | 904 | 139 |
| 2015 | 947 | 24 | 14 | 18 | 780 | 111 |

Integrated supervisions

(Simultaneous supervision of employer in the field of labour relations and occupational health and safety by one labour inspector)

In 2015, **12,444 integrated inspections supervisions** were conducted covering **396,015** employees. Integrated inspection supervisions were planned to cover mainly less risky activities.

In integrated supervisions, one labour inspector, regardless of the fact that he is a lawyer or an engineer, conducts supervision in a unique, quality and professional manner in the field of labour relations and occupational health and safety. During the supervision implementation of the Labour Law and the Law on Occupational Health and Safety is controlled in accordance with the Instruction on labour inspectors' procedures during inspection supervisions in the field of labour relations and occupational health and safety.

Integrated inspection supervisions controlled the following institutes of the Labour Law: defining equal status for persons found at work, Rulebook on organisation and systematisation of work positions, arrangement of rights, obligations and liabilities from the field of labour

relations, working hours, leaves and absences, employees' protection, income, wage benefits, compensation of expenses and other incomes, employees rights with change of employer and change of contracted working conditions, employment relationship termination and special protection from employment contract cancellation.

Furthermore, the following institutes of the Law on Occupational Health and Safety were controlled: arrangement of rights, obligations and liabilities in the field of occupational health and safety, organising jobs for occupational health and safety, risk assessment act, first aid, records in the field of occupational health and safety, education of employees for safe and healthy work, personal protection equipment at workplace, beginning of the employer's work, report on beginning of the works on constructions site and elaborate on construction site arrangement, injury at work and occupational disease – reporting, prescribed documentation, prescribed medical examinations of employees, preventive and periodical examinations and inspection of work equipment and working environment conditions.

During integrated supervisions labour inspectors brought **3,461 decisions on removal of deficiencies from the field of occupational health and safety, 818 decisions on removal of deficiencies from the field of labour relations, 185 decisions on prohibition of work** at workplace with employer due to circumstances that could jeopardise employee safety and health at work. Due to established breach of law, **1,089 requests were submitted for instituting offence proceedings**, and **1** criminal charge was submitted in the field of occupational health and safety.

Analysis of the method of first-instance bodies decision-making on offence proceedings on submitted requests for instituting offence proceedings in 2015

In 2015, upon requests for instituting offence proceedings submitted **according to the Labour Law**, total amount of imposed penalties upon magistrates' decisions is **RSD 160.224.105,00** (based on **1,165** requests submitted for instituting of offence proceedings).

17 requests were rejected, **27** interruptions of proceedings, **260** proceedings were suspended, **254** reminders were imposed, **335 offence proceedings that were initiated were out of use (maturity)**. Labour inspectors lodged **73** complaints on the decisions made by offence authorities, and with regards to requests submitted for instituting offence proceeding in the field of labour relations.

In the field of **occupational health and safety**, upon requests for instituting offence proceedings submitted **in accordance with the Law on Occupational Health and Safety**, total amount of imposed penalties upon magistrates' decisions is **RSD 107.261.500,00 (based on 640 requests submitted for instituting offence proceedings)**, while **171 proceedings came to maturity, 83 reminders** were imposed, **112** proceedings were suspended, **10 proceedings interrupted, 7** requests rejected. Labour inspectors lodged **25** complaints on the decisions made by offence authorities, and with regards to requests submitted for instituting offence proceeding in the field of health and safety at work.

Amount of imposed penalties upon magistrates' decisions, and with regards to requests submitted for instituting offence proceedings in accordance with the Law on prevention of mobbing at work is **RSD 115.000,00**, in accordance with the Law on the

Protection of the Population from Exposure to Tobacco Smoke is **RSD 190.000,00**, and according to other regulations is **RSD 3.141.002,00**.

Total amount of imposed penalties upon all submitted requests for instituting offence proceedings in the field of labour relations and occupational health and safety is **RSD 270.931.607,00**.

Comparative analysis of the method of first-instance bodies decision-making on offence proceedings on submitted requests for instituting offence proceedings in 2013, 2014 and 2015

| Year | Amount of penalties in acc. with Labour Law | Amount of penalties in acc. with LOHS | Amount of penalties in acc. with LPMW | Amount of penalties in acc. with LPPETS | Amount of penalties in acc. with other laws | TOTAL |
|------|---|---------------------------------------|---------------------------------------|---|---|-----------------------|
| 2013 | 201.124.203,00 | 109.910.402,00 | 105.000,00 | 15.000,00 | 2.226.501,00 | 313.381.106,00 |
| 2014 | 146.004.670,00 | 85.833.550,00 | 966.200,00 | 60.000,00 | 2.599.700,00 | 235.464.120,00 |
| 2015 | 160.224.105,00 | 107.261.500,00 | 115.000,00 | 190.000,00 | 3.141.002,00 | 270.931.607,00 |

Agenda:

* LOHS – Law on Occupational Health and Safety

* LPMW – Law on Prevention of Mobbing at Work

* LPPETS – Law on the Protection of the Population from Exposure to Tobacco Smoke

SCOPE AND EFFECTS OF INSPECTION SUPERVISIONS IN 2016

Priority activities of the Labour Inspectorate in 2016 were directed towards repression of **"grey economy – informal work"** and **reduction of number of injuries at work**. Labour inspectors throughout Republic of Serbia conducted ex officio inspection supervisions, upon clients' requests, strengthened extraordinary inspection supervisions and also acted preventively.

To increase effects of "grey economy – informal work" repression, Labour Inspectorate **also conducts extraordinary inspection supervisions in particular activity and on particular territory, during regular working hours, during the night and weekends, often by inspectors "rotation" principle.**

Between 1 January and 31 December 2016, labour inspection conducted in total **53,069 inspection supervisions**, with increased efficiency, since during inspection supervisions **19,472 persons** were discovered on factual work "grey zone" (including number of persons without employment contract with registered and with non-

registered entities!), which is by around 19% more than in 2015, when 16,408 persons were discovered to work "informally".

When supervision was completed, employers established employment relationship with 17,589 persons discovered to work "informally", i.e. with 44% persons more than in 2015, when employers established employment relationship with 12,250 persons discovered to work "informally".

With increase in number of employees with whom employers established employment relationship and in collection of contributions, revenues of the National Pension and Disability Insurance Fund in 2016 were higher by 15 billion dinars comparing to 2015. National Pension and Disability Insurance Fund withdrew from the budget, as subvention, 13,26 billion dinars less comparing to previous year.

In 2016, labour inspection brought in total 10,419 decisions on removal of established deficiencies, as well as 478 decisions on prohibition of work at workplace.

At the same time, labour inspector filed 3,571 requests for instituting offence proceedings, issued 1,084 minor offence warrants and submitted 62 criminal charges against responsible persons. Upon submitted requests for instituting offence proceedings, employers were punished with penalties with total amount of RSD 289.588.350,00, and on the basis of minor offence warrants, amount of RSD 21.855.000,00 was deposited to the budget of the Republic of Serbia.

In accordance with the Law on inspection supervision, the scope of labour inspection jurisdiction is expanded, so it can control non-registered entities in addition to registered ones.

In 2016, 813 non-registered entities were discovered, and in these entities, apart from natural persons performing non-registered activities (non-registered entities), additional 459 persons were discovered to work "informally". The largest number of non-registered entities deals with trade, catering, personal services, repairing and maintenance of motor vehicles, processing of wood and production of things from wood, craft services and execution of construction works, but labour inspectors also discovered non-registered kindergartens, betting houses, gerontology centres.

From the total number of discovered non-registered entities, 503 immediately entered into register of the Serbian Business Register Agency.

Occupational Health and Safety Area

In the field of Occupational Health and Safety Labour Inspectorate conducted 14,156 inspection supervisions covering 178,919 employees.

In 2016, labour inspector brought 478 decisions on prohibition of work at workplace, due to dangerous appearance that could jeopardise safety and health at work and brought 5,331 decisions on removal of deficiencies from the field of occupational health and safety.

Furthermore, 900 inspection supervisions were conducted with regard to reported injuries at work (29 supervisions due to fatal injuries at work, 13 supervisions due to serious injuries at work resulting in death, 20 supervisions due to collective

injuries at work, 774 supervisions due to serious injuries at work and 64 supervisions due to minor injuries at work).

Inspection supervisions conducted by labour inspectors in the field of occupational health and safety in most of the cases establish that employers fail to fully implement provisions of the Law on Occupational Health and Safety and of sub-legal acts.

With regard to violations of the Labour Law provisions, labour inspectors brought 4275 decisions for removal of established irregularities. Ex officio inspection supervisions, conducted by labour inspectors in the field of labour relations, in most of the cases establish irregularities relating to non-payment of wages and benefits to employees within deadlines and non-establishment of employment relationship with persons found at work.

In addition, 813 decisions were brought, ordering non-registered entities to enter the register of the Serbian Business Registers Agency and they cannot continue to perform activities before entry into the mentioned register.

At the same time, in addition to the decisions, labour inspectors filed 3571 requests for instituting offence proceedings and filed 62 criminal charges against responsible persons.

Analysis of the method of first-instance bodies decision-making on offence proceedings on submitted requests for instituting offence proceedings in 2016

In 2016, upon requests for instituting offence proceedings submitted according to the Labour Law, total amount of imposed penalties upon magistrates' decisions is RSD 217.855.050,00 (based on 1,670 requests submitted for instituting of offence proceedings).

17 requests were rejected, 55 interruptions of proceedings, 194 proceedings were suspended, 279 reminders were imposed, 393 offence proceedings that were initiated were out of use (maturity). Labour inspectors lodged 84 complaints on the decisions made by offence authorities, and with regards to requests submitted for instituting offence proceeding in the field of labour relations.

In the field of occupational health and safety, upon requests for instituting offence proceedings submitted in accordance with the Law on Occupational Health and Safety, total amount of imposed penalties upon magistrates' decisions is RSD 68.634.300,00 (based on 569 requests submitted for instituting offence proceedings), while 164 proceedings came to maturity, 97 reminders were imposed, 130 proceedings were suspended, 15 proceedings interrupted, 15 requests rejected. Labour inspectors lodged 26 complaints on the decisions made by offence authorities, and with regards to

requests submitted for instituting offence proceeding in the field of health and safety at work.

Amount of imposed penalties upon magistrates' decisions, and with regards to requests submitted for instituting offence proceedings in accordance with the Law on prevention of mobbing at work is RSD 315.000,00 and according to other regulations is RSD 2.784.000,00.

Total amount of imposed penalties upon all submitted requests for instituting offence proceedings in the field of labour relations and occupational health and safety is RSD 289.588.350,00.

Injuries at workplace

Pursuant to the Article 22 of the Law on Pension and Disability Insurance, a workplace injury is an injury inflicted on an Insured Party, relating in space, time and causality to performing his/her work, based on which he/she is insured, caused by an immediate and momentary mechanical, physical or chemical impact/exposure, a sudden change in body position, a sudden and unexpected exertion of the body, or other changes in the physiological condition of the body.

In case of serious, fatal or collective injury at workplace or injury which prevent employee to work longer than three consecutive working days, employer is obliged to report it to the competent labour inspection and interior affairs authority, the latest within 24 hours from injury occurrence.

As soon as labour inspector receives report on injury at workplace, he is obliged to immediately check the condition on the spot and to take measures to eliminate source and cause of the employee's accident.

Labour inspection conducts supervisions on the basis of all reported injuries at workplace, which occurred at workplace. Supervisions are not conducted only for those injuries at workplace that occurred on the way from home to work and vice versa.

Comparative analysis of the inspection supervisions with regard to fatal injuries at workplace for period between 2013 and 2016

| Year | Number of inspection supervisions in case of fatal, collective, serious injury resulting in death, serious and minor injury at work | | | | | |
|------|---|-------|----------------------------|------------|---------|-------|
| | Total | Fatal | Serious resulting in death | Collective | Serious | Minor |
| 2013 | 1146 | 24 | 14 | 11 | 849 | 248 |

| | | | | | | |
|-------------|-------------|-----------|-----------|-----------|------------|------------|
| 2014 | 1100 | 21 | 17 | 19 | 904 | 139 |
| 2015 | 947 | 24 | 14 | 18 | 780 | 111 |
| 2016 | 900 | 29 | 13 | 20 | 774 | 64 |

The most common causes of injuries at workplace

Inspection supervisions conducted in the field of occupational health and safety established that **employers fail to fully implement provisions of the Law on Occupational Health and Safety and of sub-legal acts.**

Analysis of causes and circumstances that brought to injury at workplace showed that the most common causes of injuries are:

- **dangerous/unsafe work at height** and on improperly erected scaffolding;
- fail to use prescribed personal protection equipment at workplace, primarily **work without protection helmet and safety belt**;
- **work in improperly secured excavations**;
- fail to apply the basic principles for execution of works organisation;
- deviation from prescribed and established work process;
- improper cooperation (coordination) of participants in work,
- improper use of work equipment;
- persons engaged to work are not educated for safe work;
- **incomplete implementation of occupational health and safety measures at workplaces**;
- engagement of significant number of people **working “informally”** who are not trained.

Having in mind that the most common causes of injuries at workplace are dangerous/unsafe work at height, fail to use prescribed personal protection equipment at workplace (work without protection helmet and safety belt), as well as work in improperly secured excavations, the purpose of all occupational health and safety measures implementation is elimination or reduction of danger and harm in the work process, which can be achieved by usage of personal protection equipment at workplace. Use of personal protection equipment at workplace should reduce or eliminate possibility for injury or disease, and not to make the work more difficult and to increase the risk from injuries or disease. Dedicated usage of personal protection equipment at workplace (protection helmet, safety belt for work at height, protection glasses, antiphons, protection glasses, protection footwear, etc.) significantly contributes to prevention of employee’s injury.

Furthermore, some individuals who had fatal and serious injuries at workplace in the civil engineering activities have not established employment contracts. Individuals engaged by employers without employment contract ("informal work") mostly perform occasional and temporary (seasonal) works and start working without any knowledge about work technology, and insufficient care is taken of their professional qualification for performance of these works, as well as of their education for safe and healthy work. As a result, there is increased risk from injuries for individuals working “informally”, which is clearly reflected in data on injuries at workplace.

The most endangered professions in the Republic of Serbia on the basis of fatal injuries at workplace in the Republic of Serbia

Taking into account all characteristics and danger related to execution of works and production technological process as well as implementation of occupational health and safety measures and number of injuries at workplace, **civil engineering and industry belong to the most endangered activities.**

Therefore, the most endangered employees' professions are construction workers of different profiles – **unskilled workers, steel-benders, carpenters, bricklayers, drivers (lifting truck, cargo-carrying motor vehicles), automechanicians, auxiliary workers, wiremen, locksmiths – welders and crane handlers.**

Institutional capacities of the Labour Inspectorate for supervision over regulations implementation

Labour Inspectorate administrative capacity is 25 separate departments, sections and labour inspection group in administrative districts, 1 labour inspection department in the City of Belgrade, as well as one department in the Labour Inspectorate Main Office. At the moment 236 labour inspectors are employed in the Labour Inspectorate of the Republic of Serbia – lawyers and engineers of different technical background.

Labour Inspection responsibility is to control law enforcement in the area of labour with all registered legal entities and entrepreneurs. Currently, in the Republic of Serbia **354,554 employers in total is registered, so one inspector is responsible for control of 1,502 registered employers,** as well as for control of all non-registered entities.

Based on data from the Statistical Office of the Republic of Serbia, total number of formally and informally employed individuals in the Republic of Serbia is about 2.574.200, so one labour inspector, who controls implementation of the Labour Law and Law on Occupational Health and Safety, as well as other laws from the field of labour and over 70 sub-legal acts, is responsible for 10,908 formally and informally employed individuals.

Constantly increasing number of business entities, challenging functioning of economy and increasing number of legal and sub-legal acts, which should be applied by employers, and which implementation is supervised by labour inspectors, in any case requires more labour inspectors for the field.

At the same time, adopting and reaching European labour standards, new challenges being placed in front of us by the EU, modern market, economy and information system development demand appropriate number of labour inspectors and adequate technical equipment as well as efficient and effective supervision in order to protect the rights of employees.

In accordance with above-mentioned, current institutional framework is appropriate for implementation of transposed EU directives requests, and for full application and monitoring (supervision) there is a need for more labour inspectors.

Recruitment of competent individuals with appropriate occupations includes securing necessary work equipment aimed at increase of mobility and more efficient work in order to decrease number of injuries at workplace and occupational disease and to repress “informal” work.

In addition, there is a need for comprehensive information system, which would satisfy the needs of Labour Inspectorate for faster work and more comprehensive reporting on labour inspectors activities, as well as better information equipment. Procurement of larger number of vehicles for inspection supervisions is needed.

Reply to the Committee comments

The Committee says that Labour Inspection must examine all serious cases of injuries at workplace. However, it is also said that inspection visits (supervisions) do not cover sufficient number of personnel. Reminding that the report must provide full, updated information on changes occurred within reference period, the Committee requests for the next report to include statistical data for every year of reference period; about all other authorities being authorised by the Labour Inspection to execute inspections (jurisdiction, activities, number of personnel, executive powers, fines); about the result of all filed criminal charges and about individual amount and total amount of penalties.

Labour inspection conducts supervisions on the basis of all reported injuries at workplace, which occurred at workplace. Supervisions are not conducted only for those injuries at workplace that occurred on the way from home to work and vice versa.

With reference to the comment that inspection visits (supervisions) do not cover sufficient number of personnel, it has to be emphasised that labour inspection conducts supervisions in the field of labour relations and occupational health and safety, and for example in 2015, as an average, each inspector conducted **about 249 supervisions**. Taking into account that **58,750** inspection supervisions were conducted in total covering **1.309.721 employees** (696,882 employees in supervisions in the field of labour relations, 216,824 employees in the field of occupational health and safety and 396,015 employees in integrated supervisions – unified supervisions in the field of labour relations and occupational health and safety), that according to data from the Statistical Office of the Republic of Serbia, total number of formally and informally employed individuals in the Republic of Serbia is 2.574.200, that practically means that **supervisions in the area of labour covers 51% of total number of employees, and in the occupational health and safety 24% of total number of employees**, in which case data covers supervisions in the field of labour relations and occupational health and safety (in total 612,839 employees – 216,824 employees in supervisions in the field of occupational health and safety and 396,015 employees in integrated supervisions).

This report includes the most important statistical data for each year of reference period – 2013, 2014, 2015 and 2016, as well as data on the results of requests filed for instituting offence proceedings. Currently, we do not have data on the results of criminal charges being filed.

It is important to stress that the Law on Occupational Health and Safety shall not apply during performance of a specific military service in the Serbian Army and during performance of police jobs and jobs of protection and rescue from the scope of competent state authority, as well as during performance of jobs of protection and rescue carried out by other entities in accordance with special law, in which occupational health and safety matters during performance of such service and those jobs is regulated by a special law and regulations based on that law.

Article 11 – The right to protection of health

With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed *inter alia*:

1. to remove as far as possible the causes of ill-health;
2. to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;
3. to prevent as far as possible epidemic, endemic and other diseases, as well as accidents.

Information to be submitted

Article 11§1

1) Please describe the general public health policy and legal framework. Please specify the nature of, reasons for and extent of any reforms.

Health Insurance Act (“Official Gazette of the RS“, no. 107/05, 109/05 – corrigendum, 57/11, 110/12-US, 119/12, 99/14, 123/14 and 126/14-US, 106/15 and 10/16 – oth. law) stipulates that, within the right on health insurance in a manner prescribed by this law and sub-legal acts for its implementation, insured persons are, *inter alia*, provided with preventive measures and early-stage diagnosis of their health disturbances:

- 1) Health education consisting of special lectures or advisory sessions given by health professionals with regard to protection, preservation and improvement of health, discovering and curbing risk factors and gaining healthy lifestyle knowledge and habits;
- 2) General and other medical examinations of children, school children, university students at schooling up to 26 years of age, women with regard to pregnancy and adults in accordance with national programme relating to prevention and early-diagnosis of diseases of major social and medical importance, i.e. screening programmes;
- 3) Preventive dental examinations and prophylactic measures for dental diseases prevention for pregnant women and children under the age of 18, i.e. by the end of regular secondary and/or higher education and the latest by the age of 26;
- 4) Health care education with regard to family planning, pregnancy prevention, birth control and surgical sterilization, pregnancy testing, testing and treatments of sexually transmitted diseases and HIV infections;

- 5) Inoculation, immunoprophylaxis and chemoprophylaxis which is compulsory under the national programme on immunization of the population against certain contagious diseases;
- 6) Hygienic and epidemiological and other measures and procedures prescribed by law with regard to prevention, discovery and treatment of HIV infection and other contagious diseases in order to be prevented from spreading.

Law on Health Care ("Official Gazette of the RS", no. 107/2005, 72/2009 – oth. law, 88/2010, 99/2010, 57/2011, 119/2012, 45/2013 – oth. law, 93/2014, 96/2015 and 106/2015) establishes organised and comprehensive activity of the society with the underlying goal to achieve the highest possible level of preservation of the health of citizens and family.

Health care, in the sense of this Law, includes implementation of measures for preservation and improvement of the health of citizens, prevention, control, and early detection of diseases, injuries, and other health disorders and timely and efficient treatment and rehabilitation.

This Law shall describe in details realisation of the general interest in health care:

Article 18

The Republic shall provide, as the general interest in health care, the following:

- 1) Monitoring and studying of the living and working conditions and the state of health of the population, and/or individual groups of the population, causes of onset, spreading and methods of prevention and control of diseases and injuries of major social and medical importance;
- 2) Health promotion in compliance with the health care programs and providing the conditions for implementation of special programmes for preservation and improvement of health;
- 3) Implementation of epidemiological supervision and organisation and implementation of special measures for the protection of the population from communicable diseases, implementation of emergency measures established in compliance with the law governing the area of protection of the population from communicable diseases, as well as implementation of the programs for prevention, control, elimination, and eradication of communicable diseases, in compliance with the law;
- 4) Prevention, control, and eradication of epidemics of contagious diseases;
- 5) Monitoring and prevention of chronic mass non-contagious diseases and addiction diseases;
- 6) Systematic epidemiological and systematic hygienic monitoring, as well as systematic monitoring and testing of the effects of environment pollution on the

health of people, as well as systematic testing of sanitary quality of foodstuffs, items of general use, and drinking water;

- 7) Emergency medical assistance to persons of unknown residence, as well as to other persons who cannot exercise the right to emergency medical assistance in a different way in accordance with the law;
- 8) Health care of persons serving a prison sentence, which is provided to them outside the penitentiary institution, implementation of security measures of compulsory psychiatric treatment and placement in a health care facility, compulsory psychiatric outpatient treatment, compulsory treatment of alcoholics and drug addicts;
- 9) Prevention and elimination of consequences to health caused by natural and other disasters and emergency situations;
- 10) Organisation and development of an integrated health care information system by acquisition, procession, and analysis of health and statistical and other data and information on the state of health and health needs of the population, as well as monitoring of the data on the functioning of the health service with respect to the provided premises, staff, equipment and drugs, as well as monitoring of the performance indicators;
- 11) Monitoring and continuous improvement of the quality of health care and implementation and control of the quality of health care;
- 12) Organisation and implementation of quality assurance of professional work;
- 13) Extraordinary control of the quality of drugs, as well as control of random samples of drugs that are used in humane medicine, according to the programme of the ministry in charge of the affairs of health (hereinafter referred to as: the Ministry);
- 14) Encouraging the activities to improve rational pharmacotherapy in the treatment of the diseased and injured;
- 15) Encouraging the activities on popularization of voluntary blood donation and implementation of programmes of collection of blood, as well as of donation and receiving of organs and tissues for transplantation;
- 16) Providing conditions for work of the Republic professional commissions, as well as of the commission for evaluation of health care technologies;
- 17) Encouraging the activities of the humanitarian and professional organisations, unions and associations on the operations that are, as a priority, envisaged by the Development Plan, and/or by special health care programmes;
- 18) Participation in providing funds for equalisation of the conditions for uniform providing of health care in the entire territory of the Republic, and in particular on the primary health care level in municipalities having unfavourable demographic characteristics and underdeveloped municipalities, in accordance with the priorities;
- 19) Providing funds for construction and equipment of state owned health care facilities the founder of which is the Republic, which includes: capital investment, capital - current maintenance of premises, medical and non-medical equipment and means of transport, equipping in the area of integrated health care information

system, as well as providing of funds for other liabilities specified by the law and by the act on association;

- 20) Financing of applied research works in the area of health care;
- 21) Implementation of the Government measures in natural and other major disasters and emergency situations in accordance with the law regulating actions in emergency situations;
- 22) Provision of resources for conducting the activities set out in Article 124, Paragraph 2, Items 1)-7) of this Law, and for conducting the procedure for establishment of the level of ionizing and non-ionizing radiation in the field of health care by the Occupational Health Institute established for the territory of the Republic of Serbia.

The funds for realisation of the general interest in health care referred to in Paragraph 1 of this Article shall be provided in the budget of the Republic.

The Commission for proposing the priorities set out in Paragraph 1, Item 19) of this Article shall be established by the Minister.

The Principle of Equity of Health Care

Article 20

The principle of equity of health care shall be exercised by the prohibition of discrimination while providing health care on the grounds of race, sex, age, national affiliation, social origin, religious beliefs, political or other affiliations, income scale, culture, language, kind of disease, mental or bodily disability.

- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the public health policy and the legal framework.

The Budget of the Republic of Serbia (mandatory contributions in the National Health Insurance Fund) secures funds for exercising the rights to health care through measures of prevention, early detection of diseases and rehabilitation. The Budget also secures funds for realisation of the general interest in the health care, the Ministry of Health programme budget funds intended for the network of public health institutes.

- 3) Please supply any relevant statistics or other information on the main health indicators and on health services and professions (for example WHO and/or Eurostat data).

All relevant pieces of information on health indicators are gathered and published by the Institute of Public Health of Serbia Dr Milan Jovanovic Batut, in the reports published in statistical yearbook.

<http://www.batut.org.rs/download/publikacije/Odabrani%20zdravstveni%20pokazatelji%202015.pdf>

Article 11§2

1) For States that have not accepted paragraph 1, please describe the general public health policy and legal framework. Please specify the nature of, reasons for and extent of any reforms.

Law on Patients Right ("Official Gazette of the RS", no. 45/2013)

This Law shall govern the rights of patients in the use of health care, the manner of exercising and protecting such rights, and other issues related to the rights and duties of patients. The mentioned Law provides advising convenience for improvement of health and encouraging of individual responsibility regarding health, which is closely regulated by these articles:

Article 38

Protection of patients' rights shall be provided by the local self-government unit, by appointing a person who shall perform the tasks of advisor for the protection of patients' rights and by setting up the Health Council.

Protection of insured's rights shall be provided by health insurance organisation with which that person is insured.

The method and procedure of rights' protection from health insurance is closely regulated by a General Act of the health insurance organisation referred do in the Paragraph 2 of this Article.

Advisor for the protection of patients' rights

Article 39

The activities of advisor for the protection of patients' rights (hereinafter referred to as: patients' advisor) shall be performed by a lawyer who passed professional exam for the work in state administration authorities, with at least three years of professional experience and knowledge of health regulations.

The patient advisor shall perform the activities of patients' rights protection on complaints lodged by patients and shall provide the necessary information and advice on patients' rights.

The patient advisor may perform the tasks for several local self-government units.

The decision on organising, financing and working conditions of the patients' advisor shall be adopted by the competent authority in the local self-government unit in accordance with the patients' needs and health service capacities on the territory of the local self-government.

Article 40

The patients' advisor shall have official identification, and use it to identify himself/herself on arrival at a health care facility, private practice and organisational unit of a higher health education institution which performs health activity or other legal entity performing certain tasks in the health sector.

The form and content of the official identification under Paragraph 1 of this Article shall be stipulated by the Minister responsible for health.

The healthcare institution, private practice and legal entities referred to in Paragraph 1 of this Article shall put up, in a visible place, the patients' advisor name, working hours, as well as address and telephone number for the patients to contact for protecting their rights.

For the purpose of ensuring the patients' advisor efficiency, the health care facility, private practice and legal entities referred to in Paragraph 1 of this Article shall provide the patients' advisor with access, in the presence of a health professional, to the patients' medical records related to the allegations stated in the complaint.

A healthcare institution, private practice and legal entities from Paragraph 1 of this Article shall deliver, without delay, and no later than within five working days to the patient advisor, at his/her request, all required information, data and opinions in the complaint proceedings.

Article 41

The patient, that is, his legal representative may lodge a complaint on the record to the patients' advisor in writing, or verbally.

The patients' advisor shall establish immediately, but no later than within five working days from the date of filing the complaint, all relevant facts and circumstances related to the matters set forth in the complaint referred to in Paragraph 1 of this Article.

After establishing all the relevant facts and circumstances, the patients' advisor shall prepare a report, which will be immediately, and no later than within three working days, communicated by him to the plaintiff, the head of the organisational unit and the director of the health care facility, that is, the founder of the private practice.

Director of the health care facility, that is, founder of the private practice is obliged to provide the patients' advisor with information on procedures and measures taken in connection with the complaint within five working days of receipt of the patients' advisor's report

The plaintiff who is dissatisfied with the patients' advisor's report referred to in Paragraph 3 of this Article may, in accordance with the law, refer to the Health Council, health inspection, that is, the competent authority of the health insurance organisation which insured the patient.

The patient advisor shall submit a monthly report on complaints lodged to the director of the health care facility for his/her information and taking certain measures within his/her competence.

The patients' advisor shall submit quarterly, biannual and annual report to the Health Council.

The Minister responsible for health shall prescribe the manner, the action on the complaint, the form and content of the record, and patients' advisor report within three months from the day when this law entered into force.

Health Council

Article 42

The Health Council, set up in the local self-government unit, shall also perform certain tasks in the field of patients' rights in accordance with the law on local self-government units, in addition to tasks provided by the statute, that is, by the decision of the local self-government unit including:

- 1) considers complaints about the violation of individual rights of patients on the basis of the collected and submitted evidence and established facts;
- 2) informs the plaintiff and the director of the health care facility, that is, founder of private practice to which the complaint refers about facts established and gives appropriate recommendations;
- 3) consider the reports of the patient advisor, monitors the exercising of patients' rights on the territory of the local self- government, and proposes measures to protect and promote the rights of patients;
- 4) submits an annual report to the competent authority of the local self-government unit and the ministry responsible for health matters on its activities and steps taken to protect the rights of patients, as well as to the authority of the administration in charge for health matters on the territory of the Autonomous Province.

For the purposes of information and ensuring necessary cooperation, the report referred to in Paragraph 1, Item 4) shall be submitted to the Ombudsman.

In addition to representatives of the local self-government, the Health Council is made up of representatives of civic associations of patients, health care facilities on the territory of the local self-government, as well as the relevant branch of the Health Insurance Fund.

Article 43

The patient advisor and members of the Health Council shall act in accordance with the regulations governing the protection of data on persons.

- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the public health policy and the legal framework.
- 3) Please supply any relevant statistics or other information, including on consultation and screening services in schools and for the rest of the population.

In creation of population strategy starting from an individual towards community and from disease towards health, by adopting the Serbian National Programme "Serbia

Against Cancer” (2008), and later on by bringing the National Programme for early detection of cervical, breast and colorectal cancer, in priorities of health policies our country focussed on prevention of malignant disease.

The National Cancer Screening Office has a key role in implementation of the Programme, at the Institute of Public Health of Serbia “Dr Milan Jovanovic Batut”.
<http://www.skriningsrbija.rs/eng> - link is in English.

Article 11§3

1) For States that have accepted neither paragraph 1 nor paragraph 2, please describe the general public health policy and legal framework. Please specify the nature of, reasons for and extent of any reforms.

LAW ON PROTECTION OF POPULATION FROM COMMUNICABLE DISEASES ("Official Gazette of the RS", no. 15/2016)

This Law governs protection of population from communicable diseases and special health matters, defining communicable diseases that threaten the health of the population of the Republic of Serbia and which prevention and repression is of general interest for the Republic of Serbia, implementation of epidemiological supervision and measures, the method and securing funds for their implementation, overseeing enforcement of this Law as well as other matters of importance for protection of population from communicable diseases.

LAW ON PUBLIC HEALTH ("Official Gazette of the RS", no. 15/2016)

This Law governs the area of public health, jurisdiction, planning, undertaking of activities with regards to maintenance and improvement of population health, as well as method of funding. Purpose of this Law is realisation of public interest, by creating conditions for maintenance and improvement of health of the population through comprehensive society activities.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the public health policy and the legal framework.

3) Please supply any relevant statistics or other information on the percentage of smokers in the general population, trends in alcohol consumption and the rates of vaccination cover for infectious and epidemic diseases.

All the relevant statistical sub-data and other relevant pieces of information are gathered and published by the Institute of Public Health of Serbia “Dr Milan Jovanovic Batut” in the reports published on statistical yearbook.
http://www.batut.org.rs/index.php?category_id=66

Article 12 – The right to social security

With a view to ensuring the effective exercise of the right to social security, the Parties undertake:

1. to establish or maintain a system of social security;
2. to maintain the social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security;
3. to endeavour to raise progressively the system of social security to a higher level;
4. to take steps, by the conclusion of appropriate bilateral and multilateral agreements or by other means, and subject to the conditions laid down in such agreements, in order to ensure:
 - a. equal treatment with their own nationals of the nationals of other Parties in respect of social security rights, including the retention of benefits arising out of social security legislation, whatever movements the persons protected may undertake between the territories of the Parties;
 - b. the granting, maintenance and resumption of social security rights by such means as the accumulation of insurance or employment periods completed under the legislation of each of the Parties.

Appendix to Article 12§4

The words “and subject to the conditions laid down in such agreements” in the introduction to this paragraph are taken to imply *inter alia* that with regard to benefits which are available independently of any insurance contribution, a Party may require the completion of a prescribed period of residence before granting such benefits to nationals of other Parties.

Information to be submitted

Article 12§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Article 12§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, in particular on the extent to which the branches of social security in your country fulfils (or goes beyond or falls short of) the requirements of the European Code of Social Security.

Article 12§3

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information on the improvement of the social security system as well as on any measures taken to restrict the system.

Article 12§4

- 1) Please describe the general legal framework, in particular the complete list of bilateral and multilateral agreements or any other means such as unilateral, legislation proposed or adopted, or administrative measures and indicate how they allow for the various social benefits the implementation of the principles provided in sub-paragraphs a) and b).
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures or any other relevant information, Please, indicate also the length of residence requirements when applicable.

Reply – the Article 12

Law on Employment and Unemployment Insurance (“Official Gazette of the RS”, no. 36/09, 88/10 and 38/15) stipulates that the National Employment Service has the status of a mandatory social insurance organisation, which is responsible for exercising the rights from the unemployment insurance. Foreign citizen who was insured in case of unemployment on the territory of the Republic of Serbia and who was registered in the National Employment Service upon the insurance cessation, shall exercise the right to monetary compensation in a manner and under the same conditions as national citizen.

For the purpose of legislative framework implementation, in sense of providing equal treatment to national and foreign workers, the Republic of Serbia has signed **28 Agreements on Social Security** with other countries (Austria, Belgium, Bulgaria, Czech, Slovak Republic, Denmark, France, Italy, Luxembourg, Hungary, Netherlands, Norway, Poland, Germany, Sweden, Switzerland, Great Britain and Ireland, Libya, Panama, Romania, Macedonia, Croatia, Bosnia and Herzegovina, Montenegro and Slovenia). Bilateral Agreements in the area of unemployment refer mainly to confirmation of insurance period completed in one contracting state in situations when a person files a request and exercises the right to monetary compensation in case of unemployment in another contracting state, i.e. export of benefits is not foreseen (except with Bosnia and Herzegovina).

Employment area is under jurisdiction of the Ministry of Labour, Employment, Veteran and Social Affairs, which also supervises the operation of the National Employment Service and Employment Agencies.

Law on Employment and Unemployment Insurance (“Official Gazette of the RS”, no. 36/09, 88/10 and 38/15) stipulates that the National Employment Service has the status of a mandatory social insurance organisation, which is responsible for exercising the rights from the unemployment insurance.

All the branches of the National Employment Service have professional services dealing with unemployment insurance matters. When decision is to be made on the unemployment insurance rights and by applying international agreements on social security, years of professional experience completed in the Republic of Serbia shall be aggregated with years of professional experience completed in another contracting state if it is necessary for exercise of the right.

Furthermore, there is an Unemployment Insurance Department within the National Employment Service Directorate, which coordinates the work of branches, gives instructions and recommendations for actions and decides in second-instance proceedings.

When applying bilateral agreements on social security, in the part referring to use of rights to monetary compensations on the basis of unemployment, in 2015, 965 cases in total were formed for initiating procedure for issuance of receipts on periods of insurance and use of rights to monetary compensation, which were sent to other contracting states. From the mentioned number, 490 requests were sent to the Republic of Croatia, 294 to Bosnia and Herzegovina, 79 to Montenegro, 21 to Republic of Macedonia, 75 to Republic of Slovenia, one to Republic of Cyprus, three to Republic of Austria and one to Republic of Italy.

As a reply to previously sent requests, 1,107 receipts were received on periods of insurance and these are the following: 568 from Republic of Croatia, 233 from Bosnia and Herzegovina, 82 from Montenegro, 32 from Republic of Macedonia, 98 from Republic of Slovenia, one from Slovak Republic, two from Republic of Austria and one from the Great Britain.

From contracting states 440 requests were received for confirmation of period of insurance in the Republic of Serbia and these are: 69 from Republic of Croatia, 54 from Bosnia and Herzegovina, 76 from Montenegro, 221 from Republic of Slovenia, five from Slovak Republic, five from Hungary, nine from Republic of Austria and one from Republic of Bulgaria.

With regard to received requests, 624 receipts on periods of insurance completed in the Republic of Serbia were sent: for Republic of Croatia 100, Bosnia and Herzegovina 75, Montenegro 93, Republic of Slovenia 345, Slovak Republic two, Republic of Austria six and Republic of Hungary three receipts.

Within implementation of the Agreement between the Federal Republic of Yugoslavia and Bosnia and Herzegovina on social security, which enabled transfer of benefits, 19 requests in total were delivered from Bosnia and Herzegovina, and five requests were sent to Bosnia and Herzegovina.

Furthermore, in the first six months of 2016, 421 cases were formed for initiating procedure for issuance of receipts on periods of insurance and use of rights to monetary compensation, which were sent to other contracting states, in which case, 230 requests were sent to Republic of Croatia, 125 to Bosnia and Herzegovina, 28 Montenegro, 13 Republic of Macedonia, 20 Republic of Slovenia, one to Republic of Hungary, one to Czech Republic, two Republic of Austria and one to Republic of Italy.

As a reply to previously sent requests, 534 receipts were received on periods of insurance: from Republic of Croatia 292, Bosnia and Herzegovina 178, Montenegro 29, Republic of Macedonia 10, Republic of Slovenia 24, one from Republic of Italy.

From contracting states 270 requests were received for confirmation of period of insurance in the Republic of Serbia and these are: 33 from Republic of Croatia, 98 Bosnia and Herzegovina, 29 Montenegro, 99 Republic of Slovenia, one from Slovak Republic, nine from Republic of Hungary, five from Republic of Austria and one from Republic of Bulgaria.

With regard to received requests, 352 receipts on periods of insurance completed in the Republic of Serbia were sent: for Republic of Croatia 47, Bosnia and Herzegovina 57, Montenegro 56, Republic of Slovenia 172, Slovak Republic three, Republic of Austria five, Republic of Hungary five, Czech Republic five and Republic of Bulgaria two receipts.

Within implementation of the Agreement between the Federal Republic of Yugoslavia and Bosnia and Herzegovina on social security, which enabled transfer of benefits, nine requests in total were delivered from Bosnia and Herzegovina, and seven requests were sent to Bosnia and Herzegovina.

REPLY TO THE ESCR COMMENT

In 2015, the at-risk-of-poverty threshold amounted to RSD 14,920.00 monthly per a consumption unit (the reference income pertains to 2014). The monthly median equivalent income was RSD 24,867.00 per a unit of consumption and 50 per cent of the monthly median equivalent amounted to RSD 12,433.00 per a unit of consumption. The monthly average cash social assistance base in 2014 amounted to RSD 7.706. It means that social allowance has managed to cover 62% (i.e 50% median equivalent income) of the so defined at-risk-of-poverty threshold of an imaginary single individual.

Serbia's pension system consists of:

a) **Public (state) compulsory pension and disability system** based on: the contributions paid on earnings and compensations generated from employment, current financing (PAYGO), and calculation of annuities based on a system of points. The system includes three categories of insurers, in particular: insured employees (including civil servants, military, law enforcement and security services), self-employed, and insured farmers, whereby uninsured individuals have an option to become voluntarily insured under the pension and disability pension system.

b) **Voluntary pension funds and plans**, based on the principle of voluntariness, insurers' individual accounts, and capitalization of invested funds.

Serbia's pension system is exclusively contribution-funded. The safety net for elderly consists of social welfare provisions under the system that ensures minimum security to population below poverty line.

Serbia's compulsory pension system is based on the tenets of Bismarck system. It is a component of a wider system of social insurance (in addition to health care and unemployment insurance), the contribution into which are paid by all persons involved in a profitable economic activity. Pension and disability benefits are granted when minimum requirements are met under law. Its level primarily depends on completed periods of

insurance and of earnings generated while insured, taking into account certain level of redistribution.

Pension and Disability Insurance Law (*Official Gazette of RS*, 34/03, 64/04, 84/04, 85/05, 101/05, 63/06, 5/09, 107/09, 101/10, 93/12, 62/13, 108/13, 75/14, and 142/14), governs compulsory pension and disability insurance covering contingencies of old age, disability, death, bodily impairments, and care giver's assistance:

- Old age contingency - old age annuity and early retirement;
- Disability contingency- disability benefit;
- Death contingency- survivor's benefit and death grant;
- Bodily impairment caused by work-related injury or occupational disease contingency - cash benefit;
- Caregiver's assistance contingency - caregiver's benefit.

Pension and disability insurance system covers all wage earners, self-employed persons, and farmers. Consequently, the system does not cover other categories of population such as home makers, students under 26 years of age if they are hired via a youth association and other unemployed and inactive individuals). However, under Section 15 of the Pension and Disability Insurance Law persons who are not insured under the compulsory contribution funded pension system may become so insured by concluding an agreement with the Pension and Disability Insurance Fund and thus obtain the entitlement to benefits on the basis of insurance under the conditions and manner prescribed by this law.

Statistical data on compulsory insurance June 2016:

Number of insured persons:

As wage earners – 2.021.525
As self-employed – 326.091
As farmers – 138.053
TOTAL – 2.485.669

Number of pension beneficiaries:

Under the wage earners insurance – 1.408.815
Under the self-employed persons' insurance – 83.614
Under the farmers' insurance – 196.703
Under the military insurance – 40.497
TOTAL – 1.729.629 (1.4 insured persons per one pension beneficiary)

Dependency ratio:

| Year | Insured persons | Population 20-64 | Ratio |
|------|-----------------|------------------|-------|
| 2008 | 2.767.415 | 4.526.121 | 61% |
| 2009 | 2.675.270 | 4.528.460 | 59% |
| 2010 | 2.657.344 | 4.536.996 | 59% |
| 2011 | 2.603.415 | 4.526.633 | 58% |
| 2012 | 2.519.627 | 4.491.434 | 56% |
| 2013 | 2.411.105 | 4.451.689 | 54% |
| 2014 | 2.485.994 | 4.407.776 | 56% |
| 2015 | 2.508.384 | 4.356.604 | 58% |

Source: number of the insured - pension fund (PIDF), population- statistical office (RSO)

June 2016 pension amount (replacement ratio given in the brackets for the same month):

Wage-earners insurance – RSD 24.677 (53.1 %)

Self-employed insurance – RSD 23.744 (51.1%)

Farmers' insurance – RSD 10.478 (22.6%)

Military insurance – RSD 43.590 (93.8%)

Total – RSD 23.460 (50.5%)

Pensions are calculated and paid out in net amounts. As a result, contributions and taxes are not paid out of the calculated amount of pension. For that reason a pension amount is related to net wages.

Statistical data on wage trends is available with the Republic Statistical Office (RSO) produced based on the data on employed person's earnings across the national territory.

The minimum pension amount as provided from the compulsory pension and disability insurance system is set as a method to ensure that pension beneficiaries' standard is secured. In July 2016 it was set at:

- RSD 13.454 (EUR 109) for pension beneficiaries who receive their pension under wage-earners insurance (including military pension beneficiaries) and for those beneficiaries under self-ensured pension;
- RSD 10.577 (RSD 86) for farmers pension beneficiaries;

In 2012 and 2013 pension beneficiaries with pensions amounting to RSD 15.000 received RSD 4.000 as a relief which was paid out five times in total. Since then there have been no additional payments to the minimum pension beneficiaries.

In December 2016, all pension beneficiaries received one-off payment amounting to RSD 5.000.

According to the data available with the Republic Pension and Disability Insurance Fund, in December 2015, there were 86.4% persons aged 65+ who were also pension beneficiaries (according to gender disaggregated data, there were 94.4% men and 80.5% women).

The ILO Convention on Social Security (Minimum Standards), No. 102, Part V – Old-Age Benefit and Part X Survivor's Benefit has been governed under the Pension and Disability

Insurance Law (*Official Gazette of RS* 34/03, 64/04, 84/04, 85/05, 101/05, 63/06, 5/09, 107/09, 101/10, 93/12, 62/13, 108/13, 75/14, and 142/14).

Calculation of old-age annuity:

An individual's personal coefficient: 1.25 (as the level of an individual's wages was set at 125% of a national-level average wages)

Period of contribution: 30 years

Personal point (PP) = Personal coefficient x Period of contribution: $1.25 \times 30 = 37.5$

General point (GP) (2015 average) – RSD 716, 46

The annuity that the beneficiary would be entitled to in 2015: PP x GP: $37.5 \times \text{RSD } 716, 46 = \text{RSD } 26,867.25$

The average net wage in 2014: RSD 44.530 (gross wages in 2014 amounted to RSD 61,426)

125% average net wages in 2014 (the wages of an ordinary worker in the year before): RSD 55,662.5

Replacement ratio: 48.3%.

Calculation of survivor's benefit

Under Section 72, paragraph 1 of the Law, an old-age benefit, early old-age benefit that a deceased insured person used to receive, and/or a beneficiary's old-age annuity shall be taken into account to serve as a base for setting the amount of a survivor's benefit accrued for 20 years of contribution.

Calculation of old-age annuity in case of 20 years of contribution completed, as provided for under law:

An individual's personal coefficient: 1.25 (as the level of an individual's wages was set at 125% of a national-level average wages).

Period of contribution: 20 years

Personal point (PP) = Personal coefficient x Period of contribution: $1.25 \times 20 = 25$

General point (GP) (2015 average) – RSD 716, 46

The benefit that the beneficiary would be entitled to in 2015: PP x GP: $25 \times \text{RSD } 716, 46 = \text{RSD } 17,911.5$

Average net wages in 2014: RSD 44,530.00 (gross wages in 2014 amounted to RSD 61,426.00)

125% average net wages in 2014 (the wage of an ordinary worker in the year before): RSD 55,662.5

Survivor's benefit in 2015 of an ordinary beneficiary – a widow with two children, set as the survivor's benefit for three beneficiaries, i.e. as 90% of a deceased person's pension:

For three beneficiaries (90% a deceased beneficiary of an old-age annuity) – $17,911.5 \times 90\% = \text{RSD } 16,120.35$. Replacement ratio – 29%;

The ILO Convention on Employment Injury Benefits has been governed under the Pension and Disability Insurance Law (*Official Gazette of RS* 34/03, 64/04, 84/04, 85/05, 101/05, 63/06, 5/09, 107/09, 101/10, 93/12, 62/13, 108/13, 75/14, and 142/14).

Calculation of disability benefit:

An individual's personal coefficient: 1.25 (as the level of an individual's wages was set at 125% of a national-level average wages).

Period of contribution: 40 years

Personal point (PP) = Personal coefficient x Period of contribution: $1.25 \times 40 = 50$

General point (OP) (2015 average) – RSD 716, 46

The benefit that the beneficiary would be entitled to in 2015: $PP \times GP: 50 \times \text{RSD } 716, 46 = \text{RSD } 35.823$

Average net wages in 2014: RSD 44.530 (gross wages in 2014 amounted to RSD 61,426.00)

125% average net wages in 2014 (the wage of an ordinary worker in the year before: RSD 55,662.5 Replacement ratio: 64.4%.

Calculation of survival's benefit on the basis of disability benefit

For one beneficiary (70% disability benefit) – $\text{RSD } 35,823 \times 70\% = \text{RSD } 25.076,1$

Replacement ratio – 45,1%; For two recipients (80% disability benefit) – $\text{RSD } 35,823 \times 80\% = \text{RSD } 28,658,4$ Replacement ratio – 51,5%; For three recipients (90% disability benefit) – $\text{RSD } 35,823 \times 90\% = \text{RSD } 32,240.7$ Replacement ratio – 57,9%; For four and more recipients

(100% disability benefit) – $\text{RSD } 35,823 \times 100\% = \text{RSD } 35,823$ Replacement ratio – 64.4%.

Social Security Agreements

There are 28 bilateral Social Security Agreements concluded by Serbia with the following countries: *Republic of Austria, Republic of Cyprus, Republic of Slovakia, United Kingdom, Grand Dutchy of Luxembourg, France Republic, Hungary, Kingdom of Denmark, Republic of Bulgaria, Czech Republic, Republic of Italy, Federal Republic of Germany, Kingdom of Sweden, Republic of Slovenia, Kingdom of the Netherlands, Republic of Poland, Kingdom of Belgium, Romania, Republic of Croatia, Bosnia and Herzegovina, Montenegro, Ex-Yugoslav Republic of Macedonia, Kingdom of Norway, Swiss Confederation, Republic of Turkey, Republic of Panama, Canada, and Great Socialist People's Libyan Arab Jamahiriya.*

Beneficiaries are entitled to receive pension and disability benefits payments outside the territory of Serbia under conditions agreed in international social security agreements. If there is no such agreement, beneficiaries receive benefits on the basis of mutuality.

Such mutuality is in effect in Argentina, Australia, Brazil, Canada, Mexico, Russian Federation, USA, and Chile. With those countries there is factual principle of reciprocity in effect regarding payment of benefits and annuities save with the USA with which contractual reciprocity is in effect). Negotiations are on-going with the Russian Federation, Ukraine, Greece, Australia, China, and Quebec. Initiatives have been launched to conclude social security agreements with Spain and Azerbaijan. Also, Serbia is interested to extend the network of social security agreements to all the contracting states. However, given that these are also bilateral agreements both contracting states are required to reach mutual agreement on its conclusion.

When, in cases so required, a benefit is to be granted based on the principle of aggregation a competent institution in Serbia shall not also take into account a period of insurance completed by the individual concerned under the legislation of another contracting state if there is no mutually concluded social security agreement.

Compulsory health insurance is an obligation for both wage earners and other categories of population (basis of insurance are laid down in the Health Insurance Law as are the alternatives enabling acquisition of health insurance upon a personal request). According to the statistical data available with the Republic Health Insurance Fund (HIF), 96% of population is covered by compulsory social insurance (of which 40.5% on the basis of employment, 20% on the basis of budget funding, 28% on the basis of pension, 4% are farmers, and 7.5% fall within other categories of insured persons). The referred to data are subject to changes but such as not to produce any significant differences.

Able-bodied population, farmers, and the self-employed falling within the category of socially vulnerable population are all covered by compulsory health care. Able bodied who are not covered are entitled to emergency health care which they do not have to pay for, whereas the costs of other forms of health care are out-of-pocket. As stated above, about 4% of total population are not covered by compulsory health insurance.

The Revised Health Insurance Law in effect as of 1 January 2014, the wage compensation for the insured persons who are temporarily incapacitated for work due to an illness or pregnancy complications receive 100% of base of wage compensation (65% before the revision).

Article 13 – The right to social and medical assistance

With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:

1. to ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition;
2. to ensure that persons receiving such assistance shall not, for that reason, suffer from a diminution of their political or social rights;
3. to provide that everyone may receive by appropriate public or private services such advice and personal help as may be required to prevent, to remove, or to alleviate personal or family want;
4. to apply the provisions referred to in paragraphs 1, 2 and 3 of this article on an equal footing with their nationals to nationals of other Parties lawfully within their territories, in accordance with their obligations under the European Convention on Social and Medical Assistance, signed at Paris on 11 December 1953.

Appendix to Article 13§4

Governments not Parties to the European Convention on Social and Medical Assistance may ratify the Charter in respect of this paragraph provided that they grant to nationals of other Parties a treatment which is in conformity with the provisions of the said convention.

Article 13§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Under Article 4 of the Social Welfare Law, Every individual and family in need of social assistance and support for overcoming social and living difficulties and creating conditions for meeting of basic subsistence needs shall be eligible to social welfare, in compliance with the Law. The right to the social welfare shall be ensured by providing the social welfare services and financial assistance.”

Financial assistance includes cash social assistance, caregiver’s benefit, increased caregiver’s benefit, training allowance, one-off cash allowance, benefit in-kind and other types of financial assistance, as provided for under the Social Welfare Law and implementing legislation.

Under the Law, there is entitlement to cash social assistance for an individual and/or family, who generate an income from their work, income from property or other sources which is less in amount than the allowance under the Law. Family shall mean spouses, cohabitating partners, children and direct relatives, regardless of degree of kinship, as well as collateral relatives, up to the second degree of kinship, provided that they live in a joint household, a child who does not live in the family and attend school, until the end of the period prescribed for such schooling, maximum up to 26 years of age, a spouse, regardless of where they actually lives, a perpetrator of domestic violence shall not be considered a family member, and their income and property shall not affect the right of the victims of domestic violence to be entitled to cash social assistance, if they meet other conditions stipulated by this law. The right to cash social assistance can be exercised by an individual and/or family provided that They have no other immovable property apart from the housing space that meets the needs of an individual and/or family and a house lot up to 0.5 hectares; Individual and/or family member has not sold, gave away or renounced the right to inherit an immovable property, or if the period during which he could have, from the market value of the immovable property he had sold, gave away or renounced, ensured assistance pursuant to this Law, has elapsed; Individual and/or family member does not possess a movable property through use or disposal of which he/she could, without jeopardising basic subsistence needs, ensure the assets in the amount six times higher than the amount of cash social assistance that would be determined for him/her, pursuant to this Law, at the time of submission of the application; Individual and/or family member has not concluded the contract on life long support. The right to cash social assistance can be exercised by unemployed individuals and/or family members, who are capable of work, provided that: they are in regular schooling or vocational training, or registered as unemployed, they have not refused the offered employment, work engagement on temporary, casual and seasonal jobs, vocational training, retraining or basic education; their employment was not terminated by their own will, consent or fault due to disciplinary or criminal liability, except where one year has elapsed since the termination of employment or after the termination of employment incapability for work has occurred, such individuals take care of their child with disability and thus cannot work.

A family member who is incapacitated for work shall have the entitlement to social allowance recognized if the family fails to meet the above stated requirements. Who is incapacitated is defined under law.

Social cash allowance is granted for 9 months in a calendar year to an incapacitated individual, and/or the family with most members are incapacitated for work, and for other families it is granted for indefinite period, with the review taking place in May based on an income generated in the preceding three months.

The amount of cash social assistance shall be granted in the amount of difference between the amount of cash social assistance set out by this Law and average monthly income of an individual and/or family, generated during the three months prior to the month in which the application for social assistance was submitted.

Individuals incapable of work, and/or a family with members incapacitated for work and a single family are entitled to increased social cash assistance amounting to individual amount of social cash assistance increased by 20%.

Social cash assistance is available for a person with who due to bodily, sensor, intellectual disabilities or health status changes are in need for caregiver's assistance in order to be able to satisfy vital needs.

The need for caregiver's assistance is established under the provisions of the pension and disability insurance law.

The amount is adjusted to the purchasing power index in six preceding months based on statistical data, twice a year on 1 April and 1 October.

Also, the Law provides for the increased caregiver's assistance which is granted to a caregiver's assistance recipient with 100% bodily impairment or organic constant impairment of neurological or mental nature established as per one basis or with multiple impairments, on condition that such increased assistance is adjusted with PP index for the six preceding months based on statistical data, twice annually on 1 April and 1 October.

Both caregiver's and increased caregiver's assistances are not means-tested.

When one parent does not work and has been caring for more than 15 years for a child who is a caregiver's assistance reaches pensionable age under law, such a parent is entitled to an additional old-age life-time annuity in monthly instalments set at the level of minimum old-age annuity under pension and disability insurance legislation unless no old-age benefit has already been granted. If such a parent is granted old-age benefit after having been granted the additional life-time annuity, they may opt for one or another.

One-off allowance is a form of assistance provided to a person in a sudden social need status, as well as a person referred to institutional or foster care, who does not have means to secure footwear, clothes or to cover costs of transport to reach the institution or foster family. *One-off allowance may be in cash or in kind. Local government is in charge of the one-off allowance.*

The payment procedure is conducted by a centre for social work for cash one-off allowance, while the eligibility procedure for in-kind one-off allowance is conducted by an authority, organisation or service as designated by an act issued by local government concerned.

Cash social assistance for an individual/family, caregiver's benefit and increased caregiver's benefit is decided by a centre for social work after the procedure is conducted after which the centre as a first-instance authority shall issue its decision. The decision is appealable and it shall be resolved by a minister for social welfare, or a provincial authority for social welfare in case of a complaint at the level of the Autonomous Province. Belgrade centre for social work issues the city level decisions, while Belgrade city authority shall address a city-level complaint to the decision. Final decisions are subject to the institution of administrative proceedings.

Financial assistance for families with children is governed by the Law on Financial Support for Families with Children (Official Gazette of RS, 16/02, 115/05, and 107/09).

It includes:

- 1) Improvement of the conditions in order to satisfy a child's vital needs;
- 2) Additional pronatalist incentive;
- 3) Support for financially at risk families with children, disabled children or children without parental care

The benefits include:

1) Wage compensation during maternity leave, child care leave and additional child care – for wage earners hired by legal and natural persons and by self-employed persons.

Wage compensation during maternity leave and child care is granted for 356 days, for the first and second child, i.e. for two years, and for the third and any other subsequent child from the first day of maternity leave. The child care leave is granted for up to the child's fifth birthday at maximum.

The amount is set at 12-month average basic wages prior to the first month of maternity leave, increased on the basis of the time spent at work, for every full year of employment under law, up to five average monthly wages at maximum.

In case of a self-employed person, such compensation is set at an average compulsory social insurance contribution base worth 12 months before the first month of maternity leave, maximum up to five average monthly wages in Serbia.

Full amount (100%) of the wage compensation is granted to a wage-earner/self-employed if employed/engaged in self-employment for more than six months, 60% for three to six months, and 30% for three months immediately and continually prior to onset of leave.

2) Parental benefit is a pronatalist policy measure.

It is granted to a mother for the first, second, third and fourth child under condition of citizenship, residence in Serbia, health care provision via HIF, immediate care of the applicant child, absence of the placement of her prior children to an institution of social care, foster care or adoption, and absence of deprivation of parental right over earlier born children.

Sequence of birth is established according to a number of life-births at the moment of submission.

3) Child allowance is a social policy measure.

It is granted to a parent, foster parent or guardian of a child taking care of the child directly, who is a national of Serbia, residing in its territory, has health care via HIF, for the first, second, third and fourth child as per sequence of birth in the family, from a date of the submission.

Child allowance expiry period is up to the child's 19th birthday if in regular schooling.

The schooling is regarded of as education as a regularly enrolled pupil or student as provided in education legislation.

The applicant and family members may not own immovable except sufficient housing where they live which may not exceed one room per occupant with one room space on top.

The applicant and family members may own farming land of the size one acre per a member.

The applicant and family members may not own cash or other liquid means exceeding in value 30 child allowances as per a member at the moment of submission.

4) Pre-school costs reimbursement for children without parental care is a measure aimed at the provision of additional parentless pre-school age child care, as such children they fall within particularly vulnerable group of children. The entitlement is granted to guardians and foster parents under condition they already receive child allowance. A child without parental care in social care institution may have it without any conditions. Thus, their early integration in a local peer group is promoted including them into pre-schooling.

5) Pre-school costs reimbursement for disabled children is an additional child care measure for children with mental and bodily disability the aim of which is to promote and achieve

inclusion in mainstream pre-school. It is a family support policy measure for children with disability with an aim to enable the child to remain in school and develop on its pace.

The benefits are addressed at first-instance by a municipality, and/or city authority of residence of an applicant, except in case of wage compensation during maternity leave, child care leave and additional child care leave which is decided upon by a city authority of the registered office of the applicant's employer.

Child allowance is a social policy measure and it is granted if all requirements under law are met. Child allowance is conditional. Entitlement laid down in the Law on Financial Support to Families with Children are decided upon by a city/municipality child care service at first-instance level, whereas on appellate level it is decided upon by ministry of social affairs and/or provincial –level secretariat for the territory of the province.

When deciding upon the type, scope and content, method and procedure related to the entitlements granted on the basis of compulsory health care insurance, medical professional bodies of Health Insurance Fund are involved in decision-making, including: a family GP, first-instance and appellate level commission of medical practitioners. In such a case, a doctor treating an insured person concerned may not be a member of the appellate committee of medical practitioners evaluating the insured appellant. Work processes, composition, organisation, territorial distribution, audit of the evaluation made by the first-instance and/or appellate commission of medical experts, and the fee for its members, which is paid out of the compulsory health insurance funds. In case of dissatisfaction by the GP's evaluation, the applicant is entitled to make a submission to the first-instance committee of medical practitioners within 48 hours from the duly communicated GP's evaluation. As a matter of urgency, the first-instance commission shall take the submission into consideration to make evaluation in which case its evaluation is final. If the first-instance commission has made evaluation without any prior opinion passed by the GP, the insured party is entitled to make a submission to the second-instance commission of medical practitioners within three days, whereby the commission shall take it into consideration as a matter of urgency and produce an evaluation that is enforceable i.e. final. Against such a decision the insured appellant may institute administrative dispute under law governing administrative disputes.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Financial support granted under the social welfare system taken is paid out via the majority government share-holding post-office savings bank („Postanska stedionica a.d. “) to an individual separate account opened for the purpose. Caregiver's allowance and increased caregiver's allowance is paid out as per the recipient's choice – by home delivery or via the post office savings bank to a separate account opened for such a purpose or to a recipient's individual account already opened with the post office savings bank.

Accessibility of the system is ensured by enabling the recipient to withdraw the benefit in any post office across Serbia with submission of the identity card for identification purposes, while the caregiver's benefit and its increased variant recipients may chose the method of disbursement. The efficiency of the system is ensured by paying out the benefits simultaneously for any beneficiary from the central level, in a regular manner, by the end of a month for the month before. Parental benefit and child allowance is paid out via the post office savings bank to a recipient's individual account if there is one, or to a separate account opened specifically for the purpose.

Currently, ministry in charge of social welfare has been active towards passing of a new law on financial support for families with children the passage of which is expected in the forthcoming period. The greatest changes in comparison to the previous law are about the requirements and procedure under which wage compensation during maternity leave, child care and special child care leave is granted.

According to this draft law the wage compensation is granted to employees hired by legal and natural persons/employers, whereas for the self-employed and owners of farmsteads with the status of self-employed persons, and persons hired or have been hired in a longer period, 18 months, to perform temporary and casual jobs. The amount of compensation is set at 18 month amount of average monthly compulsory social contribution base preceding the first month of maternity leave, and/or the first month of the leave granted as a result of pregnancy complications, and/or child birth in case of the categories of beneficiaries who cannot use maternity leave.

Further, novelty is the method of disbursement of wage compensation which will be effected directly to a mother's account.

Also, regarding parental benefit, under certain requirements the mother of a non-national shall be entitled to the benefit. In addition, health insurance shall no longer be a requirement to be eligible for the parental benefit and its amount will change for the first and fourth child RSD 38,000, the second 120,000 in 12 monthly 10,000 instalments, the third 265,000 in 24 monthly instalments. The amendments will also cover the extension of the period of submission (a year from the birth of a child).

In case of child allowance, the changes are related to means-testing, in particular financial status/income, withdrawal of health insurance and cadastre income as a requirement, enabling cash social assistance recipients to receive the allowance without re-evaluation of income if the children are in regular schooling, and to the recipients whose child receives additional caregiver's benefit regardless of their financial status, as well as in case of the allowance for the fifth child if any of the preceding children stopped receiving the allowance on account of age limit. The amount of child allowance for a disabled child and a child receiving caregiver's benefit who is not placed in social care institution shall be increased by 50%.

Also, the Ministry is active towards adopting the amendments to the Law on Social Welfare. Key areas of intervention by such amendments include: general provisions, services and beneficiaries, procedure for the use of social care services, financial support, hiring of able-bodied social cash assistance recipients, social care institutions, inspection, etc.

The most relevant amendments are related to: redefinition of counselling, social and training services, setting the standards of social services provision in social care institutions, placing a centre for social work at equal footing with other authorized service providers regarding the provision of other services, in particular within a separate organisational unit of the centre and only if duly licensed and not if there are no other authorised service provider, imposing annual reporting by social care institutions on its operations, aligning legal provisions on inspection with the Inspection Law, etc.

Serbia shall continue to provide social welfare without any cuts in social benefits. However, attention will be paid to as justified distribution of the benefits to cover as many as those in need and not to produce any arrears. In other words, policy of preservation and extension of social rights, maintenance of the achieved level of social benefits and their accurate and punctual exercise shall continue.

3) Please provide pertinent figures, statistics or any other relevant information, in particular: evidence that the level of social assistance is adequate, i.e. the assistance should

enable any person to meet his/her basic needs and the level of the benefits should not fall below the poverty threshold. Information must therefore be provided on basic benefits, additional benefits and on the poverty threshold in the country, defined as 50% of the median equivalised income and calculated on the basis of the poverty risk threshold value published by Eurostat.

Child allowance threshold for the applications submitted in July 2016 amounted to RSD 8.253,12, and for single parents, foster parents, guardians and parents of a child with disability not placed in residential care (increased threshold) amounted to RSD 9,903.74.

a. In July 2016, *child allowance* amounted to – a regular child allowance RSD 2,656.45, and/or RSD 3,453.40 In July 2016, there were 185.851 recipient of child allowance, i.e. 350.962 children. The total amount spent for child allowance was RSD: 993,208,853.90.

In July 2016, there were 29.100 recipients of parental benefit with 60.478 children. The amount spent is RSD 575,452,557.00 in total for this benefit.

b. In July 2016, there were 203 recipients of additional cash assistance, and the disbursement base was RSD 13.454.

CASH SOCIAL ASSISTANCE

In: July 2016

Disbursement base
RSD 7,890.00

| Members of family | Families | Total | Persons in total |
|-------------------|----------------|-------------------------|------------------|
| 1 | 40.394 | 312.244.335,13 | 40.394 |
| 2 | 22.509 | 223.901.183,83 | 45.018 |
| 3 | 13.402 | 156.294.690,49 | 40.206 |
| 4 | 15.030 | 203.887.802,46 | 60.120 |
| 5 | 7.417 | 116.144.418,63 | 37.085 |
| 6 or more | 5.349 | 96.286.430,05 | 32.094 |
| TOTAL | 104.101 | 1.108.758.860,59 | 254.917 |

According to the data available with the Ministry, for July 2016, there were 15.341 recipients of caregiver's benefit, and 34.486 recipients of increased caregiver's benefit.

In 2016, a total of RSD 345 bil. was appropriated for 77 soup kitchens in Serbia with a total of 34.930 beneficiaries, The data available with the Ministry of Labour, Employment, Veterans and Social Affairs on the paid out social cash assistance indicate consistent rise in a number of the families and individuals who were granted exception in 2015:

Comparative overview:

| Year (November) | No. of families | Recipients in total |
|-----------------|-----------------|---------------------|
|-----------------|-----------------|---------------------|

| | | |
|------|---------|---------|
| 2007 | 53.468 | 137.252 |
| 2008 | 56.341 | 144.015 |
| 2009 | 62.021 | 158.242 |
| 2010 | 66.830 | 169.295 |
| 2011 | 82.058 | 203.408 |
| 2012 | 94.098 | 240.059 |
| 2013 | 103.239 | 263.188 |
| 2014 | 104.747 | 265.411 |
| 2015 | 101.465 | 251.358 |

Source: Ministry of Labour, Employment, Veterans and Social Affairs

There are no cuts regarding any social benefit in the State Budget. In 2016, there were 95 RSD bil. appropriated for social benefits (for the benefits of social care).

Article 13§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Article 24 titled Principles of the Respect for Beneficiaries' Integrity and Dignity of the Social Welfare Law reads as follows: Beneficiary under the law shall be entitled to social care founded on social justice, responsibility and solidarity, and provided with respect for their physical and mental integrity, safety and moral, cultural and religious beliefs, in accordance with guaranteed human rights and liberties“« Under Article 25 of the Law proscribes anti-discrimination principle reading as follows: Any discrimination of social care service recipients on the basis of race, gender, age, national belonging, social background, sexual orientation, religious belief, political, syndicate or other orientation, financial status, culture, language, disability, nature of social exclusion or other personal feature shall be prohibited. Under Article 35Beneficiaries shall have the right to participate in the assessment of their condition and needs and in making a decision on whether to accept such service provision, as well as to timely receive all the information necessary for making such, including description, goal and benefit of the proposed service, as well as the information about the proposed alternative services and other information relevant for the service provision.”Further, it reads: No service can be provided without the consent of beneficiaries, i.e. their legal representative, except in cases specified by the Law. Children shall be entitled, in accordance with their age and maturity, to participate and give opinion in all the procedures deciding upon their rights.”

Also, the Law proscribes in Art. 37 that “beneficiaries shall have the right to confidentiality of all private data contained in the documentation which is processed for report-making, i.e. for records, including the ones concerning their personality, behaviour and family circumstances, manner of social service use during the procedure and use of social services. Beneficiaries’ right to data confidentiality may be deviated from only in cases foreseen by the Law.” Article 38 reads: “Beneficiary shall have the right to respect of privacy during social service provision. Asking for the information or undertaking actions necessary for providing the services or ensuring the right of beneficiary shall not be considered a violation of the beneficiary’s privacy”

Under the Law on Place of Residence (Official Gazette of RS, 87/2011), Article 11, point 4, any citizen may register a place of residence on the basis of an apartment ownership, apartment lease agreement, or other legal grounds. If the citizen cannot register their place of residence on the basis of the provided for grounds, the place of residence shall be established by a competent authority at the address of an institution where they have been permanently placed or of a centre for social work in the territory where the citizen concerned is located, on the basis of the registration of such a citizen with the institution in question, and/or the centre of social work, whereby the registering application contains indication that that the address concerned will be the address of the registering citizen's address. Thus, persons without their place of residence may exercise the right by registering themselves at the address of a centre for social work, which in turn ensures that they are entitled to a plethora of entitlements under social welfare as well as other rights guaranteed by law.

Under Article 2 of the Law on Prohibition of Discrimination (“Official Gazette of RS“, 22/2009), the terms “discrimination” and “discriminatory treatment” shall mean any unwarranted discrimination or unequal treatment, and/or omission (exclusion, limitation or preferential treatment) in relation to individuals or groups, as well as members of their families or persons close to them, be it overt or covert, on the grounds of race, skin colour, ancestors, citizenship, national affiliation or ethnic origin, language, religious or political beliefs, gender, gender identity, sexual orientation, financial position, birth, genetic characteristics, health, disability, marital and family status, previous convictions, age, appearance, membership in political, trade union and other organisations and other real or presumed personal characteristics (hereinafter referred to as: personal characteristics);

Under Article 128 of the Criminal Code: (1) Whoever denies or restricts the right of man and citizen guaranteed by the Constitution, laws or other legislation or general acts or ratified international treaties on grounds of nationality or ethnicity, race or religion or due to absence of such affiliation or difference in political or other conviction, sex, language, education, social status, social origin, property or other personal characteristic, or pursuant to such difference grants another privileges or benefits, shall be punished with imprisonment up to three years. (2) If the act specified in paragraph 1 of this Article is committed by an official in discharge of duty, such person shall be punished with imprisonment of three months to five years.

.2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Binding instructions have been issued by the ministry in charge of social care whereby guardian authorities (centres for social work) are instructed how to follow up cases of instituting court proceedings for the purpose of establishing time and place of birth, cases of designating personal names, and cases on registering a place of residence at the address of a centre for social work, and/or residential care institution. Centres for social work continually act in line with their legally delegated powers and ordered instructions. In the context of registration of a place of residence, a centre for social work is responsible for issuing its consent after it is established by a competent organisational unit of Home Office that legally proscribed requirements for the registration of a place of residence are met.

Following up by centres for social work and social care institutions of the binding instructions imposed by the ministry are monitored closely by the ministry. Also, the ministry will

continue to participate in all the activities related to creating conditions for flawless exercising of the rights under the social care and family law protection systems.

Under Article 33, point 4 of the Law on Prohibition of Discrimination (“Official Gazette of RS“, 22/2009), Equality Commissioner is authorized to submit misdemeanour charges for the violation of the rights under antidiscrimination law. Given the Commissioner’s role and tasks, it is authorized to press charges for misdemeanour both in case of petty offences laid down under the Law on Prohibition of Discrimination and of misdemeanours laid down in other antidiscrimination legislation, such as: Law on Protection of the Rights and Liberties of National Minorities (*Official Gazette of SRY*, 11/2002, *Official Gazette of SaM*, 1/2003, *Official Gazette of RS*, 72/2009), Law on Prevention of Discrimination of Persons with Disability (*Official Gazette of RS* 33/06), Gender Equality Law (*Official Gazette of RS* 104/09), as well as other equality legislation.

Competent offices of public prosecutor have powers vested in them to ex officio prosecute criminal offence of violation of equality under Article 128.

In addition, protection from discrimination may be exercised as a result of a civil suit by filing a complaint requesting prevention of discrimination, a complaint requesting elimination of a situation which is the consequence of discrimination, a complaint seeking establishment of presence of discrimination and a complaint to seek compensation of damages resulting from discrimination.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

The data on registration of place of residence as per municipalities and a number of persons registered with centres for social work as their places of residence, a total number of instituted proceedings for establishment of time and place of birth (as well as per municipalities), a total number of persons who obtained the decision on personal name (also by municipalities), as well as on a number of the persons registered with social care institutions at their addresses as their addresses of places of residence is monitored by the ministry.

Article 13§3

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Objectives of social welfare are defined in Article 3 of the Law on Social Welfare:

- 1) Reaching or maintaining minimum financial security and independence of individuals in meeting their subsistence needs;
- 2) Enabling access to social welfare rights and services;
- 3) Creating of equal opportunities for independent living and encouraging social inclusion ;
- 4) Maintaining and improving family relations, and promotion of family, gender and intergenerational solidarity;
- 5) Preventing and removing consequences of abuse, neglect or exploitation.

The social welfare objectives shall be reached by providing the social welfare services and other activities which prevent, reduce, or eliminate dependence of individuals and families of social welfare services. Under article 4 – Right to social welfare – « Every

individual and family in need of social assistance and support for overcoming social and living difficulties and creating conditions for meeting of basic subsistence needs, shall be eligible to social welfare, in compliance with the Law. The right to the social welfare shall be ensured by providing the social welfare services and financial assistance. »Under Article 5 – Social welfare services and financial assistance – « Social services shall be activities of support and assistance to citizens and their families aimed at improvement and/or maintenance of the quality of life, elimination or alleviation of risks, unfavourable living circumstances and development of users’ potentials for an independent life in a community. The right to different forms of financial support is exercised in order to ensure existential minimum and support to social inclusion of the user.” The Social Welfare Law has managed to a considerable extent open the door for counselling services, therapy, social services and training under the social care system, including: 1. Counselling services, therapy, social services and training as intensive services offered to families in crisis; 2. Counselling and support for parents, foster parents, and adoptive parents; 3. Support to families taking care of their child or adult family member with disability; 4. Maintaining family relations and family reunion; 5. Counselling and support in cases of violence; 6. Family therapy; 7. Mediation; 8. Help lines; 9. Activation; 10. Other counselling services, trainings, and activities. Municipalities that have such services developed, they are provided free of charge. A concern is that only a small number of municipalities have financial means to fund provision of such services to an adequate extent and in line with the needs of the population. The Law on Social Welfare all the referred to services are funded mostly from local government sources.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

A number of local governments has specialised institutions for family mediation – family counselling and mediation services, developmental counselling services, etc, which operate free-of-charge offering their services to population.

The ultimate objective is to develop network of support so that municipal locals may live independently. In May 2016 a new counselling parental help line 0800 007 000 was launched located in children residential facility “Mosa Pijade” (Belgrade). It provides advice for parents on how to resolve and address various uncertainties related to parenthood and child rearing and upbringing. It is open from 5 p.m to 8 p.m, six days a week and it is designed as a two year pilot project. After its completion it will be reviewed for its feasibility in future and if sustainable it will become a regular service. The launching of the help line has been supported by UNICEF with USD 100.000, and Telekom provided a free-of-charge land line, software and equipment. The parental help line is free of charge and confidential, i.e. parents do not need to introduce themselves when calling.

For the municipalities and cities which do not have means to launch services of social welfare and care, there is a mechanism at national level that has been put into operation – earmarked transfers (under Article 207 of the Social Welfare Law). The earmarked transfers in line with the law governing budget appropriations for units of local government the following may be funded:

- 1) Social care services which under the law are funded by local governments – underdeveloped under classification of local governments according to the level of development – below a republic average;
- 2) Social care services in local governments in the territory of which there are residential care facilities under conversion, including costs of their conversion;
- 3) Innovative services and social care services of special relevance for the Republic of Serbia.

The government sets amount of an earmarked transfer, eligibility criteria for distribution as per local governments, eligibility criteria for participation of local governments and time schedule of transfers, and social care services of special relevance for the republic of Serbia.

- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

| Number of cases in which its case manger intervened by counselling and guidance in 2015 | |
|--|------------------------|
| Type of counselling guidance | Number of cases |
| Assistance with child upbringing and developmental issues | 17369 |
| Psychological and social support for victims of violence | 9127 |
| Assistance with marital and family relations | 17251 |
| Guiding persons in social need | 64441 |
| Organizing living and working environment | 6678 |

Source: Republic Institute for Social Care

| Number of beneficiaries who in 2015 were referred to counselling services, therapy, social services and trainings which were delivered outside centres for social work or in a separate unit of a centre for social work. | | | | | |
|--|--------------------------|----------------------|---------------|----------------|--------------|
| Type of service | Beneficiary's age | | | | TOTAL |
| | Children | Young persons | Adults | Elderly | |
| Family therapy | 563 | 675 | 4153 | 215 | 5606 |
| Mediation | 167 | 64 | 264 | 35 | 530 |
| Other counselling services, trainings and other activites | 1672 | 668 | 2825 | 470 | 5635 |
| TOTAL | 2402 | 1407 | 7242 | 720 | 11771 |

Source: Republic Institute for Social Care

Article 13§4

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Under Article 6 of the Law on Social Welfare beneficiaries of social welfare shall be nationals of the Republic of Serbia. Also, non-nationals, stateless persons may be the beneficiaries, under law and international agreements. Here, the principle of timeliness of social care should be noted. (Art.29 of the law)

Under Article 41 of the Law on Social Welfare, a beneficiary of social care benefits and services shall be an individual, and/or family facing obstacles in meeting their needs due to which they cannot reach or maintain quality of life or does not have sufficient means to satisfy basic living needs, while not being capable of satisfy them on the basis of their own work, from their own income from property or other sources.

A minor (child) and a person who has come of age up to 26 years of age (a young persons i.e. youth) are beneficiaries in case due to their family or other living circumstances their health is at risk, as well as their safety and development, and/or when it is certain that without social care system support they cannot reach an optimum level of development, in particular:

- 1) If without parental care or at risk from losing it;
- 2) if their parent, guardian and other person who is taking immediate care of them cannot take care of them without the social welfare system support, due to health reasons, mental condition, intellectual disabilities or unfavourable social and economic circumstances;
- 3) If they have developmental disabilities (physical, intellectual, mental, sensor, related to speech and language capacities, social, emotional, and multiple), and their needs for care and financial security are beyond possibilities of their family;
- 4) If in conflict with their parents, guardian, or community, and with their conduct endanger themselves and environment;
- 5) If facing difficulties due to alcohol abuse, drug abuse or other narcotics;
- 6) if there is a danger that they will become a victim or if they are a victim of abuse, neglect, violence and exploitation, i.e. if their physical, mental, or emotional wellbeing and development are put at risk by actions or omissions made by their parents, guardians or any other person taking immediate care of them;
- 7) If being a victim of human trafficking;
- 8) If a unaccompanied non-national or stateless person;
- 9) if their parents are in dispute on how to discharge parental duties and rights;
- 10) if they have other needs for social care.

A person between 26 and 65 years of age and 65+ is a beneficiary when their wellbeing, safety, and productive life in society has been placed at risk due to congingencies of old age, disability, sickness, family and other circumstances of life, in particular:

- 1) if with pshycical, intellectual, sensor or mental disabilities, or hindrances in communication, and when due to social and other obstacles, faces functional restrictions in one or more areas of life;
- 2) if there is a danger that they will become a victim of self-englect, neglect, abuse, exploitation and domestic violence;
- 3)if facing difficulties due to disrupted family relations, alcohol abuse, drug abuse or other narcotics or due to other forms of socially unacceptable conduct and behaviour or other reasons;
- 4) If victim of human trafficking;
- 5) If a non-national or stateless person in need of social care;
- 6) If having needs for residential care placement or other social care needs.

The Law on Social Welfare proscribes that beneficiaries are entitled to accessibility of services, which is why under Article 56 social care services may be provided in form of emergency interventions to ensure safety in situations jeopardising life, health and development of beneficiaries and are provided 24 hours a day. Services of emergency interventions are provided by social work centre in mandatory cooperation with other competent authorities and services. Emergency interventions are provided by the Republic of Serbia, and/or Autonomous Province of Vojvodina.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Under the *Social Welfare Law* one-off assistance is provided to a person who suddenly finds themselves in social need, which may be in cash or in-kind. Local government ensures one-off assistance.

Under the Refugees Law, Serbia shall provide collective protection of personal, property and other rights and liberties of refugees and international legal protection in a fashion as set for their own nationals. Regarding the right to social cash assistance, refugees may have it only in case they have personal identity card and nationality of the Republic of Serbia. Non-nationals may have it only as members of a household but not as a person with a title to cash social assistance.

Based on the Asylum Law the Rules on social care for persons seeking asylum and for persons to whom asylum has been granted. It regulates social care for persons seeking or having been granted asylum that are not able to ensure subsistence and survival by their own income do to the circumstances they found themselves in.

Social assistance is granted as monthly cash allowance. It may be granted to a person seeking asylum and/or a person with granted asylum under condition they are not placed in an asylum centre and members of their families do not have income or they are such as to be below a threshold as set under the Rules. Persons who reside in an asylum centre are not entitled to such assistance as they are entitled to all subsistence and survival conditions, placement and basic living items (clothing, footwear, cash assistance, etc.) at the centre itself, as provided for under Article 39 of the Asylum Law.

The threshold level has been taken from the social welfare system, i.e. minimum level of social security in effect in social care system for eligibility to financially jeopardised and vulnerable citizens. Thus, same treatment of financially at risk asylum persons with domicile household is ensured. For the purpose of these Rules, family is regarded of as a spouse, cohabitating partner and children (in or out of wedlock, and adopted), under condition they occupy the same household. The application for monthly cash social assistance is decided by a centre for social work in a municipality of application, i.e. where a person with duly granted asylum is staying. An appeal against the centre's decision is decided upon by ministry in charge of social affairs.

Eligibility requirements for cash social assistance applicable to asylum seekers and persons with granted asylum are to be aligned further with the eligibility requirements applicable to nationals of Serbia as provided for under the Social Welfare law. As the amendments to this law are being drafted, after completion and adoption of such amendments as expected in 2017, the Rules on social care for asylum seekers and persons with asylum will also be revised accordingly.

A new Financial Support for Families with Children Law is planned. The greatest changes in comparison to the previous period and applicable law are related to the requirements and

procedure for wage compensation during maternity leave, child care leave and additional child care leave. Under the draft law it is envisaged that parental allowance will be granted to a mother for her first, second, third and fourth child under condition she is a national of Serbia with her place of residence in Serbia. It is also available to a mother who is non-national with the status of a foreigner with a permanent residence under condition her child was born in the territory of Serbia. Also, the draft ensures entitlement to parental allowance to be granted to a father of a child in case mother of the child is a foreign national, is not alive, or from justifiable reasons cannot take immediate care of the child. Parental allowance may not be granted to a mother who is a foreign national if the same of similar benefit has been granted to her for the child who is the subject of application by a country of her habitual residence where she is a national.

Regarding the child allowance, one of the parents taking immediate care of child, who is a national of Serbia or a non-national and has a place of residence or status of a non-national with a place of residence for the first, second, third and fourth child as per sequence of their births. It is envisaged that a non-national working in the territory of Serbia shall be entitled to child allowance if so established under an international agreement, under the conditions as provided for in this law.

The Draft Law has already been complete and its adoption is expected in forthcoming period.

Any person is entitled to court protection. Court protection is ensured for any person, and any organisation exposed to discrimination. The requirement of such protection is not that a discriminated person must be a national, neither any of their characteristics is a condition (e.g. place of residence in Serbia, registered office in Serbia, voting right in Serbia, tax payer in Serbia, undertaking any business activity in Serbia, years of age, business capacity)..

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

| Number of non-nationals/stateless persons in social care need registered in 2015 with centres for social work(CWSs) disaggregated by gender and age | | | |
|--|-------------|---------------|--------------|
| Age | Male | Female | Total |
| Children (unaccompanied) | 722 | 118 | 840 |
| Young persons | 336 | 93 | 429 |
| Adults | 71 | 99 | 170 |
| Elderly | 13 | 10 | 23 |
| TOTAL | 1142 | 320 | 1462 |
| Number of children (unaccompanied) registered by CSWs in 2015 disaggregated by type of service provided by CSW and gender | | | |
| Services and measures | Male | Female | Total |
| Number of children placed in foster care | 5 | 8 | 13 |
| Number of children placed in residential care | 1 | 0 | 1 |
| Number of children in shelters for unaccompanied children | 83 | 23 | 106 |

| | | | | |
|---|----------------------|--------------|----------------|--------------|
| Number of children placed in other shelters | 84 | 5 | 89 | |
| Temporary guardianship | 1029 | 49 | 1078 | |
| One-off cash assistance | 34 | 29 | 63 | |
| Non-nationals/stateless adults registered with CSWs in 2015 disaggregated by type of services under the social care system they were provided with and age | | | | |
| Services and measures | Age structure | | | |
| | Youth | Adult | Elderly | Total |
| Number of adult non-nationals in foster care | 0 | 0 | 0 | 0 |
| Number of adult non-nationals in residential care | 0 | 1 | 0 | 1 |
| Number of adults placed in shelters | 6 | 8 | 5 | 19 |
| Number of adults with temporary guardianship | 0 | 1 | 1 | 2 |
| Number of adults who received one-off cash assistance | 12 | 40 | 2 | 54 |

Source: Republic Institute for Social Care

ESCR COMMENTS TO THE PREVIOUS REPORT - REPLIES

Paragraph 1 Adequate assistance for any person in need of assistance

Under the applicable Social Welfare, Article 80, every person is responsible for meeting their own living needs and needs of their family, and an individual capable for work under pension and disability insurance law, and/or occupational rehabilitation and employment of persons with disability law shall and shall be entitled to take part in the activities enabling them to overcome their unfavourable social situation, and/or in implementing the measures ensuring their social inclusion (hereinafter referred to as; social inclusion measures). Under Article 83, paragraph 1 of the Law, cash social assistance may be granted to an able-bodied individual, and/or a member of a family under condition:

1) In schooling or vocational training under the law or registered as unemployed person;

2) they have not declined an offered employment or hiring for temporary, casual or seasonal period, vocational training, re-training, additional training or elementary school education;

3) their employment has not been terminated by their will, upon their consent or for the fault of theirs, due to a misconduct or criminal responsibility, save if a year has passed from the termination or if upon the termination incapacity for work followed;

4) They take care of their children with disability on their own and cannot be hired.

As a result, any decline of an offered employment, hiring for temporary, casual or seasonal term, vocational training, re-training, additional training or elementary school education shall have for a consequence termination of eligibility to social cash assistance, but with an exception under Article 83, paragraph 2, whereby when a family fails to meet requirements to become entitled to cash social assistance because its member does not meet requirements under paragraph 1 thereof, the entitlement to SCA shall be recognized only to its member who is incapacitated for work, under conditions under the law.

Under article 85, paragraph 3, any individual who is capable for work, and/or family with most members capable for work shall be granted SCA for up to nine months in a calendar year, if they meet requirements under the law, and thus as a result after nine months their entitlement shall cease.

Please note that Law amending the Law on Social Welfare are underway and the comments given by the Committee will be taken into account.

Levels at which benefits are provided

The amendments to the Law on Social Welfare are being drafted and level of social security will be reviewed with Committee's comments and observations in mind, depending on budget funds.

Right to appeal and legal aid

All the decisions related to recognition or maintaining the entitlements and benefits under social care system are appealable, and reviewing authorities are vested with the powers to decide on the point of law in cases as provided for under Articles 232 and 233 of the Law on General Administrative Procedure.

Personal scope

Under Article 6 of the Law on Social Welfare, social care beneficiaries are nationals of Serbia. Also, beneficiaries may be non-nationals and stateless persons under law and international agreements. Amendments to the Law on Social Welfare are underway and level of social assistance as well as potential beneficiaries of social care shall definitely be the subject of review with the Committee's comments and observations in mind and depending upon budget appropriations.

Under the Refugees Law, Serbia shall provide collective protection of personal, property and other rights and liberties of refugees and international legal protection in a fashion as set for their own nationals. Regarding the right to social cash assistance, refugees may have it only in case they have personal identity card and nationality of the Republic of Serbia. Non-nationals may have it only as members of a household but not as a person with a title to cash social assistance.

Based on the Asylum Law the Rules on social care for persons seeking asylum and for persons to whom asylum has been granted. It regulates social care for persons seeking or

having been granted asylum that are not able to ensure subsistence and survival by their own income do to the circumstances they found themselves in.

Social assistance is granted as monthly cash allowance. It may be granted to a person seeking asylum and/or a person with granted asylum under condition they are not placed in an asylum centre and members of their families do not have income or they are such as to be below a threshold as set under the Rules. Persons who reside in an asylum centre are not entitled to such assistance as they are entitled to all subsistence and survival conditions, placement and basic living items (clothing, footwear, cash assistance, etc.) at the centre itself, as provided for under Article 39 of the Asylum Law.

The threshold level has been taken from the social welfare system, i.e. minimum level of social security in effect in social care system for eligibility to financially jeopardised and vulnerable citizens. Thus, same treatment of financially at risk asylum persons with domicile household is ensured. For the purpose of these Rules, family is regarded of as a spouse, cohabitating partner and children (in or out of wedlock, and adopted), under condition they occupy the same household. The application for monthly cash social assistance is decided by a centre for social work in a municipality of application, i.e. where a person with duly granted asylum is staying. An appeal against the centre's decision is decided upon by ministry in charge of social affairs.

Eligibility requirements for cash social assistance applicable to asylum seekers and persons with granted asylum are to be aligned further with the eligibility requirements applicable to nationals of Serbia as provided for under the Social Welfare law. As the amendments to this law are being drafted, after completion and adoption of such amendments as expected in 2017, the Rules on social care for asylum seekers and persons with asylum will also be revised accordingly.

A new Financial Support for Families with Children Law is planned. The greatest changes in comparison to the previous period and applicable law are related to the requirements and procedure for wage compensation during maternity leave, child care leave and additional child care leave. Under the draft law it is envisaged that parental allowance will be granted to a mother for her first, second, third and fourth child under condition she is a national of Serbia with her place of residence in Serbia. It is also available to a mother who is non-national with the status of a foreigner with a permanent residence under condition her child was born in the territory of Serbia. Also, the draft ensures entitlement to parental allowance to be granted to a father of a child in case mother of the child is a foreign national, is not alive, or from justifiable reasons cannot take immediate care of the child. Parental allowance may not be granted to a mother who is a foreign national if the same of similar benefit has been granted to her for the child who is the subject of application by a country of her habitual residence where she is a national.

Taking into account the Decision of the Constitutional Court of Serbia no IV3-40/2012 of 12.09.2014, parental allowance under legal set provisions, may be granted to a father of a child as well if its mother is a non-national.

Regarding the child allowance, one of the parents taking immediate care of child, who is a national of Serbia or a non-national and has a place of residence or status of a non-national with a place of residence for the first, second, third and fourth child as per sequence of their births. It is envisaged that a non-national working in the territory of Serbia shall be entitled to child allowance if so established under an international agreement, under the conditions as provided for in this law.

The Draft Law on Financial Support for Families with Children has past public hearing and obtaining required opinions. Currently, its text is being drafted which, as a new

Cabinet has been formed, must re-enter the procedure of obtaining opinions, in order to be further processed.

Paragraph 2 Non-discrimination in exercising social and political rights

Persons in deprivation are not exposed, not in the context of law or practice, any form of discrimination in exercising their political, and/or social rights on the basis of the fact that they are beneficiaries of social assistance or allowance, and/or they exercise their political, and/or social rights as other citizens.

Under Article 52, paragraph 1 of the Constitution, it is guaranteed for any adult national of the Republic of Serbia with business capacity to have the right to elect and to be elected.

Under the Law on the Citizens' Place of Residence, Article 11, paragraph 2, point 4, if a citizen cannot register their place of residence on the basis of their title of ownership of an apartment, or apartment rental agreement or any other legal basis, a competent authority may issue a decision by establishing their place of residence at an address of an institution of their permanent placement or of centre for social work in the territory of their location, on condition they are registered with the institution, and/or centre for social work, whereby they declare that their address will be at the address of the institution and/or centre for social work whereby conditions have been made for the registration of the persons concerned.

Paragraph 3 Preventing, eliminating and alleviating depravity

Under Article 6 of the Social Welfare Law, beneficiaries may be non-national and stateless persons in line with the law and international agreements. Provisions of Article 41 explicitly prescribe that the beneficiary of social care may be an unaccompanied child or young person under the age of 26, who is a non-national, and/or stateless person, when due to their family and other living circumstances, their health, safety, development is jeopardized, and/or if it is certain that they without the support under the social care system they will not be able to reach an optimum level of development (paragraph 2, point 8). The beneficiary may be a non-national or stateless person older than 26 years of age, when their wellbeing, safety and productive life in society is jeopardized by the contingencies of old-age, disability, sickness, family and other circumstances due to which they are in the need of social care. (Paragraph 3, point 5).

Please note that non-nationals settled on the basis of marriage, and children in such families, as the members of families of nationals of Serbia may have cash social assistance granted.

Under the Asylum Law and Rules on social care for persons seeking asylum and/or with the asylum granted, are entitled to social assistance under same conditions as nationals of Serbia. Here it should be noted that the Rules have taken into account the difficulties of not being able to obtain certain documents required from nationals (regarding property, etc.).

Any citizen of Serbia shall have identity card under Articles 2 and 3 of the Identity Card law (*Official Gazette of RS* 62/2006, 36/2011). It is their right and duty, and key requirement to be able to access many basic and vital entitlements and rights. Under provisions of Article 16 thereof a competent authority is bound to, when issuing an identity

card to a person without established absence of citizen's personal identity number, when it is established that such a person does not have duly registered place of residence, such a number shall be designated to them under law, thus creating conditions for addressing the issue of legally invisible individuals.

Under Article 13 of the referred to Law, the applicant asking to have their identity card issued (or extended) shall indicate in their application the data on their place of residence: city, municipality, and address. Before the adoption of the Law on Citizen's Place of Residence a great number of individuals without an address on any of the basis (title of ownership, rental agreement or any other legal basis), could not obtain an identity card. Currently, in the applicable law, if the citizen cannot register their place of residence as per referred to grounds, their place of residence shall be established by a competent authority at the address of:

- 1) Their permanent place of abode, if other requirements under law are met;
- 2) Their spouse's or cohabiting partner's place of residence;
- 3) Their parents' place of residence;
- 4) an institution in which they are placed permanently or centre for social work in the area of which they are located, on the basis of the registration of such citizens with the institution, and/or centre for social work in question, whereby they are stating that their address will be the address of the institution/centre. (Article 11.)

Such a solution enables undocumented persons to obtain their identity card and access to many entitlements they have been deprived of (under social care, health care, etc.).

For those local governments without sufficient means to ensure establishment and sustainability of community-based services, a mechanism of earmarked transfers has been in place under the Regulation on Earmarked Transfers (March 2016) ensuring financial support for local governments the level of development of which is below republic average for community-based services development and for those local governments that have been developing innovative services, and those local governments in the territory of which there are institutions in conversion. The means for such earmarked transfers in 2016 were transferred to local governments (125), and for 2017 and 2018, higher appropriations have been envisaged. Currently, there are 360 services developed across Serbia used by 40.000 citizens.

According to the Regulation, a total annual amount of earmarked transfers at 1.5% in comparison to related social care programme shall be in application as of 1 January 2017. Exceptionally, in 2016 a total annual amount of earmarked transfers was appropriated in the State Budget 2016 at 0.86% of the amount of a related social care programme under the budget section of the ministry in charge of social care and will be transferred as per local governments, at monthly level in proportion with a number of remaining months in the budget 2016 after the Regulation comes into effect. For 2016, RSD 400 mil was ensured, for 2017, RSD 701 mil. need to be ensured for 2017, and RSD 756 mil. for 2018.

All the social care providers in Serbia are under the process of licensing and by the end 2016 a complete data base will be set up accordingly, with all the data on local services that will include all the providers in public, private and NGO sectors producing as complete picture of a number of services

Paragraph 4 Special type of emergency assistance for non-residents

Every non-national in situation of depravity, shall be entitled, under law and in practice, to emergency social care free-of-charge (placement, food, clothing, etc.), as it is indicted in paragraph 3 of this Article.

Commissioner for Refugees and Migrations with which there are available data is responsible for the provision of social care to migrants in irregular situations.

The data available with the Family and Social Care Department are the data of the Republic Institute for Social Care which has been collected by centres for social work on the basis of reports on non-nationals who entered the social care system as beneficiaries of a social care entitlement or service of centres for social work:

| Number of non-nationals/stateless persons in need of social care registered in 2015 with CSRs disaggregated by age and gender | | | | |
|---|----------------------|---------------|----------------|--------------|
| Age | Male | Female | Total | |
| Children (unaccompanied) | 72 | 118 | 840 | |
| | 2 | | | |
| Young persons | 33 | 93 | 429 | |
| | 6 | | | |
| Adults | 71 | 99 | 170 | |
| Elderly | 13 | 10 | 23 | |
| TOTAL | 1142 | 320 | 1462 | |
| Number of children (unaccompanied) registered by CSWs in 2015 disaggregated by type of service provided by CSW and gender | | | | |
| Services and measures | Male | Female | Total | |
| Number of children placed in foster care | 5 | 8 | 13 | |
| Number of children placed in residential care | 1 | 0 | 1 | |
| Number of children in shelters for unaccompanied children | 83 | 23 | 106 | |
| Number of children placed in other shelters | 84 | 5 | 89 | |
| Temporary guardianship | 1029 | 49 | 1078 | |
| One-off cash assistance | 34 | 29 | 63 | |
| Non-nationals/stateless adults registered with CSWs in 2015 disaggregated by type of services under the social care system they were provided with and age | | | | |
| Services and measures | Age structure | | | Total |
| | Youth | Adult | Elderly | |
| Number of adult non-nationals in foster care | 0 | 0 | 0 | 0 |
| Number of adult non-nationals in residential care | 0 | 1 | 0 | 1 |
| Number of adults placed in shelters | 6 | 8 | 5 | 19 |
| Number of adults with temporary guardianship | 0 | 1 | 1 | 2 |

| | | | | |
|--|-----------|-----------|----------|-----------|
| Number of adults who received one-off cash assistance | 12 | 40 | 2 | 54 |
|--|-----------|-----------|----------|-----------|

Source: Republic Institute for Social Care

Article 14 – The right to benefit from social welfare services

With a view to ensuring the effective exercise of the right to benefit from social welfare services, the Parties undertake:

1. to promote or provide services which, by using methods of social work, would contribute to the welfare and development of both individuals and groups in the community, and to their adjustment to the social environment;
2. to encourage the participation of individuals and voluntary or other organisations in the establishment and maintenance of such services.

Article 14§1

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Under the Social Welfare Law social care services are grouped by relatedness, such as: 1) services of assessment and planning, 2) community-based day care services, 3) services of support for independent living, 4) counselling services, therapies, social services and trainings, and 5) placement services¹. Services are provided temporarily, casually and/or continually, following the needs and best interest of beneficiaries. Social care services are organized as services for children, young persons, and family, and services for adults and elderly beneficiaries.

¹ Under the Social Welfare Law (Article 40) social services are grouped into:

Social welfare services are divided into the groups as follows:

- 1) Assessment and planning services: assessment of condition, needs, strengths and risks of a user and other relevant persons in the user's environment; assessment of a guardian, foster carer and adopter; development of individual or family plan of service provision and legal protection measures and other assessments and plans;
- 2) Daily services in the community: club; day care; home assistance; drop-in centre and other services supporting users' stay in the family and immediate environment;
- 3) Services supporting independent living: personal assistance; supported housing; training for independent living and other types of support necessary for users' active participation in the community;
- 4) Counselling-therapy and socio-educational services: counselling; family therapy; mediation; intensive support to family in crisis situation; SOS phone line; services for maintaining family relations and family reunion; counselling and education for parents, foster carers and adopters and other counselling and educational services and activities;

Accommodation services: family accommodation in a relative and non-relative family; residential accommodation; placement in a shelter and other types of accommodation.

Under the Social Welfare Law the assessment and planning services offered by a centre for social work when executing public powers delegated to them, services of emergency social care, when executing public powers delegated to them, services which offer correctional institutions for children and youth and social care institute, when executing public powers delegated to them, and foster care services are exclusively offered by social care institutions established by the Republic of Serbia, Autonomous Province, and/or local government.

The competent level of governance, and/or competent authority, in line with this law, provide services falling within its remit by establishing an institution of social care, and on the basis of public procurement of services, under law. It enables provision of required services, primarily of community-based services, as well as the required quality of services on the basis of competitiveness of the authorised (licensed) organisations who wish to participate in the capacity of a social care provider.

Beneficiaries may avail themselves of any appropriate service regardless if they are entitled to other entitlements under social care, such as income support (cash social assistance, etc.).

Beneficiaries may be referred to one or more services, whereby the referral authorities and others which participate in selection of appropriate services for beneficiaries, driven by the findings gathered on the basis of (holistic) assessment of their needs as the principle of efficiency.

No risk, deficiency or behaviour shall be a reason for elimination of accessibility for a beneficiary, but rather it shall be a reason for the provision of special conditions conducive to communication and personal safety of the beneficiary, as well as for elimination of other obstacles to achieve full results by the provision of such services.

It is local government from which one expects to develop local services of social care and launch a process of defining the priority needs of citizens and vulnerable groups and to indicate services which may respond to the needs. A key precondition for development of services that respond to priority needs of citizens in a certain community is development of a local strategic plan for development of social care.

Local government budget appropriations are used to fund: 1) community-based day care services;

2) Services of support for independent living, except for the services of supported living for persons with disability;

3) services of living with the support of a person with disability in local government units the level of development of which is established in accordance of the legislation governing classification of local government units according to the level of development – above the republic average ;

4) Counselling services, therapy, social services, and training, except counselling and training of foster carers and adoptive parents;

5) Other services of social care according to the needs of local government;

6) One-off assistance and other forms of assistance;

7) Operational programmes of institutions established by local government;

8) Programmes of promotion of social care in local government unit;

9) Innovation services.

Depending upon the need of beneficiaries, social care services may be provided simultaneously and in combination with services offered to educational, health and other institutions (inter-sectoral institution). Coordinated provision of inter-sectoral services is ensured by concluding a protocol on cooperation.

Depending upon social and economic status of beneficiaries, the services may be paid (Article 72 of the Law):

1) In full out of the beneficiary's means, means of their kin or third person;

- 2) With partial co-payment by the beneficiary, their kin, third person or from the State budget, provincial budget or local government unit.
- 3) In full out of the State Budget, provincial budget or the budget of local government unit.

The Social Welfare Law has managed to a considerable extent open the door for counselling services, therapy, social services and training under the social care system, including: 1. Counselling services, therapy, social services and training as intensive services offered to families in crisis; 2. Counselling and support for parents, foster parents, and adoptive parents; 3. Support to families taking care of their child or adult family member with disability; 4. Maintaining family relations and family reunion; 5. Counselling and support in cases of violence; 6. Family therapy; 7. Mediation; 8. Help lines; 9. Activation; 10. Other counselling services, trainings and activities.

A number of local governments have specialized institutions for mediation in family relations – marriage and family counselling services, counselling services for development, itd. They provide *service to citizens free of charge*.

The end goal is to develop a network of support across municipalities for independent living of citizens.

There are 140 centres for social work within the system of social care which execute delegated public powers and ensure that all the citizens who find themselves in social need may exercise their rights, without discrimination, in accordance with the Rules on organisation, normvatives, and standards of operation of centers for social work. The territory of Serbia is completely covered by centers for social work. In addition, there are 75 public residential care institutions

- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Regarding administrative capacities in social care institutions (centres for social work and residential care) there has still been insufficient staffing and constant need for knowledge and skill upgrade and trainings of current professional staff and the new coupled with insufficient means at their disposal that such institutions may appropriate for such purposes.

Under the Law on setting a ceiling for number of the staff in public sector (Official Gazette of RS, 68 of 4 August 2015, in effect as of 12 August 2015, a method for setting the number of public employees, has been regulated, as well as the scope and timeframes for downsizing, i.e. rightsizing, until a set maximum ceiling has been reached.

By the Government Decision on maximum number of staff working for fixed term within the system of public authorities, public services, Autonomous Province and local government system for 2015 (Official Gazette of RS 101 of 8 December 2015), the ceiling is set for maximum number at 9.226 fixed term employees at public services – social care institutions.

On 31 December 2014, there was 9.303 fixed-term staff at public services i.e. social care institutions (centres for social work and residential care).

In 2015, the number fell by 79 employees in comparison to a total number of fixed term staff in 2014.

3) Please provide pertinent figures, statistics or any other relevant information to demonstrate the effective access to social services (beneficiaries in total and per category of social welfare services, number and geographical distribution of services, staff number and qualifications).

According to the data available with the Social Care Chambers and its Register of Licenses, there are 3.278 licensed of which 2.747 persons have license for basic and 226 specialized social care activities, 329 are licensed for supervision of basic and 7 of specialized social care activities. 486 persons are licensed to conduct legal affairs in the context of social care.

| Structure of <u>practitioners</u> employed for <u>fixed term</u> 31.12.2015. according to the occupational profile and type of job performed centres for social work disaggregated by occupational profile | | | | | |
|--|--------------|------------|-----------------------------|---------------------|-------------|
| Employee's occupational profile | Job type | | | | Total |
| | Case Manager | Supervisor | Case Manager and Supervisor | Other practitioners | |
| Social worker | 606 | 37 | 60 | 109 | 812 |
| Psychologist | 256 | 22 | 38 | 19 | 335 |
| Pedagogue | 137 | 16 | 24 | 15 | 192 |
| Special pedagogue | 80 | 14 | 10 | 6 | 110 |
| Andragogue | 5 | 0 | 1 | 1 | 7 |
| Sociologist | 9 | 0 | 0 | 41 | 50 |
| Lawyer | 82 | 1 | 0 | 281 | 364 |
| Other | 15 | 0 | 0 | 50 | 65 |
| T O T A L | 1190 | 89 | 133 | 522 | 1934 |

Source: Republic Institute for Social Care

| Structure of all staffing in CSW on 31.12.2015 hired at organizational units – division of a residential care or as service providers (gerontology service, day care, etc.) disaggregated by types of job and source of funding. | | | | | |
|--|----------|--|----------------------------|----------------|-------------------------|
| Source of funding | Job type | | | | |
| | Managing | Practitioners (independent professionals and associates) | Administrative and Finance | Care Providers | Technical support staff |
| State Budget | 25 | 137 | 43 | 24 | 94 |
| Local Government Budget | 20 | 116 | 28 | 327 | 159 |

Source: Republic Institute for Social Care

| STAFF AS PER THEIR OCCUPATIONAL PROFILE (Aug.2016.) | | | |
|--|-----|-----------|-------|
| PROFILES | CSW | RES. CARE | TOTAL |
| Social worker | 942 | 1077 | 2019 |
| Defectologist | 14 | 99 | 113 |
| Pedagogue | 343 | 44 | 387 |
| Psychologist | 381 | 51 | 432 |
| Lawyer | 258 | 54 | 312 |

Source: Ministry of Labour, Employment, Veterans and Social Affairs

Article 14§2

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Under law, social care services may be provided by centres for social work and other actors participating in care. Social care providers may be natural or legal persons. Under law, social care activities, i.e. individual social care services may be provided by an association, entrepreneur, company or any other form of organisation as set by law.

Social Welfare Law has introduced a system of quality implying setting basic standards of social care services, their implementation. It has also introduced a system of training course accreditation and practitioners licencing (of organisation- legal persons and professional natural persons) regardless from public, private or NGO sector. Only those with due licenses will be able to compete for budget appropriations for assisting socially vulnerable categories.

For quality system, career promotion mechanism in place on the basis of life-long learning concept is essential because services are supposed to be provided by authorised competent service providers.

Organisations are licensed (work/operation permits) by a ministry in charge of social care, and natural persons are licensed by Social Care Chamber established under the Law on Social Welfare.

c. By passing the Law on Social Welfare, the process of accreditation has become a significant link in the chain of good quality. A by-law – Rules on accreditation, precisely define organisational structure of the accreditation system, accreditation programme standards, and accreditation procedures. Accreditation of a training programme i.e. a service providing programme, under the Law, shall be “*a procedure in which it is assessed if the training programme and/or service provision programme intended for practitioners, both independent and associates, meets set standards of accreditation.*” (Article 191, SWL). The accreditation of a training programme for social care staff is conducted by the Republic Institute for Social Care by its Accreditation Committee. The data on accredited programmes are maintained in hard and soft versions and are regularly entered into a database. They are available to all the interested parties via web page of the Republic Institute for Social Care at: www.zavodsz.rs

The sector of private service providers in Serbia has been vibrant and currently private residential care may accommodate about 5.000 beneficiaries in total, and it is constantly on rise.

Inspections of social care institutions' and social care service providers' operations is conducted by a ministry in charge of social care, by social care inspectors (Article 168 of the Law on Social Welfare). The social care inspector (Art. 169), are independent in their work within the limits of their powers as set under law and implementing legislation and are personally responsible for their work. Social care inspector shall act conscientiously and impartially when conducting inspection, keep confidential the data that they found during inspection, and in particular data contained in a beneficiary's documents.

Social care inspectors of a ministry in charge for social care in relation to the authorities with delegated powers of inspection, shall and shall be entitled to: 1) conduct immediate inspection of their work; 2) impose compulsory instructions for law enforcement and other legislation and to control compliance; 3) withdraw powers from an inspector who failed to conduct its tasks timely, professionally, legally and conscientiously, and to instruct establishment of accountability with a body with inspection powers delegated; 4) to organise joint actions with inspectors from authorities with delegated inspection powers ; 5) to conduct an immediate inspection, if authorities with delegated powers fail to do so; 6) to demand reports, data and information on execution of delegated inspection powers.

When inspecting, the social care inspector may:

- 1) temporarily place a ban on business operation, and/or performance of certain jobs at a social care institution or social care provider if they are performed contrary to the provision of this law, for minimum 30 days and maximum 6 months from the date of receipt of the act imposing such a measure;
- 2) set minimum level of operation during the ban;
- 3) temporarily place a ban on social care activity and other social care jobs to a member of staff who performs social care activity or job contrary to the provisions of this law and implementing legislation, for minimum 30 days, and maximum 6 months from the date of the receipt of the act imposing such a measure.;
- 4) Temporarily place a ban on a practitioner's work to whom a measure of temporary ban of independent work was imposed upon by a competent body of the Chamber of Social Care;
- 5) To place a ban on a practitioner's work who failed to get /renew his licence for independent work, and/or whose licence for independent work has been removed from him;
- 6) To propose the Chamber to remove the licence from a practitioner from reasons as provided for in law;
- 7) To press criminal charges, economic offence charges and request for institution of misdemeanour proceedings if suspecting that by acting, and/or omission by a social care institution, and/or service provider a criminal or economic offence has been committed or misconduct occurred;
- 8) to refer a member of staff to health examination for the purpose of the assessment of his health capacity in case there is a suspicion of disappearance of health capacity for safe and effective performance of social care jobs and activities.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

For those local governments which do not have sufficient means to establish sustainable community-based services, a mechanism has been introduced – a mechanism of earmarked transfers on the basis of the Regulation on Earmarked Transfers (March 2016) enabling financial support to local governments the development level of which is below republic average for development of community-based services as well as to such LG which are developing innovative services, and LG in the territories of which there are institutions in conversion. The appropriated earmarked transfers for 2016 have already been transferred to LGs (125), and for 2017 and 2018 a considerable higher appropriations have been envisaged for such purposes. Currently, there are about 360 services developed in the territory of Serbia used by 40.000 citizens.

In May 2016, a counselling help line for parents was launched in residential care facility for children “Mosa Pijade” for parents free of charge 0800 007 000 to be counselled and advised on how to resolve diverse uncertainties related to parenthood and upbringing. It is open from 5 p.m. to 8 p.m, six days a week and is designed as a two-year pilot. After that a stock –taking exercise will be made to check its feasibility and to further it to a sustainable service. UNICEF supported opening of the line with USD 100.000, and Telekom ensured free-of-charge land line, software and equipment. Parental help line is free of charge and confidential as a caller may remain anonymous.

3) Please provide pertinent figures, statistics or any other relevant information to demonstrate the participation of the voluntary sector to the provision of social services, as well as the effective access of individuals to these services.

Licensing of all social care service providers has been on-going in Serbia, and accordingly it is expected that by the end of 2016 a full data bas on local services will be complete, including both public service providers and those offered in private and civil sector rendering as complete picture of how many services there are operating on the whole. In March 2016, there were 126 licensed service providers registered in Serbia, in particular: for a supported living service -2, for a house help service - 22 for one-stop shelter – 2; for day care for the youth with behavioural difficulties – 2, for a service of personal assistant of a child -2; for day care for children and youth with developmental disability – 15; for personal assistant – 4, for a service of residential care-77.

| Number of all employed and hired staff at centres for social work as on 31 December 2015 according to the staff status and source of financing the job | | | |
|--|--------------|-------------------------|--------------------|
| An employee's status | State funded | Local government funded | Employees in total |
| Indefinite term employment | 2319 | 778 | 3097 |
| Fixed term employment | 134 | 163 | 297 |
| Temporary and casual jobs | 33 | 171 | 204 |
| Service or authorship contract | 12 | 169 | 181 |
| Probation work or <i>volunteers</i> | 38 | 43 | 81 |

| | | | |
|-------|------|------|------|
| TOTAL | 2536 | 1324 | 3860 |
|-------|------|------|------|

Source: Republic Institute for Social Care

ECSR COMMENTS TO THE PREVIOUS REPORT - replies

Paragraph 1 Enhancing and ensuring social services

Effective and equal access

Nationals of other contracting parties who are legal residents and regularly work in Serbia have the same entitlements to access to social services as citizens of Serbia.

Service quality, personal data protection

Personal data protection is governed under the Personal Data Protection Law (Official Gazette of RS, 7/2008, 104/2009 – sp. law, 68/2012 – CC decision, and 107/2012)

For 2016, there are RSD 400 mil appropriated for social care services, in 2017, RSD 701 mil is required, and in 2018 RSD 756 mil.

- According to the data available in the Register on Licences kept by the Chamber of Social Care, there are 3.278 licensed persons in total, of which 2.747 are licensed for basic and 226 for specialised social care jobs, 329 for supervision of basic and 7 for supervision of specialised social care jobs and activities. There are 486 persons licensed for legal affairs jobs within the social care system.

| Structure of <u>practitioners</u> employed for <u>fixed term</u> 31.12.2015. according to the occupational profile and type of job performed centres for social work disaggregated by employee's/staff occupational profile | | | | | |
|--|--------------|------------|-----------------------------|---------------------|-------|
| Employee's occupational profile | Job type | | | | Total |
| | Case Manager | Supervisor | Case Manager and Supervisor | Other practitioners | |
| Social worker | 606 | 37 | 60 | 109 | 812 |
| Psychologist | 256 | 22 | 38 | 19 | 335 |
| Pedagogue | 137 | 16 | 24 | 15 | 192 |
| Special pedagogue | 80 | 14 | 10 | 6 | 110 |
| Andragogue | 5 | 0 | 1 | 1 | 7 |
| Sociologist | 9 | 0 | 0 | 41 | 50 |
| Lawyer | 82 | 1 | 0 | 281 | 364 |

| | | | | | |
|-------|------|----|-----|-----|------|
| Other | 15 | 0 | 0 | 50 | 65 |
| TOTAL | 1190 | 89 | 133 | 522 | 1934 |

Source: Republic Institute for Social Care

| Structure of all staffing in CSW on 31.12.2015 hired at organizational units – division of a residential care or as service providers (gerontology service, day care, etc.) disaggregated by types of job and source of funding. | | | | | |
|--|----------|--|----------------------------|----------------|-------------------------|
| Source of funding | Job type | | | | |
| | Managing | Practitioners (independent professionals and associates) | Administrative and Finance | Care Providers | Technical support staff |
| State Budget | 25 | 137 | 43 | 24 | 94 |
| Local Government Budget | 20 | 116 | 28 | 327 | 159 |

Source: Republic Institute for Social Care

| | SOCIAL CARE INSTITUTION STAFF AS PER THEIR OCCUPATIONAL PROFILE (Aug.2016.) | | |
|---------------|--|--------------|-------|
| PROFILES | CSW | RES. CARE | TOTAL |
| Social worker | 942 | 1077 | 2019 |
| Defectologist | 14 | 99 | 113 |
| Pedagogue | 343 | 44 | 387 |
| Psychologist | 381 | 51 | 432 |
| Lawyer | 258 | 54 | 312 |

Source: Ministry of Labour, Employment, Veterans and Social Affairs

Understaffing is persistent as well as constant need for skill and knowledge upgrade and trainings for both current and new staff. Persistent is also insufficiency of means the institutions can distribute for such purposes.

Under *the Law on Ceilings of Public Sector Staff* published in Official Gazette of RS, 68 of 4.8.2015, and in effect as of 12.8.2015, a method of setting a maximum number of employees in public sector is laid down, as well as scope and time schedule of downsizing, and/or rightsizing, up to reaching the set maximum, i.e. ceiling.

By the Government decision on maximum number of employees for fixed term within the system of state authorities, system of public services, system of Autonomous Province of Vojvodina and system of local governments for 2015 (Official Gazette of RS, 101, of 8 December 2015), the maximum number (ceiling) of fixed-term staff in public services – social care institutions was set at 9.226.

On 31 12 2014, there were 9.303 fixed term staff in social care institutions (centres for social work and residential care).

In 2015, a total number of staff was reduced by 79 employees in comparison to fixed-term staff in 2014.

In 2008 Personal Protection Data Law was passed laying down provisions for collection and processing personal data, rights of the persons concerned, and protection the persons whose data are collected and processed are entitled to, limitations regarding personal data protection, procedures before a competent personal data protection authority, safeguarding of the data, record-keeping, moving the data out of the territory of Serbia, and law enforcement /compliance supervision.

Under Article 16 of the Law protection of specially sensitive personal data is regulated, whereby it is provided for that such data which pertain to national origin, race, sex, language, belief, political party affiliation, trade union membership, health status, reception of social assistance, a victim of violence, verdict for a criminal offence, sexual life are regarded of as a specially sensitive data and may be processed only on the basis of freely obtained consent from the person concerned, except when under law it shall be forbidden to process such data regardless of the consent. Nevertheless, the data related to political party affiliation, health status and reception of social assistance may be processed without the person's concerned consent only if the law prescribes so. In case exceptionally sensitive data are processed, such a process must be designated in a particular fashion and safeguarded by measures of protection.

Under Article 17 of the referred to Law, the consent to processing the especially sensitive data shall be given in writing, indicating designation of the data under process, the purpose of processing, and manner of their usage. Also, in case a person giving consent is not literate or from any other reason is not capable to sign by his/hand the consent, the consent shall be valid if two witnesses confirm by their signatures respectively that written document contains statement of will of the consent giver.

Article 23 – The right of elderly persons to social protection

With a view to ensuring the effective exercise of the right of elderly persons to social protection, the Parties undertake to adopt or encourage, either directly or in co-operation with public or private organisations, appropriate measures designed in particular:

- to enable elderly persons to remain full members of society for as long as possible, by means of:
 - a. adequate resources enabling them to lead a decent life and play an active part in public, social and cultural life;
 - b. provision of information about services and facilities available for elderly persons and their opportunities to make use of them;
- to enable elderly persons to choose their life-style freely and to lead independent lives in their familiar surroundings for as long as they wish and are able, by means of:
 - a. provision of housing suited to their needs and their state of health or of adequate support for adapting their housing;
 - b. the health care and the services necessitated by their state;
- to guarantee elderly persons living in institutions appropriate support, while respecting their privacy, and participation in decisions concerning living conditions in the institution.

Appendix to Article 23, paragraph 1

For the purpose of the application of this paragraph, the term “for as long as possible” refers to the elderly person’s physical, psychological and intellectual capacities.

Information to be submitted

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Policy of integration of elderly into society is clearly defined in the strategic framework and at the level of law.

National strategy on ageing has triggered and contributed to the mainstreaming of the phenomenon of ageing and its objectives have been translated into many other strategic documents, both at local and national levels.

National Strategy on Ageing - was adopted by the Government on 7 Serbia 2006, with implementing deadline by the end of 2015.² In implementing period Serbia submitted its national reports on two occasions at the conferences UNECE on ageing, held in 2007 in Leon (Spain), and 2012 in Vienna (Austria). The national reports were on implementation of actions and measures in the process of adjustment of society to the consequences of ageing of population and monitoring the Madrid International Plan of Action (MIPAA) implementation in relation to ageing.

National Strategy has immediately related to the European Implementation Strategy (RIS) of the MIPAA and simultaneously represents an authentic strategic document as the activities are planned as a reflection of authentic needs of elderly population of Serbia and objective circumstances for their further prosperity. Ten obligations under RIS, formulated as 10 strategic directions of action, i.e. objectives in the National Paper of Serbia.

Under Article 41 of the Law on Social Welfare User of social welfare rights or services shall be an individual and/or family facing obstacles in meeting of needs, due to which they cannot achieve or maintain the quality of life, as well as an individual and family who do not have sufficient means to meet the basic subsistence needs and are unable to ensure them through their work, income from property or other sources Under Article 41, victims of human trafficking – children, young persons, adults and elderly have for the first time been explicitly defined as beneficiaries of services and owners of titles under social care system. An adult from 26 to 65 years of age and an adult older than 65 years of age shall be the beneficiary when his/her wellbeing, safety and productive life in the community has been jeopardised by risks arising from old age, disability, illness, family and other life circumstances.

Under Article 4 of the Law on Social Welfare Right to social welfare, paragraph 1 provided for that an individual and family in need of social assistance and support for overcoming social and living difficulties and creating conditions for meeting of basic subsistence needs shall be eligible to social welfare, in compliance with the Law. Under paragraph 2 – Right to social care shall be provided by the provision of social care and income support. » Under Article 5 the concept of social care service and income support is defined. « Services of social care shall be activities of provision of support to an individual

² 2015 has been chosen as a milestone year because its revision of MDGs of the Republic of Serbia was scheduled for that year.

or family to improve, i.e. maintain quality of life, remove or mitigate risks of adverse living circumstances, as well as creation of possibilities for independent living in society. Different types of income support shall be granted to ensure subsistence minimum and support for social inclusion of a beneficiary. »

Under Article 6 it is set that beneficiaries of social care are nationals of the Republic of Serbia. Also, non-nationals and stateless persons may be beneficiaries, under law and international agreements.

Income support is granted through cash social assistance (CSA), caregiver's allowance, additional caregiver's allowance, vocational training assistance, one-of cash assistance, in – kind or other types of income support in line with the Law on Social Welfare and implementing by-laws.

Law on Social Welfare (Article 40)³ provides for the development of services for intensive family support, provided in community in which the family lives, and the establishment of which and financial sustainability of which is responsibility of local government. It is worth noting that local governments have recognized the need for support for elderly, in particular in those municipalities which are exposed to prominent ageing of population. However, coverage of the elderly by social care services has still been low in comparison to developed countries and there is a need to extend it as a component of long-term care.

Ministry responsible for social care has also been supporting the development of community-based services, not only as a coordinator of large-scale projects through which such services are funded but also provides support in a concrete financial support for the projects of local governments and civil society organisations via which new community-based services are put in place or sustainability of already in place services of assistance for elderly, disabled, children and others particularly vulnerable categories is supported.

Local governments may ensure funds from different sources – donations, municipal budgets, State budget, etc.

Under Article 34 of the Law on Social Welfare, the beneficiary is entitled to in line with their needs and capacities be informed on all the data of relevance for establishment of their social needs, and on how they may be met. The beneficiary who is 15 years of age is entitled to have their case files on social care services used and entitlements granted presented to them.

Based on Article 35 of the Social Welfare Law the beneficiary is entitled to take part in the assessment of their condition and needs and in decision-making on whether they will accept the service, and to timely receive all information needed for the decision, including description, objective, benefit of the proposed service as well as information on the available alternative services and other information of relevance for the service provision. Any service may not be provided to a beneficiary without his consent except in cases as provided for under law.

³ Article 40 of the Law on Social Welfare

Assessment and planning services: assessment of condition, needs, strengths and risks of a user and other relevant persons in the user's environment; assessment of a guardian, foster carer and adopter; development of individual or family plan of service provision and legal protection measures and other assessments and plans;

Daily services in the community: club; day care; home assistance; drop-in centre and other services supporting users' stay in the family and immediate environment;

Services supporting independent living: personal assistance; supported housing; training for independent living and other types of support necessary for users' active participation in the community;

Counselling-therapy and socio-educational services: counselling; family therapy; mediation; intensive support to family in crisis situation; SOS phone line; services for maintaining family relations and family reunion; counselling and education for parents, foster carers and adopters and other counselling and educational services and activities;

Accommodation services: family accommodation in a relative and non-relative family; residential accommodation; placement in a shelter and other types of accommodation.

Under Article 36 of the SWL, the beneficiary is entitled to free choice of social care services and providers. Under Article 37, the beneficiary is entitled to confidentiality of all the private data in documentation processed for the purpose of reporting, i.e. record-keeping, including those pertaining to their personality, behaviour, family circumstances and method of use of social care services. The beneficiary, under Article 38, shall be entitled to respect of their privacy when social care service is provided. The beneficiary who is not satisfied with the rendered service or with the procedure or the conduct of the service provider may file a complaint to a competent authority (Article 39 of the Law).

The activity of drafting the amendments to the Law on Social Welfare that should produce even better targeting of cash social assistance is underway, so that the assistance will be increased for children in a family, as well as measures undertaken for the protection of long-term unemployed persons, *elderly and persons with disability*.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Social care reform are rolled out to include required systemic changes in social care, and one of the key change that is sought for is conversion of residential care and development of alternative forms of care. The process of deinstitutionalization in Serbia is grounded in the respect of human rights and ensuring good quality care for beneficiaries regardless they are elderly, children or disabled. Key agents of reform are residential care institutions and service providers at local levels. The Law on Social Welfare itself prescribes the principle of minimum restricted environment for a beneficiary and his remaining in family in his own settings as long as possible. *The Rules on organisation, normatives and standards of operation of centres for social work*, an obligation is imposed on the guardianship authority to regularly revise/review – a procedure in which re-assessment is done of needs, strengths and risks with an aim to achieve adjustment of services and measures to the changes in circumstances and functioning of the beneficiary⁴. Re-assessment for adult and elderly beneficiaries, review of their placement is done once a year, when the case manager in cooperation with practitioners of the residential care and beneficiary reviews possibility of the beneficiary to return to family or any other arrangement implying exiting institution.

Conditions in which beneficiaries are housed or placed in social care institutions vary. Although the Law on Social Welfare, in an intention to improve quality of social care services, has introduced licensing of social care organisations, as well as the *Rules on detailed requirements and standards for provision of social care services* laid down standards for most service, most residential care institutions has not still been licensed. Completion of the process is expected in forthcoming period. To reach structural standards (space, equipment, etc.), the institutions require significant means and additional investments. They do not have them, and thus must be government funded.

-Evaluation of the National Strategy on Ageing has been conducted in 2015 and it is concluded that a new one is unnecessary but rather that the current needs further implementation as well as set objectives to be achieved given that the defined strategic objectives are in line with the EU 2022 objectives. The evaluation exercise was conducted

⁴ The Rules on organisation, normatives, and standards of operation of centres for social work (Official Gazette of RS 39/2011);

with involvement of scientific and professional community and practitioners from public, civil and private sectors from social care, health care, education, justice, at local and national levels. Certain progress has been achieved within all ten strategic directions. However, overall process of implementation has been taking place slower than planned and expected.

All the defined strategic directions are assessed as appropriate and relevant and for the forthcoming period, with recommendations for setting priorities in forthcoming period:

- ⊙ Poverty reduction,
- ⊙ Compliance with the principle of sustainability,
- ⊙ Adjustment of the Pension and Disability Insurance System,
- ⊙ Defining and legal regulation of ageing and practically linking it with and developing of long-term care services
- ⊙ Strengthening NGO and private partners in the process of long-term care,
- ⊙ More accessible long-life learning for the elderly,
- ⊙ Better living environment and safety for older people,
- ⊙ Prevention and protection of the elderly from any discrimination and violence.

Participants in the evaluation have agreed that *most prominent improvements were achieved in institutional social care*. Capacities of residential social care are partially increased in the areas in which such capacities were lacking (a special strategic objective). Simultaneously, in these facilities in public sector other special reform objectives of social care have been achieved to the greatest extent. Variety of community-based services for elderly who live in their home settings has been increased. As a result, inter alia, the elderly placed in homes have made better contacts with their environment. In public sector, structural conditions for placement have been also improved, as well as functional aspects of the placement service, as a result of the standard setting and licensing of service providers – of institutions and practitioners immediately working with beneficiaries.

Success is the increase in capacities (by opening new private homes), more humane conditions in homes in terms of respect of basic human rights of beneficiaries (more comfortable, enhanced and standardized services), strengthening the role and relevance of rehabilitation (more services of rehabilitation), as well as of all the types of day activities for beneficiaries (more programmed and leisure activities), furthering the process of deinstitutionalization (development of a string of services for older people in the environment and strengthening contacts with the environments of the home).

Gerontological Centre Belgrade is a social care institution that has been first licensed for its operation and activity.

-Inclusion in community living is also recognized in vibrant self-organised activities of the elderly club members which are of great relevance for integration of the elderly, and as a day care support. Also, Forums and roundtables are hosted for advocating and impacting decision-making in local communities, municipalities and/or cities. This activity is followed up by media outlets contributing to dissemination of positive picture on the elderly as active and interested members of community. However, integration of the elderly is considerably higher in cities and more favourable than in rural areas. There is a difference among levels of integration in community, among relatively isolated older people who live in the conditions which are below or around poverty line, and in comparison to the elderly who live in somewhat better financial, housing, family conditions, and who are more included in local community and some forms of decision-making in it. One of the reasons for occurrence and widening of the gap is insufficient coverage in territorial terms and targeting by social and other services, of both older persons in rural areas and poor older people in general.

-Older persons are a group in the structure of population the members of which more frequently than population on average, members of an association of citizens. Most often and strongest in a number of affiliates is Confederation of Pensioners of the Republic of Serbia, which has its units at local level.⁵ Share of voluntary work of done by the elderly is insufficient in comparison to the existing resources. However the volunteer work by the elderly ensures relevant positive effects, primarily, thanks to enthusiasm of individuals.

-As an example of good practice in implementing the National Strategy on Ageing, is setting up of a portal “Penzin” www.penzin.rs which has a significant role in provision of information of all the citizens on the matters related to exercising of their rights, and conditions enabling them to meet their everyday needs. Opening of this portal has significantly contributed to enhancement of social inclusion of older people/elderly in Serbia although other sources of information should not be neglected (web sites by ministries, social and health care institutions, charities and NGOs, etc.) which by providing relevant information furthered inclusion of elderly into society.

-For many years now “Movement for the Third Age” is operational at level of Serbia and Belgrade. It gathers a great number of older persons supporting the active ageing concept, sports and recreational and educational activities. Once a year to honour 1 October as the International Day of Old Persons, they organize “The Olympics of Sports, Health and Culture”, competitions and gatherings, with increasing number of participants every year. Older citizens of Belgrade participate in some fifteen charity and NGOs connected in the network „Humanas“ active towards elderly and for elderly citizens. Only the Red Cross is about 1000-strong with older persons who volunteer. Volunteer work is also a component of other NGOs such as: “Amity“, „Hleb Zivota“, „Caritas“, etc.

-For a couple of years now, there are programmes for older persons that are performed across most municipalities and citizens to mark 1 October – The International Day of Older Persons (lectures, preventive medicine services, recreational, cultural, art programmes).

-Development of services for older persons has resulted in the introduction of some new services such as psychological and social support for family.

-It would be preferential if old people’s club which under law are not treated as day care community-services, to be classified within legislative framework and register as a form of support for elderly and/or services for older persons.

-Social pensions have not been in place, and were planned under several action plans at the level of national authorities. It would mean introduction of so called zero pension pillar, but only for financially vulnerable older persons who have stepped in the third age, are without regular income such as contribution-based pension and are living in difficult living conditions. However, the idea of introducing social pension was given up due to financial reasons.

-By the adoption of *the Regulation on Earmarked Transfers* in March 2016 enabled State Budget Funds to be transferred to local government budgets for establishment and development of various services for older persons (house help, day cares, etc.).

A considerable number of local governments provide the services for families of older persons, including: one-off cash assistance, in-kind assistance, house help and clubs for elderly. In addition, day care services and meals in soup kitchens for the poor, subsidized community costs, subsidized transport, and subsidized purchase of medicines are provided in at least one third of municipalities and citizens

⁵ At national level, Confederation of Pensioners of the Republic of Serbia has around 300 thousand members, which is to a degree less than one fourth of a total number of pensioners. Members of the Confederation are predominantly beneficiaries of lower pensions. From such reasons these associations develop activities and actions of humanitarian character as an obligation.

Reliefs and exemption from certain costs for older persons (65+) and poor elderly (from community services up to the price of one fare) have been in place and operational in most municipalities and cities across Serbia, in particularly Belgrade. On the basis of the City decision on social care of for citizens, Belgrade ensures the increase of the amount by a little below 1/5 for the poor elderly recipients of regular cash assistance, free fare for 65+ and some other services in the City: use of libraries, discounted tickets for certain events, etc. Funding for soup kitchens is ensured in Belgrade as is in all bigger urban centres in Serbia.

Early in 2011, to improve access to primarily social and health services, Gerontological centre for old persons in Belgrade, founded a separate Info-centre to provide information to the elderly in Belgrade and across Serbia, concerning social care, health care, pension and disability insurance, culture, education, banking services, services provided at local level, communal and other services, counselling and support in crisis, etc. Telephone number is easy to memorize and calls are free of charge. (0800 115 116, infocentar@ugcb.rs).

-Coordinating role in monitoring and implementing policies on old age and ageing is delegated to the Government Council for Old Age and Ageing the setting up of which is expected by the end of 2016 under the new Cabinet (formed in 11/ 8 /2016.).

Council for Old Age and Ageing of the Republic of Serbia is an expert and advising body of the Government of the Republic of Serbia, incorporated in 2011 with the following tasks in mind:

- to consider all the relevant issues of old age and ageing, measures for promotion of inter-ministerial cooperation in this area;
- to initiate and support programmes of inclusion of elderly; it is oriented towards the establishment of the possibilities for the use of working and creation potentials of older people and of their participation in development of society, economic and public life;
- to deal with all the issues of concern for achievement of social security and better quality living in old age;
- to consider alignment of applicable laws with key international conventions and launch initiatives for amendments to laws regulating issues of relevance for social security and quality of living in old age;
- to table measures for advancement and guiding of international cooperation on ageing;
- to consider also the matter of promotion of scholarly and expert disciplines of gerontology;
- to follow up realization of strategically set objectives in various areas of concern for older citizens and brief the Government.

-State supports development of NGOs as well and it supports growth of private sector services for older persons. The success of development of various social communities – based services for older persons have been achieved by a dynamic growth of a number and type of array of services on offer for independent living in own household.

Private social service providers have been developing in particularly with regard to the provision of placement in private homes for old people (with cca 5.000 beds) and are in constant rise.

-Under the Law on Social Welfare, local governments has been given an opportunity to in their territory and from their budgets appropriate funds for innovative services, which some of them use for provision of the service of “social housing in protected conditions” and by developing housing address housing concerns of individual social service recipients, among whom older persons as well. Population living in social housing who

are in a situation of social vulnerability is allowed to pay communal/utility bills on discounted prices. The data on the scope and type of subsidized housing costs that are appropriated by a number of local governments have still not been systematically collected.

-The establishment of standards and control mechanisms are the competence of national and provincial levels. However, service providers may be both state and non-state, but they must have licence while direct providers of services must be adequately trained on the basis of accredited training programmes.

Quality control of social care services (and thus public residential care services) is continuously conducted by social care inspectors.

- 3) Please provide pertinent figures, statistics or any other relevant information on measures taken to ensure that elderly persons have access to adequate benefits in cash or in kind; on the level of public expenditure for social protection and services for the elderly; on the accessibility of measures and the number of elderly people benefiting from them; on the number of places available in institutions for elderly persons; on the number of elderly living in such institutions, and on whether a shortage of places is reported.

Serbia's population is exceptionally ageing by all demographic criteria. Average age of the population is above 40. Demographic ageing is a consequence of both longer life expectancy and contracted birth rate and population mobility (wars, economic, political and social crisis during '90s). According to the census 2011, 1.250.000 persons in Serbia or 17.4% is 65 and above, which is at the level of an average recorded in EU 2010 and is higher than in many EU countries. In Serbia, there is one person 65+ per four able-bodied citizens. This process of ageing of population will probably continue and will openly intensify.

The great obstacle when trying to get bigger picture of the coverage and distribution of services in Serbia is systematization of the data and disconnectedness of relevant data bases. Currently, more precise overview of a number and types of social care services provided at local level (by state and non-state providers) directly depends on timeliness and update of local communities in their collection and regular forwarding of the data to Republic Institute for Social Care who is equipped in terms of capacities to maintain an integral data base. However the cooperation is not the one to be proud of given that what is lacking are mechanisms to make such a reporting obligation binding. Social care institutions (centres for social work and residential care) are bound by law to annually report to competent ministry on their work. However, only in cooperation with local governments, social care institutions and organisations of civil society and their readiness to regularly submit data on all the changes in the area may required timeliness and up-to-date data be ensured in the databases on local social care services.

In the social care system there are very few old persons who are taken care of by foster care (comparing to foster children where significant success has been achieved, recognized by UNICEF as well). According to the Law on Social Welfare, home placement is ensured for older people who are not in a position to live in family or to whom community-based services or foster care cannot be provided for (Article 52). Placement in home service is provided by residential care founded at national or

provincial level, in line with the Regulation on the network of social care institutions, where service providers may be both state and non-state institutions.

When licensing of social care service providers is complete, a complete database on social care is expected to be in place which will include service providers in public and other sectors i.e. NGOs and private, which will give more complete picture of a number of services.

Placement capacities in public sector of residential care for older persons are at the level of 140 centres for social work, 37 gerontological centres and old people homes.

| | |
|--|--------------------|
| | 2015 |
| Number of beds in public sector residential care for older persons | 9.059 ⁶ |

a. *Source: Decision/Regulation on network of residential care institutions (Official Gazette of RS 16/12 and 12/13)*

In 2016, a new facility was opened for placement of elderly in palliative care in the Gerontological Centre in Subotica. It is 760sqm big and will have 66 beneficiaries placed in it. Currently it has being equipped.

Under social care system, records are regularly maintained under the Family Law on older persons who have been exposed to a form of violence. In 2015, according to the data available with the Republic Institute for Social Care, there were 2.271 cases of violence against older people to whom some social care service was provided were registered.

For 11 years of existence of the social care inspection, a total of 74 bans of operation has been imposed on old people's homes, of which only in the course of second semester of 2014 and all 2015 on 37 old people's home (33 bans imposed on illegal homes and 4 which did not have work permit).

| Adult non-nationals/stateless persons registered with CSW in 2015 disaggregated by type of the received social care service and age | | | | |
|---|---------------|-------|---------|-------|
| Services and measures | Age structure | | | Total |
| | Youth | Adult | Elderly | |
| Number of adult non-nationals in foster care | 0 | 0 | 0 | 0 |
| Number of adult non-nationals in residential care | 0 | 1 | 0 | 1 |
| Number of adult placed in shelters | 6 | 8 | 5 | 19 |
| Number of adult with temporary guardianship | 0 | 1 | 1 | 2 |
| Number of adult who received one-off cash assistance | 12 | 40 | 2 | 54 |

Source: Republic Institute for Social Care

| |
|---|
| Number of adult placement recipients registered with CSW (transferred and new recipients) in 2015, disaggregated by type of placement, age and gender |
|---|

⁶ This number should be augmented by 5.000 beds in private old people homes.

| Type of placement | Youth | | Adults | | Elderly | | Total | |
|--|-------|-----|--------|------|---------|------|-------|-------|
| | M | F | M | F | M | F | M | F |
| Foster care in kin family | 100 | 136 | 69 | 59 | 32 | 56 | 201 | 251 |
| Foster care in other family | 272 | 328 | 240 | 201 | 117 | 222 | 629 | 751 |
| Residential care | 376 | 280 | 3382 | 2925 | 3675 | 6248 | 7432 | 9453 |
| Placement in housing-type residential care | 4 | 1 | 11 | 13 | 1 | 5 | 16 | 19 |
| Total as per gender | 752 | 745 | 3702 | 3198 | 3825 | 6531 | 8279 | 10474 |
| TOTAL | 1497 | | 6900 | | 10356 | | 18753 | |

Source: Republic Institute for Social Care

| Number of adult recipients of placement in shelter as registered by CSW in 2015 disaggregated by type of placement, age and gender | | | | | | | | |
|--|-------|----|-------|-----|---------|-----|-------|-----|
| Type of placement | Youth | | Adult | | Elderly | | Total | |
| | M | F | M | F | M | F | M | F |
| Shelter | 27 | 42 | 332 | 307 | 131 | 154 | 490 | 503 |
| TOTAL | 69 | | 639 | | 285 | | 993 | |

Resource: Republic Institute for Social Care

| Number of beneficiaries who were referred to day care community-based services in 2015 | | | | | |
|--|----------|-------|--------|---------|-------|
| Type of service | Age | | | | TOTAL |
| | Children | Youth | Adults | Elderly | |
| Day care for children and young persons with developmental disability | 552 | 475 | 0 | 0 | 1027 |
| Day care for children and young persons with physical disability | 32 | 19 | 0 | 0 | 51 |
| Day care for children and young persons with behavioural problems | 144 | 60 | 0 | 0 | 204 |
| Day care for adults with disability | 0 | 0 | 401 | 1 | 402 |
| Day care for elderly | 0 | 0 | 0 | 1511 | 1511 |
| House help for children and young persons with developmental disabilities | 180 | 50 | 0 | 0 | 230 |
| House help for elderly and adults | 0 | 0 | 1380 | 9018 | 10398 |
| Shelter for street children | 55 | 0 | 0 | 0 | 55 |
| Shelter for adults and elderly | 0 | 0 | 7 | 0 | 7 |
| Personal assistant for a child | 460 | 0 | 0 | 0 | 460 |
| Other services supporting staying in family and immediate environment | 154 | 25 | 227 | 632 | 1038 |

Source: Republic Institute for Social Care

| Number of recipients who in 2015 were referred to use services of support for independent living | | | | |
|--|--------------------|--------|---------|-------|
| Type of service | Age | | | TOTAL |
| | Children and youth | Adults | Elderly | |
| Supported housing for young in the process of emancipation | 54 | 0 | 0 | 54 |
| Supported housing for persons with disability | 3 | 5 | 0 | 8 |
| Personal assistant | 92 | 61 | 29 | 182 |
| Other types of support required for active participation in society | 210 | 208 | 87 | 505 |
| TOTAL | 359 | 274 | 116 | 749 |

Source: Republic Institute for Social Care

| Number of recipients who in 2015 were referred to use counselling, therapy, social service and education/trainings delivered out of house or at centres for social work. | | | | | |
|--|----------|-------|--------|---------|-------|
| Type of service | Age | | | | TOTAL |
| | Children | Youth | Adults | Elderly | |
| Family therapy | 563 | 675 | 4153 | 215 | 5606 |
| Mediation | 167 | 64 | 264 | 35 | 530 |
| Other counselling and educational services and activities | 1672 | 668 | 2825 | 470 | 5635 |
| TOTAL | 2402 | 1407 | 7242 | 720 | 11771 |

Source: Republic Institute for Social Care

| Number of recipients of placement offered by CSW according to source of funding in 2015 | | | | | | |
|---|---|--------------|---|-----------------------------|--------------------------|-------|
| Type of service | Number of recipients according to the source of funding | | | | | |
| | From local government budget | State Budget | Recipients covers full price of the service | Co-payment by the recipient | Other sources of funding | TOTAL |
| Residential care for children and young persons | 2 | 122 | 5 | 24 | 11 | 164 |
| Residential care for adults and elderly | 3 | 928 | 362 | 746 | 111 | 2150 |

| | | | | | | |
|--|-----|------|-----|-----|-----|------|
| Housing-type residential care for children and youth | 0 | 13 | 0 | 0 | 0 | 13 |
| Housing-type residential care for adults and elderly | 0 | 1 | 0 | 0 | 0 | 1 |
| Respite | 18 | 0 | 0 | 0 | 0 | 18 |
| Shelter | 397 | 0 | 0 | 0 | 0 | 397 |
| Other types of placement | 445 | 134 | 19 | 128 | 5 | 731 |
| TOTAL | 865 | 1198 | 386 | 898 | 127 | 3474 |

Source: Republic Institute for Social Care

| Number of reports on domestic or partner's violence in 2015 disaggregated by type of family and a victim's age (according to the data available with the internal team in CSW) | | | | | |
|--|--|-------|--------|---------|-------|
| Type of family | Number of victims disaggregated by age | | | | |
| | Children | Youth | Adults | Elderly | Total |
| Biological families | 6411 | 1428 | 8162 | 2204 | 18205 |
| Adoptive families | 1 | 0 | 1 | 0 | 2 |
| Foster care (kins or other foster families) | 12 | 2 | 0 | 0 | 14 |
| Other families | 95 | 58 | 301 | 68 | 522 |
| TOTAL | 6519 | 1488 | 8464 | 2272 | 18743 |

Source: Republic Institute for Social Care

| Number of reported domestic violence in 2015 (according to internal team of CSW) disaggregated by the prevailing type of violence, age, and victim's gender | | | | | | | | | |
|---|--------------|------|-------|------|--------|------|---------|------|-------|
| Prevailing type of violence | Victim's age | | | | | | | | TOTAL |
| | Children | | Youth | | Adults | | Elderly | | |
| | M | F | M | F | M | F | M | F | |
| Physical | 926 | 846 | 219 | 576 | 705 | 4374 | 338 | 724 | 8708 |
| Sexual | 20 | 95 | 2 | 26 | 5 | 58 | 2 | 12 | 220 |
| Mental | 712 | 789 | 134 | 355 | 614 | 2326 | 228 | 503 | 5661 |
| Neglect | 1457 | 1433 | 39 | 71 | 46 | 123 | 108 | 212 | 3489 |
| Economic | 19 | 26 | 26 | 24 | 34 | 102 | 34 | 51 | 316 |
| Other | 110 | 87 | 7 | 10 | 31 | 44 | 26 | 37 | 352 |
| TOTAL | 3244 | 3276 | 427 | 1062 | 1435 | 7027 | 736 | 1539 | 18746 |

Source: Republic Institute for Social Care

| Procedures undertaken (following up) by CSW in 2015 to protect adult victims of domestic violence | | | | | | | | |
|---|-----------------|------|--------|------|---------|------|-------|------|
| Type of follow up | Recipient's age | | | | | | | |
| | Youth | | Adults | | Elderly | | Total | |
| | M | F | M | F | M | F | M | F |
| Removing a victim from family | 11 | 39 | 19 | 442 | 11 | 55 | 41 | 536 |
| Instituting proceedings before court | 9 | 31 | 17 | 266 | 8 | 60 | 34 | 357 |
| Provision of financial, legal or counselling support to a victim of violence in CSW | 186 | 1082 | 678 | 4440 | 303 | 890 | 1167 | 6412 |
| Referral of a victim to other adequate institutions | 32 | 113 | 142 | 863 | 70 | 205 | 244 | 1181 |
| Other | 36 | 73 | 47 | 128 | 19 | 50 | 102 | 251 |
| TOTAL by gender | 274 | 1338 | 903 | 6139 | 411 | 1260 | 1588 | 8737 |
| TOTAL | 1612 | | 7042 | | 1671 | | 10325 | |

Source: Republic Institute for Social Care

| Structure of recipients who are placed in residential care disaggregated by age and gender in 2015 | | | | | | |
|--|---------------|---------------|---------------|---------------|---------------|----------------|
| Age | Male | | Female | | Total | |
| | Total in 2015 | On 31/12/2015 | Total in 2015 | On 31/12/2015 | Total in 2015 | On 31/12/2015. |
| Up to 50 year of age (adults) | 176 | 139 | 134 | 113 | 310 | 252 |
| 51 - 64 (older persons) | 852 | 702 | 644 | 561 | 1496 | 1263 |
| 65 - 70 (elderly) | 678 | 504 | 773 | 621 | 1451 | 1125 |
| 71 - 79(elderly) | 1187 | 833 | 2054 | 1546 | 3241 | 2379 |
| 80– 89 (elderly) | 1262 | 812 | 2877 | 1823 | 4139 | 2635 |
| Over 90 (elderly) | 212 | 117 | 523 | 331 | 735 | 448 |
| TOTAL | 4367 | 3107 | 7005 | 4995 | 11372 | 8102 |

Source: Republic Institute for Social Care

| Recipients disaggregated by pension status on 31/12/2015 | | | | | | | |
|--|--------|-----|-------|---------|------|-------|-------|
| Pension status | Adults | | | Elderly | | | Total |
| | M | F | Total | M | F | Total | |
| Personal pensioner (old-age) | 64 | 71 | 135 | 1219 | 1425 | 2644 | 2779 |
| Disability pensioner | 235 | 147 | 382 | 318 | 389 | 707 | 1089 |
| Recipient of survivor's benefit | 91 | 149 | 240 | 91 | 1424 | 1515 | 1755 |
| Farmer pensioner | 8 | 19 | 27 | 122 | 250 | 372 | 399 |

| | | | | | | | |
|-----------------------------------|------------|------------|-------------|-------------|-------------|-------------|-------------|
| Supported person- not a pensioner | 398 | 299 | 697 | 519 | 752 | 1271 | 1968 |
| Other | 17 | 17 | 34 | 26 | 52 | 78 | 112 |
| TOTAL | 813 | 702 | 1515 | 2295 | 4292 | 6587 | 8102 |

Source: Republic Institute for Social Care

| Recipients disaggregated by place of residence before placement in residential care | | | | | | | |
|---|---------------|-------------|--------------|-----------------------|-------------|-------------|-------|
| Recipient's place of residence | Total in 2015 | | | Number on 31/12/2015. | | | Total |
| | M | F | Total | M | F | Total | |
| From a territory of a district in which the institution is located | 3202 | 5235 | 8437 | 2236 | 3727 | 5963 | |
| Outside the district of the institution | 1165 | 1770 | 2935 | 871 | 1268 | 2139 | |
| TOTAL | 4367 | 7005 | 11372 | 3107 | 4995 | 8102 | |

Source: Republic Institute for Social Care

| Recipients disaggregated by their registered place of residence on 31/12/2015 | Number |
|---|--------|
| Registered with the institution's address | 792 |

Source: Republic Institute for Social Care

| Recipients disaggregated by reasons of placement in residential care (indicate only one, prevailing reason) total number in 2015. | | | | | | | |
|---|-------------------------------------|-------------|-------------|-------------|-------------|-------------|--------------|
| Reason of placement | Age structure, total number in 2015 | | | | | | Total |
| | Up to 79 | | | 80 + | | | |
| | M | F | Total | M | F | Total | |
| Recipient does not have more immediate kins, children, spouse/cohabitating partner | 391 | 460 | 851 | 163 | 408 | 571 | 1422 |
| The recipient's family is not ready/does not have conditions to take care of them | 446 | 590 | 1036 | 198 | 474 | 672 | 1708 |
| Difficulties in organizing every day functioning due to old age or health condition | 1132 | 1677 | 2809 | 713 | 1779 | 2492 | 5301 |
| At risk/domestic violence | 27 | 60 | 87 | 7 | 52 | 59 | 146 |
| Social and financial deprivation of the family (and the recipient) | 439 | 394 | 833 | 99 | 194 | 293 | 1126 |
| Recipient's personal choice | 383 | 393 | 776 | 267 | 419 | 686 | 1462 |
| Other | 77 | 56 | 133 | 26 | 48 | 74 | 207 |
| TOTAL | 2895 | 3630 | 6525 | 1473 | 3374 | 4847 | 11372 |

Source: Republic Institute for Social Care

| | | | | | | | | | |
|------------------------------|---|---|----|---|---|---|----|---|----|
| Emotional abuse | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 2 | 2 |
| Neglect and careless conduct | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Exploitation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Total by gender | 2 | 1 | 16 | 2 | 1 | 2 | 19 | 5 | 24 |
| TOTAL | 3 | | 18 | | 3 | | 24 | | |

Source: Republic Institute for Social Care

| Structure of recipients disaggregated by type of reported perpetrator of violence 2015 | | | | | | | | | |
|--|---------------------|---|---------------|---|---------------|---|-------|---|---|
| Reported perpetrator of violence | Young person(18-25) | | Adult (26-64) | | Elderly (65+) | | Total | | |
| | M | F | M | F | M | F | M | F | |
| Staff | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other recipient | 0 | 0 | 3 | 1 | 16 | 3 | 19 | 4 | |
| Outsider | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Someone else | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Total by gender | 0 | 0 | 3 | 1 | 16 | 3 | 19 | 4 | |
| TOTAL | 0 | | 4 | | 19 | | 23 | | |

Source: Republic Institute for Social Care

PLACEMENT IN RESIDENTIAL CARE (Information System of the MLEVSA)
July 2016

| Category | Number of persons | Total amount | Budget appropriations |
|--|-------------------|----------------|-----------------------|
| Residential care for children and youth : | 629 | 20.949.925,00 | 19.866.103,05 |
| Residential care for adults and elderly: | 7.673 | 274.990.782,00 | 93.709.179,58 |
| Residential care for persons with developmental disability : | 5.197 | 165.592.921,00 | 109.334.726,25 |
| TOTAL : | 13.499 | 461.533.628,00 | 222.910.008,88 |

Article 30 – Everyone has the right to protection against poverty and social exclusion

With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

- a. to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social

- exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;
- b. to review these measures with a view to their adaptation if necessary

Information to be submitted

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Under Article 41 of the Social Welfare Law, a social care beneficiary is an individual or family facing obstacles to meeting the needs due to which they cannot reach or maintain quality of life or do not have sufficient means to satisfy basic living needs, and cannot meet them by their own work, on the basis of the income from property or from other sources.

The person between 26 and 65 years of age or the person who is 65+ is a beneficiary when their wellbeing, safety and productive life in society are put at risk by contingencies such as old age, disability, sickness, family and other living circumstances.

Under article 4 – Right to social welfare – « Every individual and family in need of social assistance and support for overcoming social and living difficulties and creating conditions for meeting of basic subsistence needs, shall be eligible to social welfare, in compliance with the Law. Under paragraph 1 »The right to the social welfare shall be ensured by providing the social welfare services and financial assistance. » Under Article 5 – Social welfare services and financial assistance – « Social services shall be activities of support and assistance to citizens and their families aimed at improvement and/or maintenance of the quality of life, elimination or alleviation of risks, unfavourable living circumstances and development of users’ potentials for an independent life in a community. The right to different forms of financial support is exercised in order to ensure existential minimum and support to social inclusion of the user.”

Under Article 6, social care beneficiaries shall be nationals of the Republic of Serbia. Non-nationals and stateless persons may also be social care beneficiaries under law and international agreements.

Income support is granted to the beneficiary in the form of cash social assistance, caregiver’s benefit, increased caregiver’s benefit, vocational training benefit, one-off cash benefit, in kind benefit and other types of financial i.e. income support in line with the Social Welfare Law and implementing regulations.

Under Social Welfare Law (Article 40)⁷ services for intensive support for family shall be developed, which are community-based, provided in the settings where the family lives,

⁷ Article 40 of the Social Welfare Law

Services of assessment and planning– assessment of state, needs, strengths and risks of a beneficiary and of other relevant individuals in the beneficiary’s environment; assessment of guardians, foster parents and adoptive parents; development of an individual or family plan of provision of services and measures of legal remedies and other assessments and plans;

Community-based day care services – day care, house help, shelter and other services supporting the beneficiary’s stay in family and immediate environment;

Services of support for independent living – supported housing, personal assistance, training for emancipated living and other types of support required for active participation of the beneficiary in society;

Counseling, therapy, social services, trainings and education – intensive services of support for family in crisis, counseling and support for parents, foster parents, and adoptive parents; support for family taking care of their child or adult with developmental disabilities; maintenance of family relations and reunification of family, counseling and support in cases of violence; family therapy; mediation; help lines; activation and other counseling and education services and activities;

and for the establishment of and financial sustainability of which the local government shall be in charge.

Ministry competent for social care also supports development of community-based services and not only as a coordinator of large-scale projects through which such services are funded, but with a concrete financial support for local governments and organisations of civil society whereby new community-based services are established or the sustainability of already established ones are supported.

Local governments may ensure funds from different sources – from donations, municipal budget, State Budget, etc.

Under Article 34 of the Social Welfare Law the beneficiary is entitled to according to their needs and capacities be informed on all the data of relevance for identification of their social needs, and on how such needs may be satisfied. The beneficiary who is 15 years of age is entitled to see the case files related to his use of services and exercising of the social care entitlements/use of benefits.

Under Article 35 of the Social Welfare Law the beneficiary is entitled to take part in the assessment of their situation and needs and in the decision-making on if they will accept a service, as well as to timely receive all the information needed for it, including description, objective, goal, and benefit of the proposed service, as well as to be briefed on alternative services which are available to them, and be provided with all other information of relevance for service provision. No service shall be provided without the beneficiary's consent unless in cases provided for under law.

Based on Article 36 of the Law on Social Welfare, the beneficiary is entitled to free choice of services and service providers, and on the basis of Article 37 the beneficiary is entitled to confidentiality of all private data from documents in processing for the purpose of reporting, and/or for registers, including those which pertain to their personality, behaviour, family circumstances and method of use of social care services. Under Article 38, the beneficiary shall be entitled to respect of their privacy in provision of social care services. The beneficiary who is not satisfied with a provided service or with a procedure or behaviour and conduct of a service provider may file complaint with a competent authority (Article 39).

Under Article 61 the services targeted at promotion of working capacities, and/or hiring of persons with disability who are beneficiaries of social care services shall be provided at residential care or in working centres, in line with law regulating occupational rehabilitation and employment of persons with disability.

Also, under Article 108, on vocational training benefit for the disabled, this benefit shall include support in education and vocational training and shall be recognized and granted to children and young persons with developmental handicap, and to adults with disability, who, according to mental and physical capacities and age of life, may become trained for a type of work and who cannot exercise such an entitlement on any other legal grounds.

The assessment of need for further support in education is conducted in line with laws regulating education system basics, and the assessment of vocational training is conducted following regulations governing occupational rehabilitation and employment of persons with disability.

Vocational training benefit is granted in the form of costs of vocational training, and costs of accommodation in students' /pupils' home or boarding school, as in the form of reimbursed costs of fare.

Costs of vocational training are disbursed to a company or any other organisation in which the trainee is trained, and on the basis of a contract concluded between a centre for social work and the company in question, i.e. organisation upon an obtained opinion ministry competent for social care.

A person referred to vocational training who needs commuting, is entitled to reimbursement of cost of commuting in the amount of the lowest fare of public transport (Article 109 of the Law on Social Welfare).

Amendments to the Law on Social Welfare are underway, which should improve targeting of cash social assistance recipients, along with an increase of the related amount for children in family as well as undertaking of the measures for protecting long-term unemployed persons, older persons and persons with disability.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Under the Law on Social Welfare every person is responsible for meeting their living needs and needs of their family, as well as that an individual who is capable for work, under labour law and pension and disability insurance law, i.e. in terms of the provisions of occupational rehabilitation and employment of persons with disability law shall and shall be entitled to participate in the activities conducive to overcoming of their unfavourable social position, i.e. in implementing the measures ensuring their social inclusion which are the measures prescribed by the Government. Centre for social work may conclude an agreement with the recipient of income support on active overcoming of their unfavourable social position, containing the recipient's activities and duties, as well as provisions on possible reduction in income support or of complete termination in case of unfounded failure to execute the obligations as provided for under the agreement.

d. Regulation on policy of social inclusion for the cash social assistance recipients which was adopted in 2014 (Official Gazette of RS, 112/14) imposes measure supposed to enable overcoming of unfavourable social situation of cash social assistance recipients who are capable for work. Such forms of activation of the recipient under the Regulation include: inclusion in formal and informal education (through training, courses, etc.), employment, medical treatment, community work/work in the local community.

e. Thus an agreement is concluded among four ministries (Ministry of Labour, Employment, Veterans and Social Affairs, Ministry of Health, Ministry for Public Administration and Local Government, Ministry of Education, Science and Technological Development) with view to implementing the Regulation.

Centre for social work as an institution of social care deciding on the entitlement to cash social assistance and officially maintains registry on the beneficiaries shall conclude a protocol on cooperation with the agents of individual activities under the Regulations to implement social inclusion policy and measures. Agents of individual activities under the Regulation include: an education institution, organisation in charge of employment, health care institution, local government and other bodies and organisations in the areas of concern.

By signing a protocol on cooperation, centres for social work and agents of individual activities define method of cooperation towards implementation of the measures of social inclusion of recipients which are carried out under their remit and undertake activities for their as effective delivery.

Centre for social work:

1) concludes an agreement with the recipient towards overcoming their unfavourable social position which contains activities and duties on part of the recipient, as well as the provision on conditioned reduction in cash social assistance amount in case of unfounded failure to discharge obligations under the agreement (individual activation plan);

2) Refers the beneficiary on referral to an agent of individual activity;

3) Maintains regular exchange with the member of the staff at an agent of individual activity in charge of immediate work with the recipient;

4) Monitors realisation of the planned activities.

Within 15 days from the receipt of referral, an agent of individual activity shall inform a competent centre of social work if the recipient has registered, and within 30 days it reports on the planned measures and activities in further work with the recipient.

For including the beneficiary into active employment policy measures, in particular: job-mediation, career guidance and counselling, employment subsidies, support for self-employment, further education and training, public works, measures for employment of persons with disability, promotion of employment in a territory of local government, employment in social enterprise, and other measures as provided for in law on compulsory social insurance contribution, employment promotion and other legislation, *an organisation in charge of employment* shall conduct individual activities ensuring social inclusion of the recipient in terms of employment, in particular:

1. Registers the recipient on the basis of the referral of a centre for social work,
2. Notifies the centre if the recipient has registered and what are planned further activities with the recipient to be conducted,
3. Conducts interview with the recipient for briefing the recipient on rights and duties of unemployed persons and employment opportunities, active employment policies and other facts of relevance,
4. Assesses employability of the recipient following the instruction on requirements for including the unemployed in active employment policies,
5. On the basis of the conducted assessments and established needs of the recipient identifies active employment measures to be applied, i.e. refers the recipient to the assessment of working capacity, and occupational rehabilitation measures and activities,
6. Involves the recipient in active employment policy measures under the agreed individual employment plan,
7. Makes regular exchange with the centre for social work's practitioner,
8. Other activities the aim of which is activation – active job search training, job club, self-efficiency training, etc. in the area of employment to become proficient in active job search techniques.

To ensure social inclusion of the recipients, a *competent authority of local government*, under its remit, implements measures and individual activities, in particular:

- 1) Registers the recipient on the basis of the referral by a centre for social work,
- 2) Notifies the centre if the recipient has registered and what are the planned activities to be conducted with the recipient,
- 3) Organizes community work, volunteering, public works, employment of recipients, addresses temporarily or permanently housing issues of the recipient and members of their family,

4) Makes regular exchanges with the practitioner, member of the staff at the centre for social work,

5) Keeps records on the recipient, undertaken measures of social inclusion, achieved results, and conducts other activities falling within competence of local government with view to as effective realisation of individual measures of social inclusion of

The centre for social work, in line with the recipient's assessed potentials and needs may independently or in cooperation with a competent authority of local government and agents of individual activities, conclude a protocol on cooperation with other stakeholders as well that within their remit may contribute to social inclusion of the beneficiary (e.g. *Red Cross, an employment agency, company, enterprise for occupational rehabilitation and employment of persons with disability, associations, etc.*)

f. The Rules on form and content of an individual plan of activation has been issued by the Ministry. *The Individual Activation Plan* is an agreement between a centre for social work and able-bodied individual, able-bodied holder of a title to cash social assistance (i.e. CSA recipient), and able-bodied family member who is the CSA recipient (with the recipient), on the basis of the assessed needs and potentials of the recipient in terms of active overcoming of the recipient's unfavourable social position.

-For those municipalities and cities which do not have means to launched social care services, a new mechanism has been launched at national level – *earmarked transfers*. Earmarked transfers, under the law regulating funding of local governments, the following may be funded from the State Budget 1) social care services which under the law are funded by local governments – in the local governments the level development of which , as established in line with the regulations governing classification of local governments according to the level of development – below the republic average; 2) social care services in local governments in the territory of which there are residential care institutions in conversion, including costs of the conversion; 3) innovative services and social care services of special importance for Serbia. Under *Regulation on Earmarked Transfers* adopted in March 2016, a total annual amount of the appropriations for earmarked transfers set at 1.5% related to an adequate programme of social care as estimated under the budget line of the ministry in charge of social care will be in application as of 1 January 2017. Nevertheless, in 2016, a total amount of the appropriations for earmarked transfers for social care under the budget line of the ministry in charge of social care shall be transferred, as per local governments, monthly, in proportion to the number of remaining months in budget 2016 after the Regulation has come into effect. For 2016, RSD 400 mil have been appropriated, and for 2017 RSD 701 mil is required, and for 2018 RSD 756 mil, and 2019 RSD 756 mil.

-The process of licensing of all service providers is on-going. A complete data base on local services is expected to be set up by the end of 2016. It will include all public service providers, and services provided in private and NGO sector thus giving as complete picture as possible on the number of services on offer.

3) Please provide pertinent figures, statistics or any other relevant information: on the nature and extent of poverty and social exclusion, including the number of persons or households who are socially excluded or live in poverty; and on the methodology followed or criteria used to measure poverty and social exclusion, bearing in mind that the Eurostat at-risk-of-poverty rate before and after social transfers is used as a comparative value to assess

national situations.

The data available with Ministry of Labour, Employment, Veterans and Social Affairs on disbursed cash social assistance indicate there is a constant rise in number of families and individuals with benefits granted with exception in 2015:

Comparative overview:

| Year (November) | Number of families | Total persons |
|-----------------|--------------------|---------------|
| 2007 | 53.468 | 137.252 |
| 2008 | 56.341 | 144.015 |
| 2009 | 62.021 | 158.242 |
| 2010 | 66.830 | 169.295 |
| 2011 | 82.058 | 203.408 |
| 2012 | 94.098 | 240.059 |
| 2013 | 103.239 | 263.188 |
| 2014 | 104.747 | 265.411 |
| 2015 | 101.465 | 251.358 |

Source: Ministry of Labour, Employment, Veterans and Social Affairs

In July 2016 there were 503 beneficiaries who received special cash benefit available for parents who failed to have their pension granted to them, who have been immediate carer of their child with the highest degree of disability for minimum 15 years, which is available to them after they reach pensionable age as life time monthly benefit set at the level of minimum pension. If the parent has their pension granted after acquiring entitlement to special cash benefit, they are free to choose between the pension and special cash benefit in the amount of RSD 13.454,11 each.

CASH SOCIAL ASSISTANCE (CSA)

Month: 07/2016

Source: MLEVSA

| Number of family members | Number of families | Total amount | Persons in total |
|--------------------------|--------------------|-------------------------|------------------|
| 1 member | 40.394 | 312.244.335,13 | 40.394 |
| 2 members | 22.509 | 223.901.183,83 | 45.018 |
| 3 member | 13.402 | 156.294.690,49 | 40.206 |
| 4 members | 15.030 | 203.887.802,46 | 60.120 |
| 5 members | 7.417 | 116.144.418,63 | 37.085 |
| 6 members and more | 5.349 | 96.286.430,05 | 32.094 |
| TOTAL | 104.101 | 1.108.758.860,59 | 254.917 |

| Number of decision/conclusion according to the type of entitlement/benefit 2015 | | | | | |
|---|---|-----------------------|---------------------------------|----------------------|-----------------------------|
| Type of decision/conclusion | Number of applications disaggregated by the type of benefit | | | | |
| | Cash social assistance (CSA) | Caregiver's allowance | Increased caregiver's allowance | One-off cash benefit | Vocational training benefit |
| Number of applications submitted in 2015 | 92534 | 14239 | 8014 | 177521 | 134 |
| Number of decisions on recognition of the entitlement /granting the benefit 2015 | 79941 | 6625 | 3914 | 159278 | 156 |
| Number of decisions denying recognition of entitlement /granting the benefit in 2015 | 4605 | 4825 | 2426 | 10710 | 0 |
| Number of decision suspending procedure in 2015 | 2080 | 513 | 201 | 775 | 0 |
| Number of conclusions on dismissing the application in 2015 | 1153 | 258 | 115 | 841 | 0 |
| Number of decisions whereby entitlement /benefit was terminated in 2015. | 9211 | 1549 | 1167 | 6 | 26 |
| Number of conclusions on further recognition of entitlement/granting the benefit under the procedure of reviewing in 2015 | 44130 | 2152 | 1846 | 82 | 9 |

Source: Republic Institute for Social Care

Republic of Serbia tracks poverty as per two concepts, given its national distinctions, as well as the need of alignment with EU statistics on poverty and social exclusion. Thus, as a national indicator it is the concept of absolute poverty that is in use. In 2014, 8.9% population had expenditures that were below poverty line/threshold of poverty (RSD 11.340 monthly per spending unit), and thus was not in a position to satisfy basic living needs. The profile of absolute poverty indicates that absolute rate of poverty is significantly higher in other (non-urban) areas in which it reaches 12.2% in comparison to urban areas in which it are 6.2%. Region-wise, the lowest percent of the absolutely poor is in the Belgrade region (4.7%), whereas the highest is in the region of East and South Serbia (16.4%). Source: Household Spending Survey (<http://sociojalnoukljucivanje.gov.rs/en/social-inclusion-in-rs/statistics/absolute-poverty/>).

Following European practice, the poverty-of-risk line/threshold is also the subject of tracking and reporting on the basis of the Survey on Income and Living Conditions. According to this indicator, 25.4% population was in the risk of poverty, whereas the at-risk-of-poverty or at

risk of social exclusion rate was 41.3% (<http://socijalnoukljucivanje.gov.rs/en/social-inclusion-in-rs/statistics/relative-poverty/>).

Child poverty is significantly above the average for the population both when measured according to absolute and relative concept. Thus, in 2014 12.2% children less than 13 years of age, and 11.5% of children aging 14-18 were absolutely poor. In the same year, 29.9% children under 18 years of age were at the risk from poverty.

Although the Poverty Reduction Strategy officially expired in 2008 (after the general objective was achieved i.e. to half the number of poor in the period of its implementation), Serbia has continued to actively monitor and report on the situation in the area. Important documents adopted by the Government of the Republic of Serbia are the First National Report on Social Inclusion and Poverty Reduction with the Recognized Priorities (2008-2010), (<http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2014/06/First-National-Report-on-Social-Inclusion-and-Poverty-Reduction.pdf>). This paper is adopted in March 2011. After it, the Second National Report on Social Inclusion and Poverty Reduction with the Recognized Priorities (2011-2014) (<http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2014/11/Second-National-Report-on-Social-Inclusion-and-Poverty-Reduction-final.pdf>).

Both the documents highlight key challenges and directions of further development, as well as improving the position of most vulnerable categories of society. In May 2016, Employment and Social Policy Reform (ESPR) in the process of accession to the EU was adopted, defining measures and activities in the years to come, linking them to budget appropriations, with the aim of provision of better protection to vulnerable population. By this document Serbia has defined strands of further changes and measures of social and child care, pension system, health care and health care system, as well as labour market and employment reforms. The Team for Social Inclusion and Poverty Reduction of the Government of the Republic of Serbia has acted as a coordinator when the document was designed, as well as in the case of the two national reports on social inclusion and poverty reduction. Besides, Team for Social Inclusion and Poverty Reduction monitors and reports on social exclusion and poverty thus strengthening the Government capacities for development and implement social inclusion policies.

The share of the expenses for social care in Serbia's GDP (below 25%) is lower than the EU28 average which is in the recent years around 29%. However, according to the data available with the Eurostat for 2012, expenses in absolute terms amounted to approximately only 2.200 PPS per capita, which is by 3.5 lower than in the EU 28. Only Bulgaria and Latvia had less expenditure in PPS per capita than Serbia. (<http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2016/06/SIPRU-ESRP-2016-English.pdf>).

The Government of Serbia regularly tracks and reports on social inclusion and activities targeted at poverty reduction. The source of the data is statistical surveys undertaken regularly, as well as the analyses of administrative data on the recipients of benefits for the poor. More precise findings are contained in the papers such as the First and Second National Report on Social Inclusion and Poverty Reduction, and Employment and Social Policy Reform (ESPR) in the process of accession. Inter-ministerial working group, set up on the basis of the Government decision tasked with development of the ESRP is in charge of the monitoring of its implementation. Ministry of Labour, Employment Veterans and Social

Affairs coordinated the overall process of design and development with the expert assistance of the Team for Social Inclusion and Poverty Reduction. In order to ensure active participation of other relevant stakeholders, at national and local level, such as Permanent Conference of Towns and Municipalities (PCTM), the Sectoral working group for human resource and social development, National Convention on the European Union and other organisations of civil society. The Government of RS will launch the ESRP implementation monitoring platform which should enhance social dialogue and partner relations between government and NGO sector in the context of wider reform process.