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**European Committee of Social Rights
Comité européen des Droits sociaux**

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**DRAFT SECOND REPORT
ON THE NON-ACCEPTED PROVISIONS OF THE
EUROPEAN SOCIAL CHARTER**

SERBIA

Document prepared by the Secretariat

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I. SUMMARY

With respect to the procedure provided by Article 22 of the 1961 Charter – examination of non-accepted provisions – the Committee of Ministers decided in December 2002 that "states having ratified the Revised European Social Charter should report on the non-accepted provisions every five years after the date of ratification" and had "invited the European Committee of Social Rights to arrange the practical presentation and examination of reports with the states concerned".

Following this decision, five years after ratification of the Revised European Social Charter and every five years thereafter, the European Committee of Social Rights (ECSR) reviews the non-accepted provisions with the countries concerned, with a view to securing a higher level of acceptance, given that selective acceptance of Charter provisions was meant to be a temporary phenomenon. The aim of the Article 22 procedure is therefore to review the situation after five years and encourage acceptance of more provisions.

Serbia ratified the Revised Charter on 14 September 2009, accepting 88 of the 98 paragraphs of the Revised Charter. At the time of ratification, Serbia did not consider it bound by 10 numbered paragraphs of the Revised Charter, namely Art.2§4, Art.10§5, Art.19§§11 and 12, Art.27§§1, 2 and 3, and Art.31§§1, 2 and 3. Furthermore, in the declaration deposited with the instrument of ratification, it was indicated that Serbia did not consider itself bound by Art.6§4 in regard to professional military personnel of the Serbian Army, as well as by Art.17§1(a).

For the first time, the procedure provided by Article 22 of the 1961 Charter took place in 2014, and a meeting between members of the European Committee of Social Rights and representatives of various institutions of Serbia was held in Belgrade on 4 November 2014.

The second meeting on the non-accepted provisions of the Revised Charter was held in Belgrade on 22 November 2019. The meeting consisted of an exchange of views and information on the following non-accepted provisions of the Revised Charter:

- The right to just conditions of work (Art.2§4)
- The right to vocational training (Art.10§5)
- The right of migrant workers and their families to protection and assistance (Art.19§11 and 12)
- The right of workers with family responsibilities to equal opportunities and equal treatment (Art.27 §§ 1, 2 and 3)
- The right to housing (Art.31 §§ 1, 2 and 3)

Also the provisions of the Revised Charter which were subject to reservations by Serbia (Article 6§4 and Article 17§1a) were analysed.

An exchange of views also took place concerning the Additional Protocol to the European Social Charter providing for a system of collective complaints, with a view to encouraging Serbia to accept the procedure.

The European Committee of Social Rights remains at the disposal of the authorities of Serbia and encourages them to take the necessary steps towards acceptance of the collective complaints procedure and more provisions of the Revised Charter.

The Committee noted that given the progress achieved by Serbia, there are good indications that no significant obstacles exist to accept Article 10§5, Article 19§§11,12, and Article 27§§1–3, as well as to lift the reservations as regards Articles 6§4 and 17§1a of the Charter.

The factsheet on the provisions of the Revised Charter accepted by Serbia appears in Appendix I. The programme of the meeting appears in Appendix II and the list of participants in Appendix III.

The next examination of the provisions not yet accepted by Serbia will take place in 2024.

II. EXAMINATION OF THE NON-ACCEPTED PROVISIONS

The European Committee of Social Rights was represented by József Hajdú and Yusuf Balci, members of the Committee and Lauri Leppik, former member and General Rapporteur of the Committee.

The Secretariat of the European Social Charter was represented by Henrik Kristensen, Deputy Head of the Department of the European Social Charter, and by Odeta Kumbaro-Bianku, lawyer at the Collective Complaints Division.

The meeting was chaired by Ms Dragana Savic, Head of the Department for International Cooperation, European integration and Project Management, Ministry of Labour, Employment, Veterans and Social Affairs. The opening address was made by Mr Nenad Neric, Secretary of State, Ministry of Labour, Employment, Veterans and Social Affairs. He considered the meeting as an excellent opportunity to analyse the non-accepted provisions of the Charter. He also noted that social policy will have an important role in Serbia's road of accession to the EU. Mr Henrik Kristensen, Deputy Head of the Department of the European Social Charter of the Council of Europe and Ms Nadia Cuk, Deputy Head of the Council of Europe Office in Belgrade also made opening addresses.

The Serbian authorities were invited to present the situation in law and in practice in Serbia concerning the non-accepted provisions, following which the members of the European Committee on Social Rights presented a summary of the ECSR case law and an opinion on possible acceptance of respective provisions.

Article 2§4 (*Right to just working conditions – Risk reduction in dangerous or unhealthy occupations*)

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

- to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations (Article 2§4);

Situation in Serbia

The Law on Safety and Health at Work (Official Gazette (OG) 101/05, 91/15 and 113/17) provides for risk assessment in the work place with a view to the reduction of risks to a minimum. Additionally, there are 56 sub-legal acts: 8 regulations and 48 codes of rules. Under Article 13, para 1 and 2 of the Law on Safety and Health at Work, the employer shall issue a document on risk assessment in writing to all workplaces in the working environment, shall determine the methods and measures for elimination of risks, and shall amend the risk assessment document in case of every new danger and changes in the level of risk in the work process.

According to Article 12, para 1 of the Code of rules on the method and procedure of risk assessment at work place and in working environment (OG 72/06, 84/06, 30/10), the employer shall define the measures for prevention, elimination or risk reduction on the basis of the risks assessed, priorities set and in compliance with the principles of prevention, in line with the occupational safety and health regulations, technical regulations, standards or generally recognised measures.

Under the Labour Law (Article 52, para 1), an employee who works at particularly difficult, strenuous and health-risk jobs and is subject to adverse health effects, despite all the safety and protective measures taken and equipment for personal protection, is entitled to reduced working hours, up to the maximum of 10 hours per week. The working hours shall be reduced proportionally to the noxious effect of the occupational conditions to health and working ability of such employee, on the basis of

a professional analysis. Under Article 69, para 2 of the Labour Law, additional days of annual leave may be granted based on working conditions. Application of the legislation and supervision is carried out through the labour inspection.

The Government has also adopted a Strategy on Safety and Health at Work in the Republic of Serbia for the period 2018–2022 with accompanying Action Plan for its implementation (OG 96/18). The overall objective of the Strategy is to enhance the safety at workplace and maintenance of the working-age population health and/or improvement of working conditions to prevent workplace injuries, occupational diseases and work-related diseases and to reduce them to the lowest possible level and/or elimination or reduction of professional risks.

Opinion of the European Committee of Social Rights

The Committee provided information concerning interpretation and case law on Article 2§4. The first part of Article 2§4 requires states to take the necessary measures to eliminate risks in inherently dangerous or unhealthy occupations. This is closely linked to Article 3 of the Charter on the right to safe and healthy working conditions and the assessment of national situations takes into account the information provided and the conclusion reached in respect of Article 3§2, which is a provision already accepted by Serbia. Article 2§4 gives priority to prevention of risks, which is most often taking the form of reduction in exposure times to the minimum length considered not to present a threat to workers' health.

The second part of Article 2§4 requires states to provide for compensation in the event of residual risks, i.e. in situations where the risks cannot be or have not yet been eliminated or sufficiently reduced despite the preventive measures taken. States Parties enjoy a certain margin of discretion to determine the activities and risks concerned. They must at least consider sectors and occupations that are manifestly dangerous or unhealthy, such as mining, quarrying, steel making and shipbuilding and occupations exposing employees to ionising radiation, extreme temperatures and noise. The aim of the compensation is to offer those concerned sufficient and regular time to recover from the associated stress and fatigue, and maintain their vigilance.

The text of the Charter refers to two forms of compensation for workers exposed to such risks, namely reduced working hours and additional paid holidays. However, other approaches to reducing exposure to risks may also ensure conformity with the Charter. Such other approaches will be assessed on a case by case basis by the ECSR. On the other hand, financial compensation, early retirement or food supplements are not considered relevant and appropriate measures to achieve the aims of Article 2§4. Compensation measures such as one additional day's holiday and a maximum weekly working time of 40 hours have been considered inadequate as these do not offer workers exposed to risks regular and sufficient time to recover. Measures intended to compensate workers for exposure to residual risks must be regulated at the central level and must not be left to the agreements between the social partners.

The Committee took note of the relevant legislation and the Strategy on Safety and Health at Work in Serbia. The legislation obliges employers to conduct risk assessment in the work place. The labour law includes measures to compensate workers at risk through the reduction of working hours or additional leave. However, in Conclusions 2017, the Committee concluded that the situation in Serbia was not in conformity with Article 3§2 of the Charter on the grounds that it was not established that level of protection against ionising radiation is adequate and that domestic workers were not covered by occupational health and safety regulations. Given the link between Articles 2§4 and 3§2, more detailed information on implementation of the legislation and the situation in practice is important to assess the adequacy of protection and compliance with requirements of Article 2§4.

Article 10§5 (*Right to vocational training - Full use of facilities available*)

With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

- to encourage the full utilisation of the facilities provided by appropriate measures such as:
 - a. reducing or abolishing any fees or charges;
 - b. granting financial assistance in appropriate cases;
 - c. including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;
 - d. ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally;

Situation in Serbia

According to the information provided by the Ministry of Education, Science and Technological Development, the Serbian regulations in the area of higher education stipulate that, for the purpose of vocational training of persons with secondary education for the inclusion into the working process, the higher education institution (HEI) may conduct short study programmes with clearly defined structure, purpose and learning outcomes, for which a certificate on completed study programme and acquired skills is to be issued. The HEI may also implement life-long learning educational programmes, under the conditions, in a manner and according to procedures set by the General Law on the Higher Education Institutions. The financing of accredited study programmes, conducted by Serbian higher education institutions is fixed annually within the limits of the budget quota. On the other hand, the short study programmes and life-long learning educational programmes are financed by persons attending the programme, by their employers or other stakeholders.

As regards the financial assistance, pupils' scholarships and loans are available to secondary school students, who are citizens of the Republic of Serbia, have continuous excellent achievements in learning and behaviour, and whose parent or guardian has permanent residence in the Republic of Serbia. Students' scholarships and loans are available to students of higher education institution who are citizens of the Republic of Serbia and have permanent residence in the Republic of Serbia.

The Law on Employment and Unemployment Insurance (OG 36/09 and 88/10) includes the principles of prohibition of discrimination, impartiality in the conduct of employment activities, gender equality, affirmative action towards vulnerable persons, freedom of choice of occupation and work as well as the provision of services to unemployed persons free of charge. Important aspects included notification regarding employment opportunities and conditions, job-matching, vocational guidance and career counselling, as defined under the law, as well as the issuing of work permits to foreigners and stateless persons. A number of additional active measures had been undertaken aimed at stimulating employment, such as employment subsidies, support for self-employment, further education and training, incentives for beneficiaries of unemployment benefit and public works.

Further education and training was organized by the National Employment Service (NES) or agencies, at the employer's request or in response to labour market needs. The costs for organizing these activities at an employer's request were borne by the employer while the costs of further education and training activities organised in response to labour market needs were borne by the NES.

Opinion of the European Committee of Social Rights

The Committee underlined the core aspects of interpretation and case-law with regard to Article 10§5, which provides for complementary measures to make access to vocational training effective in practice.

Under Article 10§5(a) States must ensure that vocational training is provided free of charge or that fees are progressively reduced. Under Article 10§5(b) States must provide financial assistance either universally, or subject to a means-test, or awarded on the basis of the merit. In any event, assistance should at least be available for those in need and shall be adequate. It may consist of scholarships or loans at preferential interest rates. The number of beneficiaries and the amount of financial assistance are also taken into consideration for assessing compliance with this provision. The

granting of financial assistance to students and trainees shall be based on equal treatment between own nationals and nationals of other States Parties lawfully resident or regularly working, while no length of residence may be required. For a thorough assessment of the situation in practice, the Committee seeks additional information on the types and nature of financial assistance available and the conditions of entitlement.

With regard to Article 10§5(c), the time spent on supplementary training at the request of the employer must be included in the normal working-hours. With regard to Article 10§5(d), states must evaluate their vocational training programmes for young workers, including the apprenticeships. In particular, the participation of employers' workers' organisations is required in the supervision process.

The Committee considered that the legislation in Serbia fulfilled most of the requirements of the provisions of Article 10§5. Some further clarifications on implementation would be needed in order to assess of the situation in practice.

Article 19§§11 and 12 (*The right of migrant workers and their families to protection and assistance*)

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

- to promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families (Art.19§11);
- to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker (Art.19§12)

Situation in Serbia

The Serbian authorities provided information on the basic law with regard to fundamentals of education. Although migrants were not specifically mentioned under the law, foreign citizens and stateless persons have the right to education in the same way as nationals. Foreign citizens can receive lessons within the unit of local government. With regard to languages, education was provided in Serbian and eight other minority languages.

According to the Law on the Education System Foundations (Article 3), foreign citizens, persons without citizenship and persons seeking citizenship are entitled to the education under the same conditions and in a manner prescribed for the citizens of the Republic of Serbia. The educational institution shall organise the language courses, prepare the lessons as well as additional lessons for the children and pupils of foreign citizens, persons without citizenship or seeking citizenship, for exiled and displaced persons, refugees and migrants and for children and pupils brought back to the country on the basis of readmission agreement, who do not know the language on which education is organized.

Children of migrants/foreign citizens originating from countries that are the home countries of main national minorities may attend:

- Pre-school education, primary and secondary school on Albanian, Bulgarian, Bosnian, Croatian, Hungarian, Romanian, Ruthenian, Slovakian language;
- Optional subject/programme mother tongue with national culture elements in 16 languages: Hungarian, Bosnian, Roma, Romanian, Slovakian, Bulgarian, Croatian, Ruthenian, Bunjevci, Vlach, Macedonian, Ukrainian, Czech, Albanian, Slovenian and German language;
- Higher education, either entirely or certain study groups: Albanian, Bulgarian, Hungarian, Macedonian, German, Romanian, Slovakian, Slovenian, Ukrainian, Czech, Roma language.

Opinion of the European Committee of Social Rights

In the last meeting in 2015 the Committee gave a generally positive assessment with regard to acceptance of Article 19 §§ 11 and 12 by Serbia.

Under Article 19§11, States should promote and facilitate the teaching of the national language to children of school age, as well as to the migrants themselves and to member of their families who are no longer of school age. The teaching of the national language of the receiving state is the main means by which migrants and their families can integrate into the world of work and society at large. The language of the receiving country is automatically taught to children throughout their formal education, but this measure is not sufficient to fulfill the obligations arising out of Article 19§11. States are invited to introduce additional educational support alongside formal schooling for migrant workers' children who have not attended the first few primary school years and who may therefore lag behind their classmates who are nationals of the receiving state. States must furthermore encourage the teaching of the national language in the workplace, in the voluntary sector or in public institutions, such as universities. Such language classes must be provided free of charge in order not to worsen the already difficult position of migrants on the labour market.

With regard to Article 19§12, the undertaking of States is to promote and facilitate the teaching, in schools or other structures, such as voluntary associations, of those languages that are most represented among migrants within their territory. In practical terms, States should therefore promote and facilitate the teaching of the languages most represented among the migrants on their territories within their school systems or in other contexts such as voluntary associations or non-governmental organizations, where there are a significant number of children to follow the classes.

With regard to Article 19§11, the Committee observed that Serbia provided teaching of the national language to migrants. Concerning Article 19§12, the Committee considered that the situation described in Serbia, where the languages of all major national minorities are taught in schools, appears to cover the biggest minority groups.

Article 27 (*The right of workers with family responsibilities to equal opportunities and equal treatment*)

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

Article 27§1 (*Participation in working life*)

- to take appropriate measures:
 - a. to enable workers with family responsibilities to enter and remain in employment, as well as to re-enter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training
 - b. to take account of their needs in terms of conditions of employment and social security;
 - c. to develop or promote services, public or private, in particular child day care services and other childcare arrangements

Article 27§2 (*Parental leave*)

- To provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice.

Article 27§3 (*Dismissal protection*)

- To ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

Situation in Serbia

The Labour Law (24/05, 61/05, 54/09, 32/13, 75/14, 13/17, 113/2017 and 95/2018) prohibits both direct and indirect discrimination against employees and persons seeking employment in respect of

inter alia familial commitments. Prohibition of discrimination relates to areas covering employment and working conditions, selection of candidates, education, training, promotion at work and termination of the labour contract (Articles 18–23).

The Labour Law (Articles 89–100) also stipulates the right to leave for childcare beyond the maternity leave. The father of the child may also claim the right to leave for childcare. In general case, the duration of the childcare leave extends until expiry of 365 days after the outset of the maternity leave. For employed mothers and fathers of the third and any subsequent child in the duration of the leave for childcare is up to two years.

There is also a possibility for a leave for special care of child or other person. One of parents of a child in need of special care due to severe psycho-physical disability is entitled to (except in cases covered by health insurance regulations), prolong absence from work after the expiry of maternity leave and leave for childcare or work half-time up to the age of five of the child.

As regards protection of employees with family responsibilities against dismissal, under Article 179 of the Labour Law the list of reasons when termination of employment is not considered justified includes temporary inability to work due to illness, absence due to childcare or special care, maternity leave, gender, but also any other personal feature of the employee. Under this provision absence from work due to family obligations is not considered a valid ground for termination of the employment contract.

Opinion of the European Committee of Social Rights

The Committee provided information on interpretation and case-law with regard to Article 27 §§ 1, 2 and 3. Overall, the Article addresses three issues: reconciliation of work and family responsibilities; parental leave; and dismissal protection of workers with family responsibilities.

Concerning Article 27§1(a), States shall ensure that workers with family responsibilities are not discriminated against and shall take positive action, in particular by means of vocational guidance, training and re-training, to provide people with family responsibilities with equal opportunities in respect of entering, remaining and re-entering employment.

With regard Article 27§1(b), States must take measures concerning the length and organisation of working time. Workers with family responsibilities should be allowed to work part-time or to return to full-time employment. Periods out-of-employment due to family responsibilities should be taken into account when determining the right to and calculating the amount of pension. Crediting of periods of childcare leave in pension schemes should be secured equally to men and women.

Under Article 27§1(c), States shall develop child day care services and other childcare arrangements, and make them available and accessible to workers with family responsibilities. Another aspect addressed under Art. 27§1(c) is that parents should be allowed to reduce or cease work because of the serious illness of a child. As regards child care services, there is an overlap between Article 16 and Article 27§1(c) of the Charter. As Serbia has ratified Article 16, it is already bound by the obligation concerning the provision of child day care services under that provision.

Article 27§2 concerns the right to parental leave which is distinct from maternity leave. The father and the mother shall have an individual right to parental leave on the grounds of the birth or adoption of a child, on a non-transferable basis. The duration of the parental leave is to be determined by States Parties, i.e. this is at the discretion of States. There shall be an adequate compensation during the parental leave, however the ECSR has not established fixed thresholds for evaluating adequacy. As regards parental leave, reference was also made to the EU Work-life Balance Directive, which entered into force in August 2019. Under the Directive, the duration of the parental leave shall be at least 4 months, whereas two out of the four months shall be non-transferable between parents.

Article 27§3 addresses the issue dismissal protection of workers with family responsibilities. Family responsibilities must not constitute a valid ground for termination of employment. Courts or other

competent bodies shall be able to order reinstatement of an employee unlawfully dismissed and/or a level of compensation that is sufficient both to deter the employer and proportionate to the damage suffered by the victim and should not be subject to an upper limits. Such measures have an important preventive role to deter employers from discriminating workers with family responsibilities.

The Committee gave a generally positive assessment as the legislation existed for equal opportunities and treatment for workers with family responsibilities and the prevention of discrimination. The situation would need to be clarified in practice and further information would be required for a number of areas, such as the non-transferability of parental leave, social security and pension rights. Serbia has accepted Article 16 on the right of the family to social, legal and economic protection and the Committee pointed out that there was an overlap concerning some of the provisions related to childcare arrangements.

Article 31 (*The right to housing*)

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

Article 31§1 (*Adequate housing*)

- to promote access to housing of an adequate standard

Article 31§2 (*Reduction of homelessness*)

- to prevent and reduce homelessness with a view to its gradual elimination;

Article 31§3 (*Affordable housing*)

- to make the price of housing accessible to those without adequate resources.

Situation in Serbia

Although the Constitution of the Republic of Serbia does not explicitly address the right to housing, Article 18 guarantees human and minority rights by the generally accepted rules of international law. Also Article 69 provides for the right to social protection for citizens and families for the purpose of overcoming social and existential difficulties, which is interpreted to include housing. Serbia is bound by the right to housing through ratification international legal instruments: the Universal Human Rights Declaration (Article 25) and the International Covenant on Economic, Social and Cultural Rights (Article 11). There are also relevant General Comments of the UN Committee on Economic, Social and Cultural Rights (CESCR): General Comment 3 (E/1991/23) the Nature of State Parties' Obligations; General Comment 4 (E/1992/23) on the Right to Adequate Housing; and General Comment 7 (E/1998/22) on Forced Evictions.

The Law on Housing and Building Maintenance (OG 104/2016) defines the appropriate apartment and stipulates the protection from and during forced evictions of persons who do not possess the land on which the facility in which they live is located; various types of housing support and the eligibility criteria for exercising the right to housing support. However, according to the representative of the Ministry of Construction, Transport and Infrastructure, reliable sources of funding for housing policy measures, in particular housing support, are insufficient, and incentives for non-profit housing organisations are missing. Financially larger housing projects are not implemented on the basis of the Law on Housing and Building Maintenance, but on the basis of *lex specialis*, e.g. housing projects for refugees within Regional Housing Programme for Refugees under the Law on Refugees (OG 18/92, 42/02, 30/10); housing projects for security forces under the Law on Special Conditions for Realisation of the Projects for Construction of the Apartments for Security Forces Members (OG 41/18, 54/19); and housing projects for scientists under the Law on Framework Loan Agreement between Council of Europe Development Bank and Republic of Serbia (OG 8/11).

In addition, several strategy documents address housing policies. The National Strategy on Social Housing 2012–2022 (OG 13/12) is still valid for housing support. The objectives of the strategy are to enhance the instruments of social housing development, increase the scope and variety of

housing offer, increase the affordability of housing costs, renew the confidence in rental housing, enhance housing standards, develop instruments for prevention and decrease of homelessness, and enhance housing conditions in sub-standard settlements. According to the assessment of the Ministry of Construction, Transport and Infrastructure on implementation of the National Strategy on Social Housing over the period of 2012–2019 about 32% of the initially planned funds for social housing were utilized. However, there has been lack of progress in the development of instruments against homelessness.

There is also a National Strategy for Resolving Problems of Refugees and Internally Displaced Persons 2015–2020 and the Strategy for the Social Inclusion of Roma Men and Women 2016–2025. A National Housing Strategy is currently being prepared as a new strategic framework for housing.

Opinion of the European Committee of Social Rights

The Committee provided information concerning interpretation and case law with regard to Article 31 §§ 1, 2 and 3 which concerned the areas of access to an adequate standard of housing, the prevention of homelessness and access to affordable housing.

Under Article 31§1 States must guarantee to everyone the right to adequate housing. Adequate housing means a dwelling which is: 1) safe from a sanitary and health point of view and possesses all basic amenities (such as water, heating, waste disposal, sanitation facilities, electricity, etc); 2) not over-crowded – the size of the dwelling must be suitable in light of the number of persons and the composition of the household in residence; 3) with secure tenure supported by the law. To ensure that the housing stock is adequate, public authorities shall take appropriate measure, such as conduct an inventory of the housing stock; apply injunctions against owners who disregard obligations; adopt urban development rules and maintenance obligations for landlords; and take safeguards against the interruption of essential services such as water, electricity and telephone. Public authorities shall also promote access to housing for different groups of vulnerable persons, such as low-income persons, unemployed persons, single parent households, young persons, persons with disabilities, including those with mental health problems. Hence, beyond legal provisions effective implementation is necessary.

Article 31§2 addresses the issue of prevention and reduction of homelessness. States must take action to prevent groups of vulnerable people from becoming homeless, in particular by ensuring access to social housing and setting up procedures to limit the risk of eviction. Evictions should be governed by rules of procedure, which are sufficiently protective of the rights of the persons concerned. There shall be legal protection of persons threatened by eviction, including an obligation to consult the parties affected to find alternative solutions to eviction, and an obligation to fix a reasonable notice period before eviction. Evictions, if they could not be avoided, must be carried out under conditions which respect the dignity of the persons concerned. Evictions carried out at night or during the winter period shall be prohibited by law and authorities must adopt measures to re-house or financially assist the persons concerned. To prevent homelessness, there shall be access to emergency measures, such as shelter, accompanied with procedures to find more permanent housing. The conditions in temporary shelters shall enable living in keeping with human dignity.

Article 31§3 addresses the affordability of housing, in particular for persons with limited resources. Social housing should target the most disadvantaged. Waiting periods for the allocation of housing must not be excessive, and legal and non-legal remedies must be available when waiting periods are long. Housing benefits shall be available at least for low-income and disadvantaged groups.

Finally, the rights to housing must be guaranteed without discrimination, in particular in respect of Roma or travellers.

Notably, Article 31 has some overlaps with Articles 11, 16 and 30, which are ratified by Serbia. The Committee took note of the existing legislation and strategies relating to the right to housing, at the same time recognising some issues identified by national authorities in practical implementation of housing rights and policies.

III. RESERVATIONS

Article 6§4 (*The right to strike*)

At the time of ratification of the Revised Charter, in the declaration deposited with the instrument of ratification, Serbia considered itself bound by Article 6, “with exception in regard to professional military personnel of the Serbian Army concerning paragraph 4”.

Situation in Serbia

Representative of the Ministry of Labour, Employment, Veterans and Social Affairs presented the legislative framework related to collective bargaining, peaceful settlement of labour disputes and strike. The Labour Law regulates the methods of settling the disputes related to collective agreements. The law prescribes the possibility of forming arbitration by participants of collective agreement in for the purpose of settling the disputes during the collective agreement application. Another method is the procedure before the Republic Agency for peaceful settlement of labour disputes. In June 2018, the Law Amending the Law on Peaceful Settlement of Labour Disputes was adopted, which significantly expanded the scope, methods and activities of the Republic Agency for peaceful settlement of labour disputes.

The right to strike is based on Article 61 of the Constitution, which prescribes that the employed persons shall have the right to strike in accordance with the law and collective agreement, and the right to strike may be restricted only by the law in accordance with nature or type of business activity. The right of employees to interruption of work towards protecting his/her professional and economic interests on the basis of work is regulated by the Law on Strike. The Law on Strike prescribes limitations of the right to strike in essential services. The Law on Strike also prescribes that the employment relationship may be terminated with the professional staff of the Army of Serbia if it is determined he/she organised or participated in a strike. Also the Law on the Serbian Armed Forces (Article 14) stipulates that the Professional Serbian Armed Forces personnel shall not be entitled to the right to go on strike. Based on this, the representative of the Ministry considered that Serbia shall maintain the reservation referring to the Professional Serbian Armed Forces in relation to Article 6§4 of the Charter.

Opinion of the European Committee of Social Rights

The Committee noted that under Article 6§4 of the Charter the right to strike of certain categories of public officials, such as members of the armed forces, may be restricted. Under Article G, these restrictions should be limited to public officials whose duties and functions are directly related to public interests, national security etc. Concerning police officers, the Committee has held that an absolute prohibition on the right to strike can be considered in conformity with Article 6§4 only if there are compelling reasons justifying it. A prohibition of the right to strike of the members of the armed forces is not contrary to the Charter.

Article 17§1a (*Right of children and young persons to social, legal and economic protection – Assistance, education and training*)

Situation in Serbia

According to the representative of the Ministry of Education, there are no remaining obstacles to accept Article 17§1a of the Charter.

Opinion of the European Committee of Social Rights

Under Article 17§1a States Parties shall ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose. Article 17§1(a) of the Charter that imposes a positive obligation on States protects the right of the child to grow up in an environment encouraging the development of the child's personality. Serbia has accepted the essence of Article 17§1 and 2, but not alinea a. There is no real distinction among the different alineas of paragraph 1.

The Committee noted that there is no reason for non-acceptance of alinea a and welcomed the indication from the Ministry of Education on willingness to accept Article 17§1a.

IV. EXCHANGE OF VIEWS ON THE COLLECTIVE COMPLAINTS PROCEDURE

Mr Henrik Kristensen provided an overview of the core features of the collective complaints procedure. The procedure enables international NGOs, international and national representative organisations of employees and employers to lodge collective complaints on issues related to collective social rights, provided the respective right has been accepted by a Contracting Party when ratifying the Social Charter. The mechanism provides a legal tool for guaranteeing the full enjoyment of fundamental social and economic rights and had important implications for improving democracy through the involvement of civil society as actors. Mr Kristensen gave an overview of specific rights addressed by complainant organisations under this procedure, and provided data on the number of collective complaints, its breakdown by States Parties and the application of the procedure by the Committee.

Mr Kristensen also noted that at a recent seminar "Reinforcing social rights protection in Europe to achieve greater unity and equality", organised under the auspices of the French Presidency of the Committee of Ministers of the Council of Europe on 19 September 2019 in Strasbourg, representatives of current 15 States Parties to the Collective Complaints Protocol issued a call on the remaining European states to reinforce social rights protection and accepting the collective complaints procedure.

Several representatives of NGOs and trade unions social partners present at the meeting expressed their support of acceptance by Serbia of the collective complaints procedure. The Government representatives indicated an intention to hold consultations with Slovenia and Greece, which have both accepted the Collective Complaints procedure, to study their experiences with the mechanism.

APPENDIX I

Situation of Serbia with respect to the European Social Charter

— Serbia and the European Social Charter —

Signatures, ratifications and accepted provisions												
Serbia ratified the Revised European Social Charter on 14 September 2009 accepting 88 of its 98 paragraphs. It has not yet accepted the system of collective complaints.												
Table of accepted provisions												
1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1	
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3	
6.4 ¹	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1	
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2	
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1	
15.2	15.3	16	17.1 ²	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3	
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22	
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1	
31.2	31.3							Grey = Accepted provisions				
¹ with the exception of professional military personnel of the Serbian Army ² al. 1 b and 1 c are accepted												
Reports on non-accepted provisions												
The European Committee of Social Rights (“the Committee”) examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted a report concerning Serbia in 2015. The Committee gave an overall favourable view with respect to acceptance of the following provisions : Articles 2§4, 10§5, 19§12, 27 and 31.												
Further information on the reports on non-accepted provisions is available on the relevant webpage .												

Monitoring the implementation of the European Social Charter ¹

I. Reporting system ²

Reports submitted by Serbia

Between 2011 and 2019, Serbia has submitted 7 reports on the application of the Revised Charter.

The 7th report, submitted on 17/04/2018 covers the accepted provisions of the Revised Social Charter relating to thematic group 3 "Labour rights" (Articles 2, 4, 5, 6, 21, 22, 26, 28, 29).

Conclusions with respect to these provisions have been published in March 2019.

The 8th report, which was to be submitted by 31/10/2018, should concern the accepted provisions relating to Thematic group 4 "Children, families, migrants", namely:

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19),
- the right of workers with family responsibilities to equal opportunities and equal treatment (Article 27),
- the right to housing (Article 31).

Conclusions with respect to these provisions will be published in January 2020.

¹ The Committee monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ».

Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the Committee](#).

² Following a [decision taken by the Committee of Ministers in 2006](#), the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.

Following a [decision taken by the Committee of Ministers in April 2014](#), States having accepted the collective complaints procedure are required, in alternation with the abovementioned report, to provide a simplified report on the measures taken to implement the decisions of the Committee adopted in collective complaints concerning their country. The alternation of reports is rotated periodically to ensure coverage of the four thematic groups.

Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

Situations of non-conformity ³

Thematic Group 1 « Employment, training and equal opportunities » - Conclusions 2016

► *Article 1§1 - Right to work - Policy of full employment*

It has not been established that employment policy efforts have been adequate in combatting unemployment and promoting job creation.

► *Article 1§4 - Right to work - Vocational guidance, training and rehabilitation*

- It has not been established that the right to vocational guidance within the education system is guaranteed;
- It has not been established that the right of an employed person to an individual leave for training is guaranteed;
- It has not been established that the right of persons with disabilities to mainstream education and vocational training is effectively guaranteed.

► *Article 9 - Right to vocational guidance*

It has not been established that the right to vocational guidance within the education system is guaranteed.

► *Article 10§3 - Right to vocational training - vocational training and retraining of adult workers*

It has not been established that the right of an employed person to an individual leave for training is guaranteed.

► *Article 10§4 - Right to vocational training – Long term unemployed persons*

It has not been established that special measures for the retraining and reintegration of the long-term unemployed have been effectively provided or promoted.

► *Article 15§1 - Right of persons with disabilities to independence, social integration and participation in the life of the community - Vocational training for persons with disabilities*

It has not been established that the right of persons with disabilities to mainstream education and vocational training is effectively guaranteed.

► *Article 15§2 - Right of persons with disabilities to independence, social integration and participation in the life of the community - Employment of persons with disabilities*

- It has not been established that the legal obligation to provide reasonable accommodation is respected;
- Persons with disabilities are not guaranteed effective access to the open labour market.

► *Article 15§3 - Right of persons with disabilities to independence, social integration and participation in the life of the community - Integration and participation of persons with disabilities in the life of the community*

- It has not been established that anti-discrimination legislation covers communication;
- It has not been established that persons with disabilities have effective access to transport and housing.

► *Article 18§2 - Right to engage in a gainful occupation in the territory of other States Parties - Simplifying existing formalities and reducing dues and taxes*

Formalities to obtain the residence and work permits have not been simplified.

► *Article 20 - Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex*

It has not been established that the right to equal treatment in employment without discrimination on grounds of sex is guaranteed in practice.

Thematic Group 2 « Health, social security and social protection » - Conclusions 2017

► *Article 3§2 - Right to safe and healthy working conditions - Safety and health regulations*

- It has not been established that level of protection against ionising radiation is adequate;
- Domestic workers are not covered by occupational health and safety regulations.

► *Article 12§1 - Right to social security – Existence of a social security system*

The duration of payment of unemployment benefits for people who have been insured up to five years is too short.

³ Further information on the situations of non-conformity is available on the [HUDOC database](#).

► *Article 12§4 - Right to social security - Social security of persons moving between States*
Equal treatment with regard to access to family benefits is not guaranteed to nationals of all other States Parties.

► *Article 13§1 – Right to social and medical assistance – Adequate assistance for every person in need*
The level of social assistance paid to a single person without resources is not adequate.

► *Article 23 – Right of elderly persons to social protection*
Adequate resources are not guaranteed.

► *Article 30 - Right to be protected against poverty and social exclusion*
There is no adequate overall and coordinated approach to combating poverty and social exclusion.

Thematic Group 3 « Labour rights » - Conclusions 2018

► *Article 2§1 – Right to just conditions of work – Reasonable working time*
On-call periods during which no effective work is undertaken are assimilated to rest periods.

► *Article 2§7 – Right to just conditions of work – Night work*
There is no provision in the legislation for compulsory medical examinations prior to employment on night work and regularly thereafter.

► *Article 4§1 - Right to a fair remuneration - Decent remuneration*
The national minimum wage is not sufficient to ensure a decent standard of living.

► *Article 4§4 - Reasonable notice of termination of employment – Reasonable notice of termination of employment*

- In general no notice periods are provided for by legislation in case of dismissal;
- The notice period applicable to dismissal on grounds of underperformance, is not reasonable for employees with more than three months of service;
- The notice period applicable to dismissal during the probationary period is not reasonable for employees with more than three months of service.

► *Article 4§5 - Reasonable notice of termination of employment – Limits to deduction from wages*
Deductions from wages upon the employee's consent are not subject to a limit and as a result such deductions may deprive employees with lowest income and their dependants of their means of subsistence.

► *Article 5 - Right to organise*
The conditions imposed by legislation in order to form an employers' organisation constitutes an obstacle to the freedom to organise.

► *Article 6§4 - Right to bargain collectively - Collective action*

- Restrictions on the right to strike in certain sectors are too extensive and go beyond the limits permitted by Article G;
- When establishing a minimum service to be provided during a strike workers (nor their organisations) are not involved on an equal footing with employers when deciding on the nature or degree of the minimum service to be provided;
- Employers have the power to unilaterally determine the minimum service required during a strike

► *Article 22 - Right of workers to take part in the determination and improvement of working conditions and working environment*

- The right to participate in the decision-making process within undertakings with regard to working conditions, work organization and working environment, is not effectively guaranteed;
- The right of workers and/or their representatives to participate in the organization of social and socio-cultural services within an undertaking is not guaranteed and
- Legal remedies are not available to workers in the event of infringement of their right to take part in the determination and improvement of working conditions and the working environment.

Thematic Group 4 « Children, families, migrants » – Conclusions 2015

► *Article 7§4 - Right of children and young persons to protection - Working time*
The duration of daily and weekly working time for young workers under the age of 16 is excessive.

► *Article 16 - Right of the family to social, legal and economic protection*

Equal treatment of nationals of other States Parties regarding the payment of family benefits is not ensured.

► *Article 17§1 - Right of children and young persons to social, legal and economic protection - Assistance, education and training*

Corporal punishment is not prohibited in the home and in institutions.

► *Article 19§6 - Right of migrant workers and their families to protection and assistance - Family reunion and Article 19§10 – Right of migrant workers and their families to protection and assistance - Equal treatment for the self-employed*

Family members of a migrant worker are not granted an independent right to stay after exercising their right to family reunion.

► *Article 19§8 - Right of migrant workers and their families to protection and assistance - Guarantees concerning deportation and Article 19§10 – Right of migrant workers and their families to protection and assistance - Equal treatment for the self-employed*

A migrant worker may be expelled where there exists reasonable doubt that he/she will take advantage of the stay for purposes other than those declared.

The Committee has been unable to assess compliance with the following provisions and has invited the Serbian Government to provide more information in the next report:

Thematic Group 1 « Employment, training and equal opportunities »

- Article 1§2 - Conclusions 2016
- Article 18§4 - Conclusions 2016

Thematic Group 2 « Health, social security and social protection »

- Article 11§1 - Conclusions 2017
- Article 11§2 - Conclusions 2017
- Article 11§3 - Conclusions 2017
- Article 12§3 - Conclusions 2017
- Article 13§3 - Conclusions 2017
- Article 14§1 - Conclusions 2017
- Article 14§2 - Conclusions 2017

Thematic Group 3 « Labour rights »

- Article 2§6 - Conclusions 2018
- Article 4§3 - Conclusions 2018
- Article 21 - Conclusions 2018
- Article 26§1 - Conclusions 2018
- Article 26§2 - Conclusions 2018
- Article 29 - Conclusions 2018

Thematic Group 4 « Children, families, migrants »

- Article 7§1 - Conclusions 2015
- Article 7§3 - Conclusions 2015
- Article 7§5 - Conclusions 2015
- Article 7§6 - Conclusions 2015
- Article 7§9 - Conclusions 2015
- Article 7§10 - Conclusions 2015
- Article 8§1 - Conclusions 2015
- Article 8§3 - Conclusions 2015
- Article 8§5 - Conclusions 2015
- Article 17§2 - Conclusions 2015

- ▶ Article 19§3 - Conclusions 2015
- ▶ Article 19§4 - Conclusions 2015
- ▶ Article 19§7 - Conclusions 2015
- ▶ Article 19§9 - Conclusions 2015

II. Examples of progress achieved in the implementation of rights under the Charter (non-exhaustive list)

Thematic Group 1 « Employment, training and equal opportunities »

- ▶ In 2013, the Labour Code was amended with a view to extending the protection to women on a fixed-term employment contract (Law on Amendments to the Labour Code of 8 April 2013).
- ▶ The Employment of Foreign Nationals Act, adopted in November 2014, enables free access to the Serbian labour market for EU Member State citizens.
- ▶ Law on the Professional Rehabilitation and Employment of Persons with Disabilities (Official Gazette Nos. 36/2009 and 32/2013), which came into force on 23 May 2009 and was amended on 16 April 2013. It prohibits all discrimination against persons with disabilities and aims to create the conditions for equal access for persons with disabilities to the open labour market and to promote professional rehabilitation.

Thematic Group 2 « Health, social security and social protection »

- ▶ A new mechanism has been launched at national level for those municipalities and cities which do not have means to launch social care services: the so-called "earmarked transfer", which under the law regulating funding of local governments, can fund several social care services from the State budget.

Thematic Group 3 « Labour rights »

- ▶ Under Article 68 of the amended Labour Code (came into force on 29 July 2014), employees are entitled to annual leave and cannot waive that right. Under Article 114, during annual leave employees are entitled to be paid at the rate of their average salary for the preceding twelve months.
- ▶ Under the amended Article 66 of the Labour Code, employees are entitled to a minimum of 12 hours of uninterrupted rest within each 24 hour period, unless otherwise specified in the Code. Employees who agree to flexible working time arrangements (Article 57) are entitled to a minimum of 11 hours' uninterrupted rest within each 24 hour period. Under Article 67, if employees are required to work on their weekly rest day their employer must grant them an uninterrupted rest period of at least 24 hours in the following week, before their next scheduled weekly rest period.

Thematic Group 4 « Children, families, migrants »

- ▶ In 2013, the Labour Code was amended with a view to extending the protection to women on a fixed-term employment contract (Law on Amendments to the Labour Code of 8 April 2013).
- ▶ A new Employment of Foreign Nationals Act was adopted in November 2014, enabling free access to the Serbian labour market for EU Member State citizens.

APPENDIX II

PROGRAMME

**2nd MEETING ON THE NON-ACCEPTED PROVISIONS
OF THE EUROPEAN SOCIAL CHARTER**
organised by the Department of the European Social Charter, DG I,
Council of Europe and the Ministry of Labour, Employment and Social
Policy of Serbia

Belgrade, 22 November 2019

Venue: Hotel Zira, Ruzveltova 35, Meeting room "Rodos"
Working languages: English and Serbian

The meeting is organised within the framework of the procedure provided for by Article 22 of the Charter on "non-accepted provisions". It will consist of an exchange of views and information on the provisions not accepted by Serbia with a view to evaluating the prospects for acceptance of additional provisions. In addition, there will be an exchange of views on the collective complaints procedure, which has not yet been accepted by Serbia.

09:00 – 09:20 Opening remarks

- Nenad NERIC, State Secretary, Ministry of Labour, Employment, Veteran and Social Affairs, of the Republic of Serbia of the Serbian Government
- Henrik KRISTENSEN, Deputy Head of the Department of the European Social Charter, Council of Europe
- Nadia CUK, Deputy Chief, Council of Europe Office in Belgrade]

09:20 – 10:30 The provisions not accepted by Serbia

Article 2 (paragraph 4) (*Right to just working conditions – Risk reduction in dangerous or unhealthy occupations*)

- Mira BOZIC, Health and Safety at Work Directorate, Ministry of Labour, Employment, Veteran and Social Affairs,
- Summary of case law and comments by Yusuf BALCI, member of the European Committee of Social Rights

Article 10 (paragraph 5) (*Right to vocational training - Full use of facilities available*)

- Dragica IVANOVIC, Labour and Employment Department, Ministry of Labour, Employment, Veteran and Social Affairs
- Summary of case law and comments by Yusuf BALCI, member of the European Committee of Social Rights

Article 19 (paragraphs 11 and 12)

- Anamarija VICEK, State Secretary, Ministry of Education, Science and Technological Development:
- Summary of case law and comments by Odeta KUMBARO-BIANKU, Lawyer, Department of the European Social Charter, Council of Europe

Discussion/ Questions

10:30 – 10:50 *Coffee break*

10:50 – 11:45 The provisions not accepted by Serbia, continued

Article 27 *Right of workers with family responsibilities to equal opportunity and treatment - Participation in working life, Parental leave and Dismissal protection)*

- Snezana MILAJIC, Labour and Employment Department, Ministry of Labour, Employment, Veteran and Social Affairs
- Summary of case law and comments by Lauri LEPPIK, former member and General Rapporteur of the European Committee of Social Rights

Discussion/ Questions

11:45 – 12:45 *Lunch break*

12:45 – 13:30 The provisions not accepted by Serbia, continued

Article 31 Right to housing (Adequate housing, Reduction of homelessness, Affordable housing)

- Svetlana RISTIC, Ministry of Construction, Traffic and Infrastructure
- Summary of case law and comments by Jozsef HAJDU, member of the European Committee of Social Rights

Discussion/ Questions

13:30 - 14.15. Provisions subject to reservations by Serbia

Article 6§4 *(Right to collective action)*

- Dragana KRALJ, Labour and Employment Department, Ministry of Labour, Employment, Veteran and Social Affairs
- Summary of case law and comments by Yusuf BALCI

Article 17§1 *(Right of children and young persons to social, legal and economic protection - Assistance, education and training)*

- Vukota VLAHOVIC, Family Care and Social Protection Department, Ministry of Labour, Employment, Veteran and Social Affairs
- Summary of case law and comments by Odeta KUMBARO-BIANKU

Discussion/ Questions

14:15 – 15:00 The Collective Complaints Procedure

- Introduction by Henrik KRISTENSEN
- Dragana SAVIC - reasons for non-acceptance of the procedure
- Comments by social partner/civil society representatives

Discussion

15.00 Concluding remarks

- Summing up the possibilities for acceptance by Lauri LEPPIK
- Closing remarks on behalf of the Serbian Government by Dragana Savic
- Closing remarks on behalf of the Council of Europe: Henrik KRISTENSEN

15.30

Closing of the meeting

APPENDIX III

MEETING ON REVISED EUROPEAN SOCIAL CHARTER

Belgrade , 22.11.2019.

List of participants

NAME	INSTITUTION	CONTACT	SIGNATURE
1. Tijana Dutina	Ministry of European Integration		
2. Danilo Ćurčić	Initiative A11		
3. Marko Vasiljević	Initiative A 11		
4. Professor Zoran Stojiljković	United Trade Unions „Nezavisnost“(Independence) President		
5. Čedanka Andrić	United Trade Unions „Nezavisnost“ (Independence) Executive Secretary		
6. Slađana Kiković	United Trade Unions „Nezavisnost“ (Independence) Lawyer		
7. Ivana Pavlović	United Trade Unions „Nezavisnost“ (Independence) Lawyer		
8. Ana Marija Viček državni sekretar	Ministry of Education, Science and Techological Development State Secretary		

9. Đurđica Ergić	Ministry of Education, Science and Technological Development		
10. Saša Stefanović	The Network of Serbian Organisations for Children		
11. Mirjana Džuverović	The Network of Serbian organisations for Children		
12. Ines Cerović	Child Rights Center		
13. Jelena Paunović	Children Rights Centar		
14. Nataša Vučković	Foundation „Center for Democracy“		
15. Ivan Sekulović	Foundation „Center for Democracy“		
16. Aleksandar Marković	Confederation of Autonomous Trade Unions of Serbia - CATUS		
17. Vukota Vlahović	Family Care and Social Protection Department, Ministry of Labour Employment, Veteran and Social Affairs		
18. Dragana Kralj	Labour and Employment Department, Ministry of Labour, Employment, Veteran and Social Affairs		
19. Snežana Milajić	Labour and Employment Department, Ministry of Labour, Employment, Veteran and Social Affairs		

20. Dragica Ivanović	Labour and Employment Department, Ministry of Labour, Employment, Veteran and Social Affairs		
21. Snežana Ristić	Ministry of Construction, Traffic and Infrastructure		
22. Dragana Savić	Ministry of Labour, Employment, Veteran and Social Affairs		
23. Ivana Banković	Ministry of Labour, Employment, Veteran and Social Affairs –Department for International Cooperation and European Integration		
24. Henrik Kristenesen	Council of Europe		
25. Jozsef Hajdu	Council of Europe		
26. Odeta Kumbaro Bianku	Council of Europe		
27. Snežana Kolaković Peurača	National Employment Agency		
28. Snežana Nekvasil	National Employment Agency		
29. Yusuf Balci	Council of Europe ECSR		
30. Lauri Leppik	Council of Europe ECSR		
31. Dragan Knežević			

	Ministry of Labour, Employment, Veteran and Social Affairs		
32. Ivan Kovačević	Union of Employers of Serbia		
33. Svetlana Budimčević	Union of Employers of Serbia		
34. Dušica Lisjak	Interpreter		
35. Biljana Obradović	Interpreter		
36. Ivana Nikolić	Ministry of Labour, Employment, Veteran and Social Affairs – Labour and Employment Department		
37. Nenad Rakić	Ministry of Labour, Employment, Veteran and Social Affairs – Pension Insurance Department		
39. Mina Nikolić	Ministry of Labour, Employment, Veteran and Social Affairs		
40. Danka Čančarević	Ministry of Labour, Employment, Veteran and Social Affairs		

41. Mira Božić, Health and Safety at Work Directorate

42. Tatjana Jakobi, Public Policy Research Center

43. Milena Antic Janic, Ministry of Labour, Employment, Veteran and Social Affairs, Family Care and Social Protection Department

APPENDIX IV

Declaration of the Committee of Ministers on the 50th anniversary of the European Social Charter

(Adopted by the Committee of Ministers on 12 October 2011 at the 1123rd meeting of the Ministers' Deputies)

The Committee of Ministers of the Council of Europe,

Considering the European Social Charter opened for signature in Turin on 18 October 1961 and revised in Strasbourg on 3 May 1996 ("the Charter");

Reaffirming that all human rights are universal, indivisible and interdependent and interrelated;

Stressing its attachment to human dignity and the protection of all human rights;

Emphasizing that human rights must be enjoyed without discrimination;

Reiterating its determination to build cohesive societies by ensuring fair access to social rights, fighting exclusion and protecting vulnerable groups;

Underlining the particular relevance of social rights and their guarantee in times of economic difficulties, in particular for individuals belonging to vulnerable groups;

On the occasion of the 50th anniversary of the Charter,

1. Solemnly reaffirms the paramount role of the Charter in guaranteeing and promoting social rights on our continent;
2. Welcomes the great number of ratifications since the Second Summit of Heads of States and Governments where it was decided to promote and make full use of the Charter, and calls on all those member states that have not yet ratified the Revised European Social Charter to consider doing so;
3. Recognizes the contribution of the collective complaints mechanism in furthering the implementation of social rights, and calls on those members states not having done so to consider accepting the system of collective complaints;
4. Expresses its resolve to secure the effectiveness of the Social Charter through an appropriate and efficient reporting system and, where applicable, the collective complaints procedure;
5. Welcomes the numerous examples of measures taken by States Parties to implement and respect the Charter, and calls on governments to take account, in an appropriate manner, of all the various observations made in the conclusions of the European Committee of Social Rights and in the reports of the Governmental Committee;
6. Affirms its determination to support States Parties in bringing their domestic situation into conformity with the Charter and to ensure the expertise and independence of the European Committee of Social Rights;
7. Invites member states and the relevant bodies of the Council of Europe to increase their effort to raise awareness of the Charter at national level amongst legal practitioners, academics and social partners as well as to inform the public at large of their rights.