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EUROPEAN SOCIAL CHARTER

8th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF SERBIA

Article 7, 8, 16, 17 and 19

for the period 01/01/2014 - 31/12/2017

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CYCLE 2019

**REPORT ON IMPLEMENTATION OF THE REVISED EUROPEAN SOCIAL
CHARTER IN THE REPUBLIC OF SERBIA FOR 2018**

Articles: 7, 8, 16, 17 and 19

Thematic Group IV

Belgrade, March 2019

Article 7 – The right of children and young persons to protection

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

1. to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;
2. to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;
3. to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;
4. to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;
5. to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;
6. to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;
7. to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;
8. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;
9. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;
10. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control.

Article 7§1

Pursuant to Article 24 of the Labour Law ("Official Gazette of the RS", no. 24/2005, 61/2005, 54/2009, 32/2013, 75/14, 13/17 – CC decision and 113/17), employment relationship can be established with a person above the age of 15 who meets other requirements for work at certain tasks, stipulated under the law and/or the Rules on Organisation and Systematisation of workplaces (hereinafter: Rulebook).

The Labour Inspectorate, as an administrative body within the Ministry of Labour, Employment, Veteran and Social Affairs, performs the tasks of inspection, in the area of labour relations and occupational safety and health, over the implementation of the Labour Law, Law on Occupational Safety and Health, Law on Inspection Supervision, Law on Strike, Law on the Protection of the Population from the Exposure to Tobacco Smoke, Law on Prevention of the Harassment at the Workplace, Law on Companies, Law on Volunteering,

Law on Gender Equality, Law on Protection of Whistle-blowers, Law on Requirements for Temporary Assigning Employees to abroad and their protection, other laws, collective agreements, general documents and labour contracts governing the rights, obligations and responsibilities of employees and employers.

Between 1 January and 30 November 2018 labour inspectors conducted in total 63,232 inspections with registered and non-registered companies, whereof 865 inspections with non-registered companies and 62,367 inspections with registered companies, in which case 38,607 inspections covered the labour relations area and 23,760 inspections covered the area of occupational safety and health. They identified 15,772 persons on factual work (“grey zone” work), and after measures being taken by labour inspectors, the employers established employment relationship with 12,632 persons (with 80% of the total number of the persons working illegally). At the same time, between 1 January and 30 November 2018 labour inspectors identified 38 children aged 15 to 18, working contradictory to the Labour Law in the area of hospitality, car washing, motor vehicles maintenance, making and selling bread and bakery, construction, retail trade, personal services – hairdresser activity, liquid fuel turnover, creation of clothes, fruit sale, stone cutting, shaping and processing, as well as in citizens association; labour inspectors brought 15 decisions ordering identified persons to stop working, and to obtain written parental consent and competent health authority certificate and to submit the application for compulsory social insurance. At the same time, labour inspectors submitted 13 requests for initiation of offence proceedings and 1 criminal charge to the Basic Public Prosecutor’s Office for human trafficking, and they informed the Centre for Social Work on everything.

During their inspections, labour inspectors have not identified children under the age of 15.

Law on Simplified Work Engagement on Seasonal Jobs in Certain Activities ("Official Gazette of the RS", no. 50/2018 as of 29.6.2018), which entered into force on 7.7.2018, will be applied six months from the day of its entrance into force and/or from 7.01.2019. The same law stipulates the control of work engagement on seasonal jobs in the area of agriculture, forestry and fishery, including control of natural persons – an owner or a member of family agricultural household dealing with agricultural production.

During their inspections, labour inspectors have not identified children under the age of 15, but only children aged 15 to 18.

Article 7§2

Pursuant to Article 25 of the Labour Law, employment relationship with a person under the age of 18 can be entered into upon written approval of the parents, adoptive parents or guardians, under the condition that such work does not jeopardise his/her health, moral or education, and/or is not prohibited under the law.

A person under the age of 18 can enter into employment relationship only upon certificate of the competent health care body substantiating that he/she is capable of performing such tasks that are stipulated in the labour contract and that these tasks are not harmful for his/her health.

Pursuant to Article 84 of the Labour Law, employees under the age of 18 shall not work at the following jobs:

- 1) involving strenuous physical work, work underground, under water and at excessive heights;
- 2) involving noxious radiation or substances that are toxic, carcinogenic or causing inherited diseases, as well as risk for health related to cold, heat, noise or vibrations;
- 3) those that may, pursuant to advice of the competent health authority, increase health and life risks and be harmful in the light of his/her psychophysical capacities.

Article 274 of the Labour Law confirms that employer in the capacity of a legal entity shall be fined in the amount of RSD 600,000 to 1,500,000 for the following offences:

- if he/she enters into employment relationship with a person under the age of 18 contrary to provisions of this law (Article 25);
- if he/she orders an employee under the age of 18 to work contrary to provisions of this law (Articles 84, 87 and 88);

In addition, an entrepreneur shall be fined in the amount of RSD 200,000 to 400,000 for these offences as well as a responsible person in the capacity of a legal entity or legal entity representative shall be fined in the amount of RSD 30,000 to 150,000 for these offences (Article 274, para 2 and 3 of the Labour Law).

In 2017, during their inspections in the area of labour relations, labour inspectors did not identify children under the age of 15, but only persons aged 15 to 18. They identified 32 employees aged 15 to 18: 7 persons in the area of construction, 7 in the area of agriculture, 6 persons in the personal services activities, 5 persons in the area of transport and warehousing, 4 persons in the area of food production and 3 persons in the area of accommodation and nutrition.

Out of the total number of identified persons aged 15 to 18, 22 persons established an employment relationship upon written approval of the parents, adoptive parents or guardians and upon certificate of the competent health care body substantiating that they are capable of performing such tasks that are stipulated in the labour contract and that these tasks are not harmful for their health.

In 2017, during their inspections with 7 employers, labour inspection identified in total 12 persons under the age of 18, whereof 10 persons worked illegally, because employers did not conclude any labour contracts with them or any other contracts in line with the Labour Law.

Persons under the age of 18, who worked illegally, were identified in their work with employers, whose main activity was:

1. Other processing and preserving fruits and vegetables (5 persons working illegally),
2. Services of preparing and serving drinks (2 persons working illegally),
3. Activity of hairdressers and beauty salons (1 person working illegally),
4. Activity of restaurants and mobile hospitality facilities (2 persons working illegally).

Labour inspectors brought 10 orders for the employers to conclude labour contracts with the persons under the age of 18 who on work-relation arrangement and to report them to the compulsory social insurance, with previously obtained written approval of the parents, adoptive parents or guardians, under the condition that such work does not jeopardise his/her

health, moral or education, and/or is not prohibited under the law and previously obtained certificate of the competent health care body substantiating that person is capable of performing such tasks that are stipulated in the labour contract and that these tasks are not harmful for his/her health.

In addition, labour inspectors have submitted 4 requests for initiation of offence proceedings against a legal entity and a responsible person in the capacity of a legal entity, because employers did not conclude labour contracts or any other contracts, in line with law, with persons under the age of 18 who were in work-based engagement.

Between January and November 2018, labour inspectors identified that 38 children aged 15 to 18 worked contrary to the Labour Law in the area of hospitality, car washing, motor vehicles maintenance, making and selling bread and bakery, construction, retail trade, personal services – hairdresser activity, liquid fuel turnover, creation of clothes, fruit sale, stone cutting, shaping and processing, as well as in citizens association; labour inspectors brought 15 decisions ordering identified persons to stop working, and to obtain written parental consent and competent health authority certificate and to submit the application for compulsory social insurance. At the same time, labour inspectors submitted 13 requests for initiation of offence proceedings and 1 criminal charge to the Basic Public Prosecutor's Office.

Article 7§3

Pursuant to Article 25 of the Labour Law, employment relationship with a person under the age of 18 can be entered into upon written approval of the parents, adoptive parents or guardians, under the condition that such work does not jeopardise his/her health, moral or education, and/or is not prohibited under the law.

Article 274, para 1, item 2 of the Labour Law stipulates that an employer in the capacity of a legal entity shall be fined in the amount of RSD 600,000 to 1,500,000 if he/she enters into employment relationship with a person under the age of 18 contrary to provisions of this law (Article 25).

In addition, an entrepreneur shall be fined in the amount of RSD 200,000 to 400,000 for this offence as well as a responsible person in the capacity of a legal entity or legal entity representative shall be fined in the amount of RSD 30,000 to 150,000 (Article 274, para 2 and 3 of the Labour Law).

Pursuant to Article 30 of the Law on Primary Education ("Official Gazette of the RS", no. 55/13, 101/17, 27/18-other law) primary education is implemented for a period of eight years, in two educational cycles, in accordance with the Law, this Law and the curriculum. All students are required to attend school until they turn 15, until the end of the school year. The school shall facilitate the education to the student who turned 15, and did not finalise the primary school, until he/she turns 17, if it is requested by student or his parent and/or a legal representative. A student who turned 15, and did not complete primary education, may continue his/her education by functional basic education programme for adults.

Regarding the question whether the law foresees part-time working hours and periods of rest for children who are still required to finish primary education, we note that the regulations from the area of primary education do not foresee engagement of children under the age of 15, therefore the question of working hours is not regulated for the children of primary school age.

Labor Inspection, in controlling the work of all employees and persons engaged in employment, including working hours of persons aged 15-18, so far has not encountered cases of organizing work of children, which is not in accordance with the working hours prescribed by the Labor Law.

Article 7§4

Pursuant to Article 87 of the Labour Law, full time working hours for persons under the age of 18 shall not exceed 35 hours per week or eight hours per day.

Overtime and re-distribution of working hours shall not be allowed for employees under the age of 18 (Article 88, para 1 of the Labour Law).

Article 274, para 1, item 7 of the Labour Law stipulates that an employer in the capacity of a legal entity shall be fined in the amount of RSD 600,000 to 1,500,000 if he/she orders an employee under the age of 18 to work contrary to the provisions of this law, while for the same offence an entrepreneur shall be fined in the amount of RSD 200,000 to 400,000 and a responsible person in the capacity of a legal entity or legal entity representative shall be fined in the amount of RSD 30,000 to 150,000 (Article 274, para 2 and 3 of the Labour Law).

In accordance with the Law on Fundamentals of the Education System ("Official Gazette of the RS", no. 88/2017), every person shall have the right to education.

The citizens of the Republic of Serbia shall be equal in exercising their right to education.

A person with developmental impairments and disabilities shall be entitled to education which takes into consideration his/her educational needs within the regular education system with individual or group additional assistance or in a special preschool group or school, in accordance with this and the special law.

A person with exceptional abilities shall be entitled to education which takes into consideration his/her special educational needs, within the regular system, within special classes or within a special school, in accordance with this and the special law.

A foreign citizen, a person without citizenship and a person seeking citizenship shall be entitled to education under same conditions and in the same manner as envisaged for the citizens of the Republic of Serbia.

Based on the data from the Statistical Office of the Republic of Serbia, the number of students in primary and secondary education is the following:

What	How many	When
Number of primary schools— central schools	1134	

		(2017)
• Number of students enrolled in lower grades (I – IV)	223641	(2017)
• Number of students enrolled in higher grades (V – VIII)	257656	(2017)
Number of primary schools – satellite units	2218	(2017)
• Number of students enrolled in lower grades (I – IV)	39497	(2017)
• Number of students enrolled in higher grades (V – VIII)	18353	(2017)
Children in primary education net rate (%)	95,8	(2016)
Students who completed 8 th grade of primary school	67806	(2016)
Primary school completion rate (%)	94,8	(2016)
School leaving rate in primary education (%)	0,6	(2016)
Number of children covered with primary education for the children with developmental impairments and disabilities	4760	(2017)
Number of adults covered with primary education	6012	(2017)
Number of secondary schools	510	(2017)
Number of students enrolled at secondary schools	249094	(2017)
Children in secondary education (%)	89,8	(2016)
Number of children finishing secondary school	64425	(2016)
Secondary school completion rate (%)	90,1	(2016)
School leaving rate in secondary education (%)	1,1	(2016)
Number of children covered with secondary education for the children with developmental impairments and disabilities	1852	(2017)

In an institution founded by the Republic of Serbia, autonomous province or local self-government unit, there will be free of charge:

- Education of children in the year prior to starting school, in accordance with this and the special law;
- Primary education of students and adults, in accordance with this and the special law;
- Secondary education of regular and irregular students, under the same conditions, in accordance with this and the special law.

The Ministry shall undertake different measures with a view of promoting education:

- Increasing the number of children from vulnerable social groups in pre-school education, the following activities are undertaken:
 - They are prioritised during the admission to pre-school institutions.

The following initiatives are ongoing:

- Kindergartens without borders 3 –support to the introduction of a system of social care of children and pre-school skills and education at local level (Zrenjanin, Voždovac and Čukarica)
- Project Inclusive Early Childhood Education: Component 1- 17.000 new places for the children aged 3-5.5, in particular for children from vulnerable social groups; Component 3- Communication campaign; Grants to the municipalities for better-quality support to children and families, at local level,

during their early childhood; Subsidies for kindergartens that are free-of-charge for the recipients of the MSF.

Easier enrolment at primary school

- Based on the *Law on Fundamentals of the Education System*, children from vulnerable groups may enrol at school even without a proof on parents' residence and other required documentation.
- Interviewing children shall take place after the enrolment and it might be in Roma language.

Support to children by developing an individual educational plan

- If necessary, other institutions – centre for social work, health institutions - will be involved in the process...

Affirmative measures programme for the students and Roma nationality students' enrolment at secondary school and faculties

- Since the introduction of affirmative measures for the enrolment at secondary schools (from school year 2005/06), 6,104 students (55% girls) was enrolled.
- In school year 2017/18, 1,969 students of Roma nationality were enrolled at secondary schools.
- Affirmative action for the enrolment at high-school institutions started in 2003/2004 school year and until now, 1,623 students (51 % girls) were enrolled.
- In academic 2016/17 year, through this programme, 182 students were enrolled at the first year (88M, 94F), while in academic 2017/18, 154 students (71M, 83F) were enrolled.

Scholarships, loans, accommodation and food for Roma nationality students

School year	MESTD/Budget of the Republic of Serbia	MESTD in cooperation with international organisations	TOTAL
2015/16	176scholarships – condition: School achievement excellent (65% girls)	510 –school achievement from 2,5 to 3,5	686
2016/17	150 scholarships - School achievement excellent (60% girls)	510 - school achievement from 2,5 to 3,5	660
2017/18	303scholarships - School achievement very good and excellent	500 - school achievement from 2,5 to 3,5	803
TOTAL:			2.149

From the total number of scholarships and loans for the students, the Ministry of Education, Science and Technological Development allocates up to 10% for the students from vulnerable social groups. In addition, there is exemption from school fee, as well as measures

based on which student centres, within their accommodation capacities, should allocate up to 10% for this category of students.

Introduction of Teaching Assistants for the work with Roma nationality students

One of those support measures due to which Serbia is among countries with good practice.

The number of the assistants in the system is currently 175 out of 191 being certified through accredited modules at the Centre for Lifelong Learning in Kragujevac.

Additional 50 Teaching Assistants will be introduced soon, and the work is being done to prepare the description of their jobs, Teaching Assistants networks and the instruments to measure their achievement through a new sublegal act.

Within the Project “Accessible and Quality Education for Roma Girls and Boys” (2017-2018) the training “Development and Teaching of Early Childhood Students“ has been accredited for Teaching Assistants working in pre-school institutions. Teachers who got their diplomas in Roma language at Vocational College for Education of Kindergarten Teachers “Mihajlo Palov” in Vršac, got involved in this work.

The Law on Dual Education (“official Gazette of the RS“,no.101/2017) clearly reiterates the principles (Article 3) of this educational model, there is also para 6 career guidance and employability – development of career management skills, para 9 permeability – access to various work sectors at the same education level, as well as to higher education levels and para 10 lifelong learning – enabling education and development throughout a person’s life in all aspects of life and work. In accordance with the mentioned principles the aims of dual education are set (Article 4; para 4) – provide the conditions for further education and lifelong learning and (Article 4; para 5) - develop entrepreneurship, innovativeness, creativity, professional and career advancement of every individual.

Institutional partnership is established and cooperation between the ministry in charge of education, Chamber of Commerce and Industry of Serbia and the Institute for the Improvement of Education to implement dual education at national level.

In September 2017, a Proposal of a standard for career guidance services and counselling was developed and adopted, which is a basis for creation of school plans and programmes for career guidance and counselling in secondary schools. Career guidance and counselling programme and the school career guidance and counselling teams are foreseen by the Law on Secondary Education (“Official Gazette of the RS”, no. 55/2013 and 101/2017- Article 11). The school shall establish this team to improve the skills of career guidance and making responsible and deliberate decisions on professional future of students. The Law on Dual Education (“Official Gazette of the RS”, no. 101/2017; Article 8) foresees the existence of a career guidance and counselling team in its broad composition. The mandatory members of the team, apart from representatives of the school staff, are professional associations’ representatives and local self-government units. Preparation of the rulebook on the detailed conditions on the method of work, activities and composition of the career guidance and counselling team and the rulebook on the method of assigning students for work-based learning with an employer is in its final phase.

In a dual model of education, a student attends the classes in school and learns through the work with an employer in accordance with qualification standard and school curriculum. The

school is entirely responsible for realisation of plans and programmes. A student in dual model DOES NOT HAVE a status of an employee. Relationship between school, employer and student/parent and/or legal representative is clearly defined by the contracts. The legislation governing the prohibition of dangerous work for kids shall be applied during the work-based learning.

The Law on Fundamentals of the Education System (“Official Gazette of the RS”, no. 88/2017) foresees in its Article 63 that a candidate upon completion of the vocational secondary education, three-year profile by dual model of education, is entitled to general or expert graduation (which is a precondition for permeability towards higher levels of education), and following the programme for acquiring competences required according to graduation programme. A candidate acquires the right to go to an exam at least two years after the completion of vocational secondary education, of the three-year profile by dual model education.

Article 7§5

Pursuant to Article 47 of the Labour Law, an employer may enter into employment relationship with a person who is entering into employment relationship for the first time. Such person may be treated as a trainee for the occupation for which such person has acquired a certain type and level of education/training, if this has been set as a requirement for work at some jobs in the Law or the Rulebook.

During the traineeship, any trainee shall be entitled to salary and all other rights resulting from the employment relationship, pursuant to the law, general document and labour contract (Article 47, para 4 of the Labour Law).

Article 104 of the Labour Law stipulates that any employee shall be entitled to appropriate salary that is set pursuant to the law, general document and labour contract.

All employees shall be guaranteed the equal salary for the same work or the work of same value performed for the employer.

Work of the same value is defined as the work for which the same qualifications, the same education, working ability, knowledge and responsibility are needed, and the same contribution made with equal responsibility.

Decision of an employer or agreement with an employer that fail to comply with para. 2 of this Article shall be null and void.

In case of violation of the right referred to in para. 2 of this Article, an employee shall be entitled to compensation claim.

Pursuant to Article 109 of the Labour Law, trainee shall be entitled to no less than 80% of the basic salary for the jobs the labour contract has been concluded for, as well as compensation of expenses and other emoluments, pursuant to general document and labour contract.

The Article 273, para. 1, item 2 of the Labour Law stipulates that an employer in the capacity of a legal entity shall be fined in the amount of RSD 800,000 to 2,000,000 if he/she fails to pay the wages or minimum wages (Article 104 and 111).

Entrepreneur shall be fined in the amount of RSD 300,000 to 500,000 for the offence referred to in para. 1 of this Article (Article 273, para. 2 of the Labour Law).

A responsible person in the capacity of a legal entity or legal entity representative shall be fined in the amount of RSD 50,000 to 150,000 for the offence referred to in para. 1 of this Article (Article 274, para. 3 of the Labour Law).

Trainee shall be entitled to no less than 80% of the basic salary for the job the labour contract has been concluded for, as well as compensation of expenses and other emoluments, pursuant to general document and labour contract (Article 109 of the Labour Law).

Following the completion of traineeship, employee's earning (salary) shall be increased by 20% comparing to the earning (salary) the employee had in the period of traineeship.

In addition, employees' earnings (salaries) as well as trainees, in line with Article 111 of the Labour Law, cannot be lower from the earning set upon this law, which has been decided by the decision on the minimum cost of labour, published in the Official Gazette of the Republic of Serbia and for 2018 it is set to RSD 143 per an hour. In average monthly minimum earning for 174 hours is RSD 24,882.

We note that the Statistical Office of the Republic of Serbia does not conduct researches related to trainees' earnings (salaries), and according to the last data published by the Statistical Office of the Republic of Serbia, average earning of older employees in the Republic of Serbia for May 2018 was RSD 50,377 excluding taxes and contributions.

On the basis of the Law on Secondary Education ("Official Gazette of the RS", no. 55/13, 101/17) the school shall implement the curriculum, which defines in more details the manner in which the school educates students for the purpose of acquiring knowledge, skills and opinions necessary for further education and employment. Based on the curriculum, the secondary school connects with employers and associations of employers. It shall contain, apart from other programmes, occupational safety and health programme, which covers joint activities of school, parents and local self-government.

The school shall help students and parents in researching possibilities for further education and employment, i.e. identifying, selection and use of numerous information on professions, career, further education and training and creating own opinion about this.

The Ministry of Education, Science and Technological Development in its announcement for admission of the students to the secondary school informs students and parents on schools and educational profiles that realise the education by dual model.¹

¹This is a model of realisation in the system of vocational secondary education in which knowledge, skills, abilities and opinions are gained, developed and upgraded, through theory classes and practice in school and work-based learning with an employer, in accordance with qualification standard and the curriculum.

According to the Law on Dual Education (“Official Gazette of the RS”, no. 101/2017), the compulsory vocational subjects shall include subjects delivered in the form of work-based learning. Learning outcomes stipulated for the subjects delivered in the form of work-based learning shall be the basis for developing the work-based learning delivery plan and shall form part of the school programme/curriculum. After having obtained the opinion of the National Education Council and the Council for Vocational and Adult Education, the Minister shall adopt the dual education curriculum. Standard of qualifications and curriculum shall be updated every 5 years or earlier if it is required by the needs of economy and technological development.

Work-based learning shall account for at least 20%, but no more than 80% of the total number of vocational subject classes, in compliance with the relevant curriculum. Work-based learning shall be organised entirely at one or more employers, in compliance with the curriculum. By way of derogation, part of work-based learning may be organised at a school where this is provided for in the curriculum, or if work-based learning cannot be delivered in its entirety at an employer. The number of work-based learning classes organised at schools shall not exceed 25% of the total number of work-based learning classes envisaged in the curriculum.

A young person educated through work-based learning in dual model of education does not have a status of an employee, but a student.

Article 7§6

Pursuant to Article 47, para. 1 of the Labour Law an employer may enter into employment relationship with a person who is entering into employment relationship for the first time as a trainee for the occupation for which such person has acquired a certain type and level of education/training, if this has been set as a requirement for work at some jobs in the Law or the Rulebook.

During the traineeship, any trainee shall be entitled to salary and all other rights resulting from the employment relationship, pursuant to the law, general document and labour contract (Article 47, para. 4 of the Labour Law).

Pursuant to Article 49 of the Labour Law, an employer shall provide conditions for education, vocational training and advanced training for his/her employee when the work process requires so, or when new methods and organisation are to be introduced.

Any employee shall train, educate and improve him/herself in the working process.

The cost of such education, vocational training and advanced training shall be provided from the funds of the employer and other sources, pursuant to the law and general document.

In case an employee drops out of the education, vocational training or advanced training, he/she shall compensate the cost of such training to the employer, except in case where reasons for such dropping out were justified.

In accordance with the Law on Dual Education (“Official Gazette of the RS“, no. 101/2017), mutual relation between a school, an employer and a student, or a parent or other student’s legal representative, as appropriate, in dual education shall be regulated by contracts. Mutual relation between a school and an employer shall be regulated by dual education contract, whereas mutual relation between an employer and a student, or a parent or other student’ legal representative, as appropriate, shall be regulated by work-based learning contract.

A dual education contract shall be concluded between a school and an employer, in writing, for a minimum period of three or four years, as appropriate, in accordance with the relevant curriculum.

Dual education contracts shall include the following mandatory elements: 1) employer’s identification data; 2) name and surname of a student and his/her home address; 3) name and surname of a parent or other student’s legal representative and his/her home address; 4) school identification data; 5) occupational profile that is the subject of the contract; 6) health institution certificate that a student fulfils health conditions for occupational profile; 7) employer’s obligation to organise and realise work-based learning in line with the curriculum; 8) if curriculum is realised in a national minority language, employer’s obligation is to organise and realise work-based learning in a language of that minority; 9) location and timetable of work-based learning delivery; 10) student’s obligation to regularly attend work-based learning at employer; 11) student’s obligation regarding the time, learning, safety and health protection during work-based learning at employer; 12) student’s in-kind security; 13) student’s financial security; 14) validity of the contract; 15) grounds for contract expiry or termination; 16) dispute resolution modality; 17) date and signatures of the contracting parties.

The contract integral part shall be the work-based learning realisation.

A student attending work-based learning shall be provided by an employer with: 1) personal occupational protective means and equipment; 2) reimbursement of the actual cost of transportation from the school to the location of work-based learning and vice versa, up to the amount of the public transport fare, unless the employer has made its own transportation arrangements; 3) reimbursement of the cost of meals, in conformity with the employer’s internal by-law; 4) insurance against injury during work-based learning at the employer.

Employer may also cover the costs of students’ accommodation and meals at a hall of residence.

Students pursuing work-based learning shall be entitled to a compensation for work-based learning. Compensation for work-based learning shall be paid once per month, at the latest by the end of the current month for the preceding month, per hour spent in work-based learning, in the net amount not lower than 70% of the minimum labour cost in conformity with the law. A student does not a status of an employee, but he pursues work-based learning, receiving in-kind stimulation that has motivation role, and is not personal income of a student.

The inspection shall be conducted by the Ministry through education inspectorate. The oversight concerning working conditions and occupational safety at the employer shall be conducted by the ministry competent for labour affairs - through the labour inspectorate. The oversight of the assignments delegated by this Law to the Chamber of Commerce and Industry of Serbia shall be conducted by the Ministry.

Article 7§7

Pursuant to Article 69, para. 1 and 2 of the Labour Law, it is stipulated that in each calendar year any employee is entitled to an annual leave the duration of which shall be set in the general document and labour contract, but no less than 20 working days. Duration of any annual leave shall be determined by increasing statutory minimum of 20 working days on the basis of labour contributions, working conditions, work experience, educational level and other criteria set in the general document and labour contract.

Pursuant to Article 275, para 1, item 3 of the Labour Law, it is foreseen that an employer in the capacity of a legal entity shall be fined in the amount of RSD 400,000 to 1,000,000 if he\she acts contrary to the provisions of this law governing annual leave, while for the same offence an entrepreneur shall be fined in the amount of RSD 100,000 to 300,000 as well as a responsible person in a legal entity shall be fined in the amount of RSD 20,000 to 40,000 for the same offence (Article 245, para. 2 and 3 of the Labour Law).

In accordance with the Law on Dual Education (“Official Gazette of the RS“, no. 101/2017), Article 6 defines that work-based learning shall be organised during the school year in keeping with the school calendar, between 8am and 8pm, with a maximum duration of six hours per day, or 30 hours per week, in compliance with the curriculum (a student does not have a status of an employee).

During the delivery of work-based learning at an employer, any discrimination, physical, psychological, social, sexual, digital or other kind of violence, abuse or neglect of students shall be prohibited in accordance with the law governing the fundamentals of the education system and other laws.

To be eligible for the delivery of work-based learning, employers shall: 1) be engaged in economic activities that enable the delivery of work-based learning content specified in the relevant curriculum; 2) have adequate space, equipment and instruments for work, in accordance with the rulebook specifying the detailed requirements in terms of space, equipment and teaching aids for the occupational profile concerned; 3) have a sufficient number of licensed instructors, in accordance with the curriculum; 4) ensure the implementation of occupational safety and health measures, in compliance with the law; 5) not be the subject of bankruptcy proceedings or winding-up; 6) fulfil the condition that their responsible officers and instructors have not been finally convicted of criminal offences for which they received an unconditional sentence of at least three months of imprisonment, or of criminal offences of domestic violence, abduction of minors, neglect and abuse of a minor or incest, criminal offences from the group of offences against sexual freedom, against economic interests, against official duty, against legal instruments, and against humanity and other rights guaranteed by international law, irrespective of the imposed penalty; misdemeanours in the field of labour relations; or found to have committed discriminatory conduct, in compliance with the law; 7) not be finally convicted of sanctionable acts prescribed by the law regulating prevention of workplace abuse.

Duration of any annual leave shall be determined on the basis of a labour contract, but cannot be less than 20 working days (Article 69 of the Labour Law) and during the

inspections no cases of violating provisions of the Labour Law, governing duration and payment of annual leave to employees under the age of 18, have been identified.

Article 7§8

Pursuant to Article 62 of the Labour Law, work performed in the period from 10 p.m. until 6 a.m. shall be night work.

Article 88, para. 2 of the Labour Law stipulates that an employee under the age of 18 shall not work at night, except:

- 1) In cases of work in the area of culture, sports, art and advertising;
- 2) When it is necessary to continue work discontinued due to the action of force majeure, under the condition that such work lasts for a definite period of time, that has to be urgently finished and the employer has no other older employees available.

Employer shall, in case referred to in para. 2 of this Article provide supervision of work of employees under the age of 18 by an adult person.

Article 274, para. 1 of the Labour Law foresees that an employer in the capacity of a legal entity shall be fined in the amount of RSD 600,000 to 1,500,000 if he/she orders an employee under the age of 18 to work contrary to provisions of this law, while for the same offence an entrepreneur shall be fined in the amount of RSD 200,000 to 400,000 as well as a responsible person in the capacity of a legal entity or legal entity representative shall be fined in the amount of RSD 30,000 to 150,000 (Article 274, para 2 and 3 of the Labour Law).

During its inspections, the Labour Inspectorate has not identified the cases of employers violating the provisions prohibiting engagement of employees under the age of 18 for the night work.

Article 7§9

Pursuant to Article 25 of the Labour Law, employment relationship with a person under the age of 18 can be entered into upon written approval of the parents, adoptive parents or guardians, under the condition that such work does not jeopardise his/her health, moral or education, and/or is not prohibited under the law.

A person under the age of 18 can enter into employment relationship only upon certificate of the competent health care body substantiating that he/she is capable of performing such tasks that are stipulated in the labour contract and that these tasks are not harmful for his/her health.

Cost of medical examination for persons referred to in para. 2 of this Article, who are registered by the National Employment Service, shall be borne by that Service.

Pursuant to Article 84 of the Labour Law, employees under the age of 18 shall not work at the following jobs: 1) involving strenuous physical work, work underground, under

water and at excessive heights; 2) involving noxious radiation or substances that are toxic, carcinogenic or causing inherited diseases, as well as risk for health related to cold, heat, noise or vibrations; 3) those that may, pursuant to advice of the competent health authority, increase health and life risks and be harmful in the light of his/her psychophysical capacities.

Pursuant to Article 86 of the Labour Law, the cost of medical examinations referred to in Article 84, item 3 shall be borne by an employer.

Article 274, para. 1, item 2 of the Labour Law stipulates that an employer in the capacity of a legal entity shall be fined in the amount of RSD 600,000 to 1,500,000:

- if he/she enters into employment relationship with a person under the age of 18 contrary to provisions of this law (Article 25);

- if he/she orders an employee under the age of 18 to work contrary to provisions of this law (Articles 84, 87 and 88);

In addition, for the same offence, an entrepreneur shall be fined in the amount of RSD 200,000 to 400,000 as well as a responsible person in the capacity of a legal entity or legal entity representative shall be fined in the amount of RSD 30,000 to 150,000 (Article 274, para 2 and 3 of the Labour Law).

The Labour Inspectorate controls the implementation of applicable regulations in the field of labour and it has identified only the cases of employment of children without previously obtained health authority certificate and it has been ordered this to be corrected.

Article 7§10

Pursuant to Article 25 of the Labour Law, employment relationship with a person under the age of 18 can be entered into upon written approval of the parents, adoptive parents or guardians, under the condition that such work does not jeopardise his/her health, moral or education, and/or is not prohibited under the law.

Pursuant to Article 84 of the Labour Law, employees under the age of 18 shall not work at the following jobs: 1) involving strenuous physical work, work underground, under water and at excessive heights; 2) involving noxious radiation or substances that are toxic, carcinogenic or causing inherited diseases, as well as risk for health related to cold, heat, noise or vibrations; 3) those that may, pursuant to advice of the competent health authority, increase health and life risks and be harmful in the light of his/her psychophysical capacities.

Pursuant to Article 87 of the Labour Law, full time working hours for persons under the age of 18 shall not exceed 35 hours per week or eight hours per day.

Article 88 of the Labour Law stipulates that overtime and re-distribution of working hours shall not be allowed for employees under the age of 18.

Employee under the age of 18 shall not work at night, except:

1) In cases of work in the area of culture, sports, art and advertising;

2) When it is necessary to continue work discontinued due to the action of force majeure, under the condition that such work lasts for a definite period of time, that has to be urgently finished and the employer has no other older employees available.

Employer shall, in case referred to in para. 2 of this Article provide supervision of work of employees under the age of 18 by an adult person.

Article 274, para. 1, item 2 and 7 of the Labour Law stipulates that an employer in the capacity of a legal entity shall be fined in the amount of RSD 600,000 to 1,500,000:

- if he/she enters into employment relationship with a person under the age of 18 contrary to provisions of this law (Article 25);

- if he/she orders an employee under the age of 18 to work contrary to provisions of this law (Articles 84, 87 and 88);

In addition, for the same offence, an entrepreneur shall be fined in the amount of RSD 200,000 to 400,000 as well as a responsible person in the capacity of a legal entity or legal entity representative shall be fined in the amount of RSD 30,000 to 150,000 (Article 274, para 2 and 3 of the Labour Law).

Prevention and suppression of the violence against children is one of the priorities of the Republic of Serbia national policy.

The Council for the Rights of the Child, the advisory body of the Government of the Republic of Serbia, brought a decision to launch an initiative for development and adoption of a new **Strategy for the Prevention and Protection of Children against Violence for the period from 2018 to 2022**. Although upon the expiry of the National Strategy for the Prevention and Protection of Children Against Violence for the period 2009-2015 a formal evaluation of its application impact has not been made, the results of numerous researches show that the violence against children in Serbia is still present in Serbia and it is the basis for adoption of a new strategy. In July 2018, a final Draft of the Strategy and accompanying Action Plan were prepared as well as a proposal of the text of improved **General Protocol for the Protection of Children Against Violence** and in the coming period the steps will be taken for these documents to be adopted.

The vision of the Strategy is for all children in the Republic of Serbia to grow up in a safe and stimulating environment where the right of a child to the protection from all forms of violence is fully respected. The general objective is to secure continuous overall reply of the society to the violence against children, in accordance with the dynamic of challenges, risks and threats, through an upgraded system of prevention, protection and support. Specific objectives are: 1) improved prevention and systematic work to change the attitudes, values and behaviour in relation to the violence against children, 2) improved interventions aimed at the protection of children against violence and 3) improved normative, institutional and organisational mechanisms for the prevention and protection of children against violence.

The new Strategy is harmonised with series of international and regional agreements from the area of human rights protection, which were ratified by the Republic of Serbia –UN Convention on the Rights of the Child, the EC Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse (“Lanzarote Convention”) (2007/2010), the EC Convention on the Prevention and Fight Against Violence over Women and Domestic Violence (Istanbul Convention). International legislative framework for this strategy is also

the European Social Charter (1961) and the European Revised Social Charter; European Convention on the Exercise of Children's Rights; the CE Strategy for the Rights of the Child 2016-2021; UN 2030 Sustainable Development Agenda, etc.

The current **General Protocol on Protection of Children from Abuse and Neglect** contributed to development and widening of the network of multidisciplinary teams for the protection of children in local community and application of a common model of these teams at municipal level throughout Serbia. In accordance with General Protocol, mandatory 24-hour duty shifts/watch have been introduced, in all the centres for social work, for the cases of urgent interventions aimed at protection of children from abuse and neglect, which are conducted in cooperation with police and health service. All residential social welfare institutions are obliged, in accordance with the **Special Protocol on Protection of Children at Social Welfare Institutions from Abuse and Neglect**, to inform the inspection at the ministry, verbally without delay and the latest within 24 hours in writing, on every incident at the institution, and internal procedures have been prescribed on the way how to act in the mentioned situations.

In 2010, the Republic of Serbia ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. As of 2013, sexual delicts on children in Serbia cannot be subject to limitations anymore, and that is regulated by Article 108 of the Criminal Code of the Republic of Serbia. Serbia became the first country in which it is recognised that no sexual trauma of a child has an expiry date, it leaves long-lasting effects during life and it requires legal possibility of criminal proceedings at the moment when a person who experienced sexual trauma feels capable to participate in the proceedings. The change in legislation increased the possibility for penalising a perpetrator in such a way that during his entire life he/she can be brought before the court for the criminal act against a child.

Numerous programmes and campaigns have been organised: "Country level engagement and assistance to reduce child labour" (CLEAR); IPA 2013 Project "Improvement of the Rights of a Child by Strengthening the Judiciary and Social Protection System in Serbia"; Project "Click Safely Safer Internet Centre Serbia", Internet Portal "Net Patrol" has been activated; Internet campaign "Turn off the Violence" (#iskljucinasilje); the Campaign "1 out of 5", etc.

The phenomenon "Street Children" is accessed in a systematised and organised manner. The centres for social work received instructions to form special teams consisting of a guardianship authority expert, a police officer and a representative of regional health centre with an aim to provide full and continuous social and family and legal protection to these children. Until now 115 teams have been formed in 115 centres for social work.

The centre for social work, functioning as a guardianship authority, protects these children and undertakes all available measures from its jurisdiction to protect their rights and interests.

Centres for social work submit their quarterly reports on realisation of the given instructions to the Ministry. In January 2015, at the Ministry of Labour, Employment, Veteran and Social Affairs, an Action Plan was developed for providing protection and support to children living and working on streets. This Plan primarily refers to provision of specialised capacities for increased intensified treatment (PIT programme), expanding capacities in

Belgrade as well as creating preconditions for services provision decentralisation. PIT programme has been implemented in the Institute for Education of Children in Belgrade for 11 years. It is designed for the children up to the age of 14 (criminally irresponsible), with intense difficulties in psychophysical, emotional and social development. Based on the reports made by persons responsible for programme implementation, which lasts from 6-9 months, the success is at the level of 90% or this percentage shows how many children will not go back to the streets. Following the completion of the programme, children return either to their own families – parents or to foster families or to social welfare institutions for children deprived of parental care.

The plan of the activities for "street children" foresees the usage of certain empty capacities in the existing social welfare institutions for accommodation of children deprived of parental care and children with behavioural difficulties, within PIT programme realisation. So, in April 2016, PIT programme capacities were expanded in Belgrade, by assigning a house of 1000m² to the Institute for Education of Children and Youth in Belgrade, with a view of expanding capacities from current 6 to 20 users. After the reconstruction and renovation, the house became fully functional.

Two licensed drop-in centres, for the children living and working on the streets, are functional in the Republic of Serbia. Appropriate protection measures have been taken.

Through the ILO Project “Country Level Engagement and Assistance to Reduce Child Labour”, the process of creating Road Map is realised in cooperation with MoLEVSA and Centre for Social Policy. **Road Map for elimination of child labour in Serbia, including the worst forms of child labour: 2018-2022** is a document that covers the activities influencing the efficient prevention and removal of the consequences of the child labour. It has been developed through a consultative process between key partners: ministries, national bodies and councils, social partners and civil society organisations and it has been developed in period from August till the middle of November 2017. Complexity of the child labour phenomenon requires additional effort to place the existing policies, laws and plans of different stakeholders in a framework, which would enable more efficient and effective actions in the prevention, protection and combating child labour.

An analysis of the current state of affairs and normative and legal foundation for the protection of children from the worst forms of violence has been made. Based on this analysis, a proposal has been made to change and amend several laws (Labour Law, Criminal Code and Misdemeanour Law as well as various protocols for the protection of children from abuse and neglect). A list of hazardous jobs is prepared and converted into the **Government Regulation on the list of hazardous jobs for children and the worst forms of child labour**, which was adopted by the Government of the Republic of Serbia in May 2017. In September 2017, **the General Protocol on the Protection of Children from the Worst Forms of Child Labour and the Protocol on the labour inspection actions as well as the Instruction to be complied with by the centres for social work while protecting children from the worst forms of child labour**, were adopted. Labour inspectors have been trained how to apply the Regulation and Protocols. In the Republic Institute for Social Protection, training programme titled "Street Children – development of foster care for children living and/or working on the streets" has been accredited. Programme is designed for the experts employed in the centres for social work as case leaders for children, foster care counsellors,

supervisors, experts employed in drop-in centres for children and NGOs providing support to street children, foster care providers and future foster care providers.

Regarding the experts' training, the ministry in charge of social protection introduced an obligation for the experts in the social welfare system to attend **accredited training programmes**. Accreditation system is covered by the Law on Social Protection (2011) and closely related to the process of obtaining the licence for the work of the experts in this field. Accredited training programmes mostly contain modules (introductory ones) on human rights, and all programmes, aimed at improvement of the status of children, contain central topics on achievement and promotion of child rights, in particular the right to life in family, the best interest of a child, the right to the protection from neglect, abuse and exploitation, the right to respect child opinion, referring to the principles and provisions of the Convention on the Rights of the Child.

Taking into account that the Republic Institute for the Social Protection carries out the tasks of training programmes and services provision programme accreditation, including programmes aimed at improvement of competencies for the work with violence victims, we will provide the data on the number of programmes in this field and the total number of these programmes participants. The data source is the Database of accredited programmes in the field of social protection, which has been led by the Department for Professional Training at the Republic Institute since 2008. Based on the data from the registry of accredited programmes, from the moment when accreditation process was established, more than 200 programmes have been accredited, whereof currently around 150 are active. More than 20 programmes cover the contents relating to the violence, regardless of whether the topic is prevention of violence or the work with the victims or violence perpetrators. Between 2008 and the end of 2017, 8,348 persons attended the training, which is 24.33% of the total number of attendees of all accredited programmes. In 2017, the accredited programmes, related to the violence, were attended by 404 persons.

The registry of accredited programmes include the large number of programmes aimed at the protection of children from violence:

- Protection of children from abuse and neglect – General Protocol application;
- Protection of children from abuse and neglect – Special Protocol application;
- CSW interventions to protect children from abuse and neglect;
- Initial training for (telephone) counsellors;
- **Strengthening the capacities of social welfare experts for the protection of children from violence and abuse on Internet;**
- Social services providers training for the work with children, asylum seekers, focusing on the gender-based violence victims, etc.

In the course of 2016, the programme “Strengthening the capacities of the social welfare experts for the protection of children from violence and abuse on Internet” was attended by 265 attendees, to prepare the employees in the field of social protection for the new form of violence and abuse of children. In 2017, other programmes in the field of children protection against violence were attended by 101 persons.

Children protection against **digital violence** is subject of the Draft Strategy for the Prevention and Protection of Children against Violence for the period 2018 – 2022, which

foresees appropriate measures and activities for the protection of children in digital space. In a part of the Strategy, referring to some researches, it is said that digital space becomes very important area in which the children are exposed to the violence. The results of the research from 2012 show that almost 90% of children in Serbia, aged from 10 to 15 uses information and communication technologies every day and accesses internet from the age of nine, mostly by mobile phones. Majority of them is ready to leave personal data on internet, including the home address, and every fourth girl would accept to meet a person who is her “friend” on Facebook or other social network. Every third student of primary school was a victim of digital violence. It is worrying that only 12% of secondary school students who are using internet is aware of potential risks, every fourth parent does not know what his/her child is doing on computer and that 65% of teachers does not know to recognise and to react in case of digital violence against children and among children.

Preview of accredited training programmes in the field of domestic violence by the number of realisation and the number of participants for the period 2014-2017

Serial number and programme title	no 14	no ² 15	no 16	no 17	Total number of realisat ions	NP ³ 14	NP 15	NP 16	NP 17	Total num ber of partic ipants
1. Prevention of violence against older persons	/	/	/	/	0	/	/	/	/	0
2. Training of social services providers for the work with the victims of gender-based violence	/	/	2	/	2	/	/	27	/	27
3. Power of change—how to establish and lead support and self-help groups for the women who survived domestic violence	/	1	/	/	1	/	18	/	/	18
4. Training of social services providers for the work with the victims of violence	1	1	1	1	4	11	10	10	10	44
5. Safe house –work in the centre for help to the victims of domestic violence	/	/	5	3	8	/	/	99	65	164
6. Application of antidiscrimination practice in the worker with older persons	/	/	/	/	0	/	/	/	/	/
7. Domestic violence and institutional protection	4	5	1	3	13	91	10 2	22	57	272
8. Organising cases conferences for the protection from domestic violence	1 3	3	1	2	19	310	60	20	46	436
9. Coordination of local community actions in prevention and protection from domestic violence	4	3	1	4	12	83	58	26	86	253

² Number of training programmes realisations

³Number of training participants

10. Work with domestic violence' victims in the centre for social work	1	3	1	/	5	24	66	22	/	112
11. Work with bullies in the centres for social work	2	3	/	1	6	45	64	/	18	127
12. Initiation of court proceedings by the guardianship authority	1	/	/	/	1	11	/	/	/	11
13. Overcoming professional stress	3	2	1	1	7	46	37	22	21	126
14. Protection of a child from abuse and neglect: General Protocol application	1	1	/	/	2	26	25	/	/	51
15. Protection of a child from abuse and neglect: Special Protocol application	1	1	/	/	2	34	27	/	/	61
16. Interventions of the centre for social work in protection of the children from abuse and neglect	/	/	1	3	4	/	/	21	55	76
17. Initial training for (telephone) counsellors	1	/	1	1	3	20	/	22	12	64
18. Training of professionals for the treatment of violence perpetrators in partner relations	/	1	1	4	6	/	10	11	50	71
19. The main training package for the work on SOS phone with women with disabilities who experienced violence	1	/	/	/	1	9	/	/	/	9
Total:					96					1922

The Registry of accredited training programmes includes large number of programmes, which content is related to the domestic violence issue. Between 2014 and 2017, in total 96 training events were realised by these programmes and attended by 1,922 participants.

National Contact Centre for Online Safety of Children (19833)

In accordance with the Regulation on Safety and Protection of Children when using ICT ("Official Gazette of the RS", no. 61/16), the National Contact Centre for Online Safety of Children was established at the Ministry of Trade, Tourism and Telecommunications.

Through this Centre, the Ministry gives advice to children, parents, students and teachers, and other citizens, on the benefits and risks of internet usage and the ways how to use new technologies safely. Reporting on harmful, contemptuous and illegal content and behaviour on internet is enabled, and/or reporting on the rights and interest of a child being jeopardised.

The reports received are also examined by other competent institutions and services (Ministry of Interior, Prosecutor's Office, health centres, centres for social work) depending on the fact whether illegal content and behaviour harms psychological or physical integrity of a child (violence threats, stalking, assault, child pornography, etc.), violates the right, health status, wellbeing, general child integrity or represents a risk from becoming dependent on use of internet.

Contact centre operators and advisors give advice to parents, guardians, teachers to talk to children and to draw their attention to the danger of any kind of communication with strangers, to avoid such communication, to refuse to answer to all inquiries and requests from unknown accounts and internet addresses and give answers to the questions: how to use social networks safely, how to install filter from parental control, what to do when a social network profile is hacked, how to remove false account on social network, how to avoid pop-up ads, how to block an account that spreads offences, how to create strong password, etc.

The National Contact Centre receives cases like: offences, identity theft, photos misuse, different forms of peer digital violence, but also the cases of paedophilia, and/or online predatory, threats, sexual harassment and other potential crimes. Depending on the type of reports, they are forwarded to the Prosecutor's Office for High Tech Crime and the MOI, and/or Ministry of Education, along with an advice to the callers, while the reports concerning children health' threats due to the excessive usage of internet are forwarded to the competent health centres. For the purpose of improving the cooperation and exchanging experience with health professionals and associates in the centres for social work, technical training is conducted for the employees at these institutions, for the usage of an application used to forward citizens' reports. Through this application, the National Contact Centre is linked with 500 individual contacts in all partner institutions.

From its establishment in February 2017, up to and including 31.07.2018, the total communication registered at the National Contact Centre for Online Safety of Children, through telephone calls, e-mails, reports on the site and social networks, was 5.072.

Training, seminars, workshops

Apart from giving advice at the National Contact Centre, operators/educators conduct training on online safety by holding lectures in schools for children and parents, and training events for the staff at health centres and centres for social work. Operators/educators of the National Contact Centre held presentations on the topic of online children safety between February 2017 and 31.07.2018: for 150 employees at health centres (directors, school dispensary paediatricians and psychologists) and for 8,000 students and around 2,680 parents in 79 primary schools.

IT caravan – “Smartly and Safely“

The Ministry of Trade, Tourism and Telecommunications is informing children, parents and teachers on the danger on internet and the preventive measures through web site “Smartly and Safely” (www.pametnoibezbedno.gov.rs) and through television video programmes and media and digital campaigns. The Ministry of Trade, Tourism and Telecommunications, within the mentioned project, runs a campaign “IT caravan” at annual level. The first “IT caravan” was organised from 20 April to 3 June 2016. School presentations were attended by 5,000 students of higher primary school grades in 15 schools, while several thousand citizens saw the promotion of this project at city squares. In 2017, within “IT caravan”, presentations on the protection from digital violence and other forms of children misuse on internet were attended by 5,500 students and about 90 teachers from 17 primary schools in Serbia. In 2018, the third year in a row, “IT caravan” campaign was organised for primary schools' students in Serbia, their parents and teachers. It was aimed at promotion of smart and safe usage of new technologies. The main programme, consisting of

educational presentation on online children safety and workshops for students and parents, was presented for 26 schools in total, in regional centres in Serbia from 27 February to 27 March 2018. Programme from Nis and Novi Pazar was followed by around 800 schools through a direct internet broadcasting.

Parental control service

The Ministry of Trade, Tourism and Telecommunications introduced a provision concerning parental control service to the Proposal of the Law on Electronic Communications, which foresees that an operator shall, upon subscriber's request, provide parental control service, which enables: 1) restriction of access to certain contents; 2) prohibiting calling and sending electronic messages to certain numbers; 3) calling and sending electronic messages only to certain numbers;

Replies to the questions of the European Committee of Social Rights – contribution of the Equality Commissioner.

With regard to a remark made by the Committee in relation to *Article 7 of the Charter - The right of children and young persons to protection*, from the Conclusions 2015 of the European Committee of Social Rights, that there are several authorities responsible to oversee the children rights in Serbia, we would like to note that the Law on Prohibition of Discrimination, implemented directly by the Commissioner, regulates the special cases of discrimination, among which children discrimination is given as well as discrimination on the grounds of age. The Law stipulates that every child, that is, every minor, shall have equal rights and protection in the family, society and the state, regardless of his/her personal characteristics, or those of his/her parents, guardians or family members (Article 22). It is forbidden to discriminate against individuals on the grounds of age (Article 23).

The practice of the Commissioner between 2014 and 30.6.2018 shows that the age is one of five the most frequent grounds for discrimination. Therefore, all complaints in which the age is mentioned as a personal characteristic are examined, and the statistical data on the complaints of children under the age of 18 is separately kept.

Complaints lodged with Equality Commissioner, based on age/of children

	2014.	2015.	2016.	2017.	30.6.2018.
Number of complaints, the age/children	78 (11.3%)/ 45	61 (9.4%)/ 20	75 (11.8%)/ 30	75 (11.8%)/ 37	37 (6.50%)/ 13

In the course of the reporting period, the largest number of complaints due to discrimination of children under the age of 18 was from the area of education and professional development, in which children and youth up to the age of 18 mostly face discrimination. Based on the analysis of the complaints, it can be concluded that the age, as the grounds of discrimination, appears often in combination with another personal characteristic – disability, health status, etc. This is the case especially with multiple discrimination of children with developmental disorder and disabilities in the area of education and professional development.

CENTRE FOR HUMAN TRAFFICKING VICTIMS PROTECTION

From its establishment the Centre for Human Trafficking Victims Protection continually works to improve competencies, knowledge and skills of the experts working in different areas, who might face human trafficking and who have an important role in human trafficking victims' identification. These activities related to the training events, informing professional and general public, consultations and professional support to the experts in the areas of social protection, education and justice.

In 2014, the following activities were undertaken:

- Activities aimed at local communities' capacities strengthening to organise the protection of the victims and create preconditions for appropriate protection of victims in 10 towns - Sombor, Kikinda, Pančevo, Smederevo, Požarevac, Šabac, Pirot, Novi Pazar, Leskovac and Prokuplje (Project of the International Organisation for Migrations "Strengthening System Partnership in the Implementation of the National Strategy for the Fight Against Human Trafficking"). The activities covered providing information and education on human trafficking, support to victims, principles and ethics in the work with the victims and the basic request of communication and access to a victim with a view of creating trust relation
- A publication/manual "The findings of a research and recommendations for more efficient protection of human trafficking victims in Serbia" has been prepared and distributed in cooperation with the Public Policy Research Centre. The manual is especially useful to the experts of the centres for social work.
- A workshop "Human Trafficking and Irregular Migrations" was realised. It was designed for the centres for accommodation of asylum seekers and centres for social work from the areas in which asylum centres are functional. It contributed to the development of capacities to recognise human trafficking victims in a group of irregular migrants and informed the participants on the victims' rights and protection standards.

In 2015, the following activities were undertaken:

- Indicators are developed for preliminary identification of human trafficking victims for the systems of social protection, education and police (Project of the International Organisation for Migrations "Strengthening System Partnership in the Implementation of the National Strategy for the Fight against Human Trafficking"). Multisector training programme was developed "Application of indicators for preliminary identification of human trafficking victims" and five-day training was conducted for a team of 20 trainers for programme application. This team of trainers held 25 two-day trainings for application of indicators in 25 towns in Serbia. 445 experts from the system of social protection, education and police were trained for indicators application (196 experts from social protection, 118 participants from police and 32 experts from education). At the end of the year, additional 2 trainings were held by this programme (40 participants). Activities were supported by the Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Education, Science and Technological Development, Ministry of Interior and Higher Public Prosecutor's Office.

- One training held by accredited training programme "Support to human trafficking victims in the social protection system – detection, needs assessment and support planning"
- At an International Conference of the Association of Social Workers of Serbia, the lecture was held on "Role and Responsibility of a Social Worker in the Protection of Children in Unexpected Crises" and a topic presented on human trafficking. About 68 experts from social protection area attended the event.
- Lectures for students at the Police Academy were held. These lectures were held within the working programme on the subjects that are mandatory for the students of this faculty to listen and to pass the exam. The HTVPC was also involved in the Working Group, which was formed, at the end of 2014, by the OSCE Mission and which was tasked to develop recommendations "Legal framework and recommendations for application of non-punishment principles of human trafficking victims in the Republic of Serbia".

In 2016, the following activities were undertaken:

- 4 training events by accredited training programme "Application of indicators for preliminary identification of human trafficking victims" for the experts from education system (participants were representatives of 17 school administrations, 80 participants trained).
- Preventive programme was created for the education system, Programme of students' protection from human trafficking in education". The Programme covers: Manual for education system – protection of students from human trafficking, Practicum with working material for the workshop with teachers, parents and students and educational movie "Observers".
- In line with the Programme of protection of students from human trafficking in education, supported by UNITAS Fund, training events were conducted for application of the programme as well as a media campaign. Activities covered around 380 schools in all 17 school administrations, 6,273 teachers involved, 53,526 students and 4,190 parents. Activities in the work with children and parents covered the development and placement of posters, notices, preparation and realisation of public lectures, street manifestations, theatre performances performed by students, newspaper articles, organising street performances, publishing photos and publishing information on school sites, appearances in local medias. For the occasion of marking 18 October, EU Anti-Trafficking Day, preventive movie "Observers" was broadcast for the first time. Only on YouTube channel of UNITAS fund, by the end of the year 2016, the movie was viewed 17,498 times. Taking into account the media promotion, it can be freely said that the number of citizens, including teachers and students who have been indirectly informed on human trafficking, is much bigger (around 30% of citizens). Through the Programme of students' protection from human trafficking in education, 80 experts from 17 school administrations have been trained for application of indicators for preliminary identification for education system and for application of programme of students' protection from human trafficking, and 46 teachers and professors of physical education finished their training to be able to apply the programme of students' protection from human trafficking. The training of teachers and professors of physical education is especially important because of the

contribution that might be given by this profile of teachers in preliminary identification and development of a suspicion about possible human trafficking among students.

- With a view of training the first-line workers and experts for human trafficking victims' identification among migrants, 2 two-day training events were held, in cooperation with the Danish Refugee Council, for the representatives of the Police, Commissariat for Refugees, international and national NGOs engaged to provide support to migrants on human trafficking and preliminary identification of human trafficking victims, focussing primarily on identification of the human trafficking victims among migrants, in Belgrade and Pirot. With support of the International Organisation for Migration, 3 two-day training events were held for representatives of the Police, UN agencies and national and international NGOs on the topic of recognising and providing support to human trafficking victims among migrants. The training covered border crossing points and reception centres and municipalities in Dimitrovgrad, Pirot, Babušnica, Knjaževac, Šid, Sremska Mitrovica, Šabac, Preševo, Bujanovac, Miratovac.

In 2017, the following activities were undertaken:

- The trainings continued in the social protection system according to the accredited programme "Application of indicators for preliminary identification of human trafficking victims". With a view of improving the system of identification in the system of social protection and application of INSTRUCTION of the minister, 7 training events were held in Belgrade (3 training events), Novi Sad, Pancevo, Prokuplje and Novi Pazar. These trainings covered 140 experts from 50 centres for social work in the Republic of Serbia.
- The Ministry of Labour, Employment, Veteran and Social Affairs issued the instruction.
- 3 workshops were conducted for knowledge and skills development of employees at the Commissariat for Refugees and Migration for preliminary identification of human trafficking victims among migrants under the title "Indicators for the actions of the staff at the Commissariat for Refugees and Migration in preliminary identification of human trafficking victims in migrant population", (60 participants attended the training).
- 5 two-day trainings were conducted "Strengthening the role of social protection system in migration management in Serbia" in cooperation with IOM for the experts at the centres for social work – (Novi Sad, Subotica, Novi Pazar, Vranje, Pirot),
- Two-day training developed "Preventing the risk from trafficking in human beings, especially children and youth in Serbia" with the topic of identification and recognition of potential human trafficking victims among children, for the service providers who are working with children belonging to risky groups (support from UNITAS Fund). Two training events were held according to this Programme, for 40 participants.
- With the "Programme of students' protection from human trafficking in education (supported by UNITAS Fund), three two-day training events were organised for the teachers and professors of physical education in Belgrade, Novi Sad and Nis (more than 120 participants),

- Within the MOI Project for enhancement of the police officers' competencies to recognise human trafficking victims and approach the victims, and within the preparation of the police officers for the new organisation and systematisation of the police, 1 one-day training and 1 two-day training were organised and conducted twice (100 participants).

In 2018, the following activities were undertaken:

- 3 training events were held by accredited training programme "Application of indicators for preliminary identification of human trafficking victims"; it covered in total 90 experts from the social protection system, education and police.
- One-day workshop was held on the topic of human trafficking for the Red Cross volunteers.
- 2 two-day training events were held by the programme Preventing the risk from trafficking in human beings, especially children and youth in Serbia" with the topic of identification and recognition of potential human trafficking victims (40 participants).

From the day when the site of the Centre for the protection of human trafficking victims was established, professional public has been continually informed on the novelties and the activities of the Centre with regular statistical reporting on human trafficking.

Article 8 – Right of employed women to protection of maternity

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

1. to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks;
2. to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;
3. to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;
4. to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants;
5. to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining, and all other work which is unsuitable by reason of its dangerous, unhealthy, or arduous nature and to take appropriate measures to protect the employment rights of these women.

Article 8§1

Pursuant to Article 94, para. 7 of the Labour Law, during the maternity leave and absence from work because of childcare, an employed woman, or a father of a child, shall be entitled to compensation of salary, in accordance with the law.

Pursuant to Article 96, para. 1 of the Labour Law, one of parents to a child in need of special care because of severe psycho-physical disability, except in cases covered by health insurance regulations, shall be entitled, after the expiry of maternity leave and leave for childcare, to prolong absence from work or work half-time up to the age of five of the child, at most.

The right referred to in para.1 of this Article shall be granted upon advice of the competent body for evaluation of the level of psychophysical disability of the child, in accordance with the law.

During absence from work, referred to in para. 1 of this Article, the employee shall be entitled to compensation of salary, in accordance with the law.

During half-time work, referred to in para. 1 of this Article, the employee shall be entitled to salary in accordance with the law, general document and labour contract, while for the other half up to full time work – compensation of salary in accordance with the law.

Pursuant to Article, para. 7 of the Labour Law, a foster parent or a guardian of a child under the age of five shall be granted the right to absence from work in the duration of eight successive months, from the day the child is placed into the foster or guardian family, for care of that child, before the child turns five.

Should the placement into a foster or a guardian family have taken place before the child turns three months, a foster parent or a guardian of that child shall be entitled to leave from work until the child turns eleven months, for care of that child.

The right referred to in para. 1 and 2 of this Article shall also be granted to a person to whom, pursuant to adoption regulations, a child has been sent for adjustment before the official adoption, and when the adoption becomes official, one of the adoptive parents, as well.

During absence from work for childcare, the person using the right referred to in para. 1–3 of this Article shall be entitled to compensation of salary in accordance with to the law.

Pursuant to Article 98, para. 1 of the Labour Law, a parent or a guardian, or a caregiver of a person disabled by cerebral palsy, children palsy or any kind of plegia or muscular dystrophy and other severe diseases, may, upon advice of a competent medical authority, and at her\his own request work reduced working time, but not shorter than one half of the full working time.

Employee working reduced working hours within the meaning of para. 1 of this Article shall be entitled to adequate compensation, proportional to the time spent at work, in accordance with the law, general document and labour contract.

Pursuant to Article 274, para. 1, item 9 of the Labour Law, an employer in the capacity of a legal entity shall be fined in the amount of RSD 600,000 to 1,500,000 if he/she fails to provide for protection of motherhood and rights based on childcare and special care of the child or care giving to other person pursuant to provisions of this law, while for the same offence, an entrepreneur shall be fined in the amount of RSD 200,000 to 400,000 as well as a responsible person in the capacity of a legal entity or legal entity representative shall be fined in the amount of RSD 30,000 to 150,000 (Article 274, para 2 and 3 of the Labour Law).

In accordance with the Law on Financial Support to Families with Children (“Official Gazette of the RS“, no. 16/02. 115/05 and 107/09), on the basis of maternity leave that started up to and inclusive 30 June 2018, the right to wage compensation and/or wage compensation during maternity leave and absence from work for child care shall be exercised by persons in employment relationship with an employer and persons who are self-employed.

Wage compensation shall be established at the height of average basic salary increased by the years of experience in 12 months and/or the basis for payment of contributions for compulsory social insurance (for persons who are self-employed), preceding the month of maternity leave commencement.

If the wages are not earned for the entire period of calculation, 50% of the average salary in the RS shall be taken for the missing months.

Wage compensation shall not exceed five average salaries in the Republic of Serbia.

Full amount of the wage compensation may be exercised by a person who has been directly and continuously in an employment relationship and/or self-employed for more than six months, 60% - three to six months and 30 up to three months, prior to maternity leave commencement.

Wage compensation shall be paid by an employer, who will be refunded the amount paid upon providing an evidence that he/she made the payment of wage compensation.

If the mentioned persons have a sick child, based on a competent commission opinion, they can exercise the right to leave and wage compensation for special child care, under the same conditions, until the child turns five.

In accordance with the Law on Financial Support to Families with Children (“Official Gazette of the RS”, no. 113/17 and 50/18), which came into effect as of 1 July 2018, the right to wage compensation and/or wage compensation during maternity leave and absence from work for child care shall be exercised by employees employed with legal entities and natural persons.

Wage compensation shall be established at the amount of average basis to which compulsory social insurance contributions, to the incomes having character of earnings, have been paid for the last 18 months preceding the first month of the absence commencement, due to complications in pregnancy preservation or maternity leave, if absence due to complications in pregnancy preservation has not been used.

Wage/salary compensation shall not exceed three monthly average salaries in the Republic of Serbia, according to the last published data of the Republic body in charge of the statistics on the day of application submission.

During the maternity leave, the wage compensation cannot go below the minimum income established on the day of application submission, if the competent authority recorded at least six minimum bases to which contributions to the incomes having character of earnings have been paid.

The Ministry of Labour, Employment, Veteran and Social Affairs shall make direct payment of net wage/salary compensation to the user’s account. Payment of taxes and contributions shall be made in a prescribed manner.

Under the Law, a new entitlement to other benefits has been introduced on the basis of child birth and child care and special childcare, which can be exercised by a mother who has been generating incomes within the period of 18 months prior to child birth: and at the moment of child birth is unemployed and has not exercised the right to unemployment benefits; on the basis of self-employment; as a holder of a family farm having a status of a person who conducts the activity on his own, according to the law regulating the

personal income tax; on the basis of a contract on temporary and occasional jobs; on the basis of service contract; on the basis of copyright contract; on the basis of a contract on the rights and obligations of a director outside of employment relationship.

The right to other benefits on the basis of the child birth and child care and special child care can also be exercised by a mother who has been an agricultural insurant within the period of 24 months prior to child birth.

The right to other benefits based on child birth and child care shall be exercised within a year as of the day of child birth, regardless of the child birth order.

Other benefits on the basis of child birth and child care and special child care shall be established proportionally to the sum of monthly basis to which compulsory social insurance contributions have been paid for the last 18 months preceding the first month of the absence commencement due to complications in pregnancy preservation or maternity leave, if absence due to complications in pregnancy preservation and/or the day of child birth has not been used, and it shall not exceed three average monthly salaries in the Republic of Serbia, according to the valid data on the day of application for the exercise of rights submission.

For women, agricultural insured persons, the basis for establishing other benefits on the basis of child birth, child care and special child care shall be the basis to which pension contributions have been paid for 24 months preceding the month when a child was born.

The payment of net other benefits on the basis of child birth, childcare and special child care shall be made by the ministry in charge of social affairs to the personal current account of an applicant, from the funds appropriated in the budget of the Republic.

If the mentioned persons have a sick child, on the basis of a competent commission opinion, they can exercise the right to leave and wage compensation for special child care and other benefits on the basis of special child care, under the same conditions, until the child turns five.

Article 8§2

An employed woman is entitled to leave for pregnancy and childbirth (hereinafter: maternity leave), as well as leave for child care, the total duration of 365 days. An employed woman may start her maternity leave pursuant to advice of a competent medical authority 45 days before the delivery term at the earliest and 28 days at the latest. Maternity leave shall last until three months after the childbirth. An employed woman, upon expiry of maternity leave, is entitled to leave for childcare to expiry of 365 days after the outset of the maternity leave referred to in para. 2 of this Article (Article 94, para. 1 – 4 of the Labour Law).

An employed woman is entitled to maternity leave and leave for childcare for third and any subsequent child in the duration of two years. The right to maternity leave and absence from work for childcare in the total duration of two years shall also be granted to any employed woman who gives birth to three or more children from her first pregnancy, as well as to any employed woman who give birth to one, two or three children, and gives birth to two or more children in the subsequent delivery. An employed woman referred to in para. 1 and 2 of this Article, upon expiry of maternity leave, is entitled to leave for childcare till expiry of two years from the day of the outset of her maternity leave referred to in Article 94, para. 2 of this law (Article 94a, para 1-3 of the Labour Law).

Pursuant to Article 274, para. 1, item 9 of the Labour Law, an employer in the capacity of a legal entity shall be fined in the amount of RSD 600,000 to 1,500,000 if he/she fails to provide for protection of motherhood and rights based on childcare and special care of

the child or care giving to other person pursuant to provisions of this law, while for the same offence, an entrepreneur shall be fined in the amount of RSD 200,000 to 400,000 as well as a responsible person in the capacity of a legal entity or legal entity representative shall be fined in the amount of RSD 30,000 to 150,000 (Article 274, para. 2 and 3 of the Labour Law).

Article 8§3

Pursuant to Article 187 of the Labour Law, an employer may not terminate employment contract with an employee in course of her pregnancy, maternity leave, leave from work for childcare or special childcare (para. 1), and the fixed-term employment contract referred to in paragraph 1 thereof shall be extended to include a period of leave from work (para. 2).

Pursuant to Article 187, para. 3 of the Labour Law, decision on termination of employment contract shall be null and void if on the date of the adoption of the decision on termination of labour contract an employer was aware of the circumstances referred to in paragraph 1 thereof or if the employee notifies the employer on the circumstances referred to in paragraph 1 thereof within 30 days from the receipt of a notice of termination of employment relationship and presents relevant certificate issued by an authorised physician or any other responsible authority.

Pursuant to Article 273, para. 1, item 6 of the Labour Law, an employer in the capacity of a legal entity shall be fined in the amount of RSD 800,000 to 2,000,000 if he/she cancels the employment contract with the employee contrary to provisions of this law, while for the same offence an entrepreneur shall be fined in the amount of RSD 300,000 to 500,000 as well as a responsible person in the capacity of a legal entity or legal entity representative shall be fined in the amount of RSD 50,000 to 150,000 (Article 273, para. 2 and 3 of the Labour Law).

Pursuant to Article 191 of the Labour Law, if during proceedings, the court determines that the employment contract with an employee has been terminated without legal basis, at the request of an employee, it shall be decided that the employee returns to work, be paid compensation claim and corresponding contributions for compulsory social insurance for the period in which the employee has not worked.

Compensation claim referred to in paragraph 1 of this article shall be established to the amount of lost earnings that includes taxes and contributions in accordance with the law, which does not include fees for food at work, allowance for annual leave, bonuses, awards and other benefits based on contribution to the employer's business success.

Compensation claim referred to in paragraph 1 of this article shall be paid to the employee in the amount of the lost earnings, reduced by the amount of taxes and contributions calculated on the basis of the earnings in accordance with the law.

Taxes and contributions for compulsory social insurance for the period when the employee was not working shall be calculated and paid for the established monthly amount of the lost earnings referred to in paragraph 2 of this Article.

If during the proceedings, the court determines that the employee suffered wrongful dismissal without legal basis, and the employee does not request to be re-admitted to work, the court shall, at the employee's request, order that the employer pays the employee the compensation of damage in the maximum amount of 18 salaries of the employee, depending

on the duration of employment relationship and age of the employee, as well as the number of family dependants.

If, during the proceedings, the court determines that employment relationship has been terminated without legal basis, but the employer provides the existing circumstances suggesting that the continuation of employment relationship is not possible, taking into account all the circumstances and interests of both parties, the court shall reject the employee's request to return to work and order for him\her to pay the compensation claim of the double amount determined in terms of para. 5 of this Article.

If, during the proceedings, the court determines there was legal basis for termination of employment relationship but the employer acted contrary to the provisions of the law governing proceedings for termination of employment relationship, the court shall reject the request of the employee to return to work and order him\her to pay the compensation for damages in the amount of six wages of the employee.

The wage referred to in paras. 5 and 7 of this Article shall mean the wage of the employee for a month preceding the month of termination of his\her employment relationship.

The compensation claim referred to in paras. 1, 5, 6 and 7 of this Article shall be reduced by the amount of income the employee acquired on the basis of labour, upon termination of employment relationship.

Pursuant to Article 271 of the Labour Law, if a labour inspector finds that an employer obviously violated rights of an employer by way of termination of labour contract and that employee has initiated a labour dispute, the inspector shall, upon request of the employee postpone execution of such termination issuing his/her own decision, until valid decision of the court has been passed.

Article 8§4

Pursuant to Article 90, para. 1 of the Labour Law, an employed woman during her pregnancy and breastfeeding employed woman shall not work overtime or night should such work be harmful for her health and health of her child, based on the advice of competent medical authority.

Pursuant to Article 91, para. 1 and 2 of the Labour Law, one of parents with a child of up to three years of age may work overtime or at night only with his/her own written consent. A single parent with a child of up to seven years of age or a severely disabled child may work overtime or at night only with his/her own written consent.

Pursuant to Article 92 of the Labour Law, an employer may re-schedule working hours to an employed woman or employed parent with a child under the age of 3 or severely disabled child only with written consent of such employee.

Pursuant to Article 93 of the Labour Law, the rights referred to in Articles 91 and 92 of this law are also shared by an adoptive parent, a foster parent or a guardian of a child.

Pursuant to Article 93a, para. 1 and 2 of the Labour Law, an employed woman who returns to work prior to expiry of a year period after the childbirth shall be entitled to one or more daily breaks during daily work in a total duration of 90 minutes or to reduced daily working time in a total duration of 90 minutes to breastfeed her child, if her daily working time is six hours and longer. The daily break or reduced working hours referred to in paragraph 1 thereof shall be integral to working time, and the wages payable on such a basis shall amount to basic salary increased by years of service.

Pursuant to Article 274, para. 1, item 9 of the Labour Law, an employer in the capacity of a legal entity shall be fined in the amount of RSD 600,000 to 1,500,000 if he/she fails to

provide for protection of motherhood and rights based on childcare and special care of the child or care giving to other person pursuant to provisions of this law, while for the same offence, an entrepreneur shall be fined in the amount of RSD 200,000 to 400,000 as well as a responsible person in the capacity of a legal entity or legal entity representative shall be fined in the amount of RSD 30,000 to 150,000 (Article 274, para 2 and 3 of the Labour Law).

Article 8§5

Pursuant to Article 26, para. 3 of the Labour Law, an employer shall not condition the employment by a pregnancy test unless the job is associated with significant risk for health of woman and her child as substantiated by the competent health care body.

Pursuant to Article 89, para. 1 and 2 of the Labour Law, an employed woman during pregnancy and breastfeeding employed woman shall not work at jobs that, pursuant to advice of the competent health authority, may have harmful effect on her health and health of her child, and particularly not at jobs requiring lifting of weights or associated with exposure to extreme temperatures and vibrations. An employer shall be obliged to provide the employee referred to in para. 1 of this Article with an opportunity to perform other suitable tasks, and if such do not exist, she should be referenced to paid leave.

Pursuant to Article 274, para. 1, item 9 of the Labour Law, an employer in the capacity of a legal entity shall be fined in the amount of RSD 600,000 to 1,500,000 if he/she fails to provide for protection of motherhood and rights based on childcare and special care of the child or care giving to other person pursuant to provisions of this law, while for the same offence, an entrepreneur shall be fined in the amount of RSD 200,000 to 400,000 as well as a responsible person in the capacity of a legal entity or legal entity representative shall be fined in the amount of RSD 30,000 to 150,000 (Article 274, para 2 and 3 of the Labour Law).

Contribution of the Equality Commissioner

With regard to application of *Article 8* of the Charter, we note that the practice of the Commissioner shows that the discrimination on the grounds of sex/gender is one of the most frequent forms of discrimination. Therefore, in 2015, this basis was the most frequent grounds for discrimination in relation to which the citizens were submitting the complaints to the Commissioner. In 2016, the sex and disability were the most frequent grounds for discrimination and in 2017, the sex was the third grounds for discrimination according to the number of complaints. Discrimination on the grounds of sex/gender frequently appears in the field of employment or at workplace. Violation of equality principle during employment frequently happens when employers demand a specific candidates' sex, and women are more discriminated in working relations and at workplace. It frequently happens that discrimination of women at workplace is manifested by their reassignment to lower and less paid workplaces when they are back from maternity leave.

Complaints lodged with Equality Commissioner, based on sex/gender

	2014.	2015.	2016.	2017.	30.6.2018.
Number/percentage of complaints	58 (8.4%)	143 (22.1%)	82 (12.9%)	71 (11.2%)	83 (14.6%)

Analysis of persons who submitted complaints to the Commissioner due to discrimination on the grounds of sex, in the course of the reporting period, showed that the largest number of persons are natural persons, whereof more complaints were submitted by women than men. With regard to the areas in which complaints are submitted, the largest number has been submitted in the area of labour and employment, then the area of acting before the public body authorities, and then in 2016, an increase is obvious in the number of complaints submitted for discrimination on the grounds of sex in the media and public information. These data indicate the status of women at the labour market and at workplace, so it can be concluded that economic empowerment of women and their equalisation with men at the labour market is one of the preconditions for equality between men and women. Women could not develop at workplaces or upon their return from maternity leave or from absence for child care their labour contracts were terminated or they were reassigned to other lower less paid workplaces. One of the reasons of inequality at the labour market is the problem of balancing parenthood with responsibilities arising from labour and employment. Share of women-mothers at the labour market is lower from the share of women without children, while the share of fathers at the labour market is higher than men without children. It is necessary to mention that gender-based violence frequently cannot be stopped due to economic dependency of women from the men bullies.

In 2017, the number of complaints submitted to the Commissioner due to multiple discrimination increased. The practice of the Commissioner shows that the complaints were largely submitted because of multiple discrimination in the procedure of employment or at workplace and the most frequently on the grounds of sex and marriage and family status of women.

In 2015, the Commissioner, acting within his jurisdiction, submitted to the National Assembly a Special Report on Women Discrimination⁴. By its structure, this report relies on the UN Convention on the Elimination of All Forms of Discrimination against Women. According to the Report, women in Serbia are discriminated in all areas of public and private life, and women from multiply marginalised group are especially exposed to the discrimination. Male sex is still used for women' positions, profession and occupations, women from multiply marginalised groups are not present in public life, especially on the decision-making positions, and women are not present in executive power at all levels. Women are exposed to discrimination during employment and at workplaces, from the questions concerning family planning, through sexual harassment at workplace to the impossibility to develop themselves or degradation after their return from leave for childcare. Number of women entrepreneurs is very small and there are no women on managing positions in companies. The women status in villages is bad, there are only few women who own an agricultural household and the access to health protection and other public services is not so good. Women with disabilities tend to be most discriminated against, Roma women, older women and girls and women from migrant groups.

Taking into account the women status, and because of a proceeding, initiated upon a complaint of a woman citizen, in which discrimination on the grounds of sex was established (following the principle of gender equality when selecting the members of executive municipality bodies), in 2016 the Commissioner forwarded a recommendation of measures to all

⁴Available at http://ravnopravnost.gov.rs/rezultati-pretrage/?cx=017006988450108096551%3Ayysrqu2rk_4&ie=UTF-8&q=%D0%BF%D0%BE%D1%81%D0%B5%D0%B1%D0%B0%D0%BD+%D0%B8%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98&sa=

municipalities/towns in the Republic of Serbia to undertake all the measures and activities, under their competence, with an aim of ensuring inclusion and promotion of equal representation of women and men in all the areas of political and public decision-making processes and undertaking public functions in the local self-government units' bodies as institutions and public enterprises founded by them.

Acting within its statutory powers, in 2017, the Commissioner submitted to all local self-government units in the Republic of Serbia a Questionnaire in order to monitor the achievement of gender equality and equal opportunities for taking part in all the phases of decision-making processes at local level. Based on the answers delivered, a conclusion can be made that the biggest difference is in the participation of women and men at the highest positions in municipalities/towns, in particular on the position of municipality president and/or mayor. Out of 169 local self-government units that filled the Questionnaire, only in 12 women are presidents of municipalities/mayors. Analysis of the delivered answers showed the imbalanced representation of sexes at different levels of local power, while positions characterised by high level of efficiency and volume of work are occupied by women, and/or the number of women exceeds the number of men.

In 2018 the Commissioner issued a recommendation of measures to the courts on the territory of the Republic of Serbia to take into account, when making decisions on promotion of civil servants, all sequential performance appraisals for the years in which civil servants were assessed, excluding the year in which they were not assessed due to the use of maternity leave, pregnancy or absence for child care.

With regard to the achievement of gender equality, in its Regular Annual Report for 2017, the Commissioner issued recommendations to public authority bodies, which cover:

- the need of prescribing an obligation of integrating gender perspective in public policies and an obligation of all public authority bodies and private employers to develop internal mechanisms for suppression and protection against discrimination and applying gender balanced personnel policy;
- taking measures and activities aimed at equal representation of women and men in all the spheres of political and public decision-making in undertaking public functions in local self-government units' bodies and public enterprises, as well as inclusion and promotion of equal representation of women and men from different areas (urban and rural) and marginalised groups;
- taking measures to promote employment and women entrepreneurship, to protect women against discrimination at the labour market focussing on achievement of equality of women when accessing workplaces, equal opportunities for promotion and achievement of equal pay, as well as promotion of measures to achieve balance between work and parenthood;
- undertaking activities for the implementation of the UN Security Council Resolution 1325 – Women, Peace and Safety in the Republic of Serbia (2017-2020);
- continuation of a coordinated and an efficient acting of the system institutions in providing protection from domestic violence and other gender-based violence, aimed at full application of the law and development of a service that would support violence victims and children, violence witnesses.

Article 16 – The right of the family to social, legal and economic protection

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.

Child Care Institutions

The Regulation on the Network of Social Welfare Institutions is a normative act that defines in details the main activity of the residential social welfare institutions and specifies the capacities and users' groups.

The Regulation on network, under the institutions for children and youth, covers three types of the institutions for children and youth:

1. **Institutions for children and youth** (used to be homes for children deprived of parental care),
2. **Institutions for children and youth with developmental impairments and**
3. **Institutions for education of children and youth** (used to be homes for education).

In 2016, within these institutions for children and youth, 20 institutions in total have been providing the services of accommodation to children and youth (11 institutions for children and youth, 6 institutions for children and youth with developmental impairments and 3 institutions for education of children and youth).

With regards to the residential capacities, homes for children and youth with developmental impairments face numerous challenges, since the institutions lack the accommodation capacities. The Law on Social Protection provides a framework to the institutions transformation process, and the Rulebook on detailed conditions and standards regulates that **home for children and youth cannot have the capacity over 50 beds/users**.

The living conditions for the users of homes are regulated in details by the Rulebook on detailed conditions and standards for the provision of social protection services. The Article 34 specifies the area of one-bed sleeping room (the area of at least 10m²), and the area in several beds sleeping rooms should be at least 5 m² per a user. The data on the number of beds in the users' rooms in the institutions for children and youth in 2016, indicate unfavourable situation since the number of several-bed rooms is the biggest in all the homes. Situation in the institutions for children and youth and in the institutions for education of children and youth is somewhat better, while in the institutions for children and youth with developmental impairments, 67% of users is still in the rooms with 5 and more beds.

Although the institutionalisation rate in Serbia is low, the problem lies in big residential institutions (former homes for children with developmental impairments), which have not started with the transformation process. Establishing small group homes and reallocating children from Home for adults Kulina is a positive example. Within the transformation process, the institutions, in particular competent authorities, face a challenge

of adjusting the institutions to a projected number of 50 users, prescribed by the Law on Social Protection.

There is a **lack of staff** in all the institutions, **comparing to the number foreseen by normative**. The experts, expert associates and associates make 17% of the total number of employees.

The process of residential institutions' transformation will be finalised by licensing all the institutions for accommodation of social protection users in accordance with the **Rulebook on detailed conditions and standards for the provision of social protection services** and **the Rulebook on licencing**, as well as by creating legal possibilities for introduction of services of intensive support to a family into the social protection services system, which are financed from the budget of the Republic of Serbia. Adjusting the institutions to these rulebooks and trends in the social protection, which advocate establishment of regional centres for children and family (with smaller capacities for residential accommodation and units for support to a family) is still a complex and demanding process with numerous difficulties in its implementation.

Speaking of foster care, nine years after the establishment of the first regional centres for foster care and adoption, the number of children in homes for children is decreasing, while the number of children in foster care is increasing. The Republic of Serbia is one of the countries with the lowest institutionalisation rate in Europe. Quality standards in foster care are placed in such a manner to secure optimal conditions for the development of children who cannot grow up in their biological family.

Centre for foster care and adoption is a social protection institution that organises and directly accommodates **children and youth** deprived of parental care into other families, oversees the work and provides support to a family to whom a child is entrusted for education, until the conditions are secured for his/her return to his/her own family or until he/she becomes capable to live and work independently.

The Regulation on the Network of Social Welfare Institutions foresees eight institutions, foster care service providers. However, only **six** Centres for foster care and adoption have been established in Serbia, which cover just a half of the total number of foster families in Serbia. It means that half of the foster families, and children and youth in foster care do not have continuous support and control from the CFCA.

Number of experts has not been sufficient from the establishment of the CFCA and not only in terms of approved experts, but in relation to the scope of work that is constantly increasing, which is obvious in the number of foster families registered with CFCA and the number of users. The Regulation on employment prohibition makes the employment of foreseen number of workers more difficult.

The largest number of foster families **meets the foster care quality standards**, relating to the number of children in foster care, place of residence, residential status, residential conditions and the standards of the space for a child in foster care, as well as the standards related to educational status and family income. There are peculiarities with kinship foster families, taking into account that the certain number of these families does not fully meet the defined foster care standards. **Kinship foster families** are an important and a

specific part of the foster families' resources. The normative context also gives an advantage to placement of children in kinship families. An increase in number of kinship foster families is important from the aspect of the protection of a child right to a life in a family and stability. Children remain in the same environment, so they do not need to adjust themselves to changes. When parents cannot take care of their children, they are not ready or not competent enough, emotionally close persons take care of them.

Although the number of foster families increased, the resources of foster families are still not sufficient comparing to the number of children who are waiting to be placed in foster care. **The lack of resources** is especially obvious when speaking of the **children with developmental impairments and severe health difficulties**.

In accordance with the Rulebook on foster care, CFCA realises various and innovative training programmes for foster carers in line with the needs of each family to be developed during foster care. Apart from educational programmes for foster carers, children and youth in foster care are also educated, which provides them with an opportunity to develop social skills, talents, to expand social network, to strengthen self-respect, nurture sibling relationships.

Despite the missing resources (primarily insufficient number of employees), centres for foster and adoption successfully performed their main activities in the region they have been established for. Human resources at the CFCA have been maximally engaged to compensate with their hard work the lack of staff, but that can lead to worse quality of children protection in foster care, because they were overloaded with work. The positive results of the centres for foster care and adoption' work can be recognised in significant results in the development of employees' professional competencies. Successful training needs analysis proves the existence of motivation and the need for the development of capacities and professional knowledge.

Family counselling services

Family outreach worker is **a new service in the social protection system**, which was designed and piloted from September 2013, with an aim of providing support to families in securing the protection of children fundamental rights, primarily the right to development and the right to a life with parents.

The service is an intensive and individualised support to a child and his/her family and is one of the necessary services among various family-related services. The Project "Family Outreach Worker Service Piloting", is implemented in the partnership of the Ministry of Labour, Employment, Veteran and Social Affairs, Republic Social Protection Fund, UNICEF, and residential institutions for children and youth ("Duško Radović" from Nis, "Centre for Protection of Infants, Children and Youth", Belgrade, SOS Children village Sremska Kamenica and Local Services Centre "Knjeginja Ljubica" from Kragujevac).

At the beginning of 2015, as a part of the IPA 2013 Project, a specialised service "**Family Outreach Worker for families of children with developmental impairments**", was developed as a reply to the recognised needs of this group of children and their families.

By introducing the service Family Outreach Worker in the social protection system, the Republic of Serbia decided to support families, parents/guardians to take care of their children. By developing this service, the social protection service aimed to secure the conditions to provide support to a family – parenthood in the procedures for protection of children from neglect and abuse or to secure the life in a community for children with disabilities.

Piloting of this service showed that this service helps family in developing a safe and stimulating environment for development of children and it reduces the risk of children removal from the family.

In the forthcoming period, a Rulebook on intensive support services to a family is expected to be adopted and “Family Outreach Worker” service, as one of the intensive services, will be available in the social protection system throughout the Republic and funded at the national level.

Participation in associations representing families

In the system of social and family protection and financial support to families with children, citizens’ associations and associations representing families are always consulted when adopting strategies, action plans, laws, etc., either through a consultative procedure within working groups, through public debates that are mandatory when a law is to be enacted or by considering their proposals, initiatives, suggestions, etc.

Mediation services

Mediation service is regularly provided in the centres for social work as a help to individuals and families who are in a crisis, to improve family relations, overcome crisis situations and to acquire skills necessary for independent and productive life in a society. **The Law on Social Protection** foresees the development of services for intensive support to a family, which are provided in a community in which family lives with children and which are to be established and financially supported by local self-government. MoLEVSA supports the development of services in community for children and family: assessment and planning services; daily services in community; support services for independent life; counselling-therapeutic and social and educational services; accommodation services. Depending on the users’ need, social protection services can be provided simultaneously and in combination with services provided by educational, health and other institutions (inter-sectoral institutions). In the absence of specialised counselling offices for family, the CSWs are obliged to provide family counselling services to the families who ask for such service.

A number of local self-governments have the institutions specialised in mediation in family relations – Marriage and Family Counselling Services, Development Counselling

Services, etc. Citizens are provided with these services free of charge. The final goal is to develop in all municipalities the infrastructure of support for an independent life of citizens.

Counselling/therapeutic and social/educational services – intensive support services to a family in a crisis; counselling and support to parents, fosters and adoptive parents; support to a family taking care of its child or an adult family member with developmental impairments; maintenance of family relations and family reunification; counselling and support in cases of violence; family therapy; SOS phones; activation and other counselling and educational services and activities are the services envisaged by Article 40 of the Law on Social Protection for the families in a crisis. All these services are in the jurisdiction of local self-governments that provide the funding for its provision. In 2016, for those local self-governments that do not have sufficient funds to develop these services on their territory, the state created **earmarked transfers** mechanism, by adopting the Regulation on Earmarked Transfers, through which the funds from the national level will be transferred to local budgets, with an aim of developing certain social and family protection services for its citizens. In 2016, RSD 400 million was appropriated for this purpose, and in 2017 and 2018, RSD 700 million dinars per each year.

Domestic violence against women

In November 2016, the **Law on Domestic Violence Prevention** was enacted providing for temporary removal of the perpetrator from the house and temporary prohibition to contact or approach the victim. In addition, this Law envisages the coordinated work and cooperation between public prosecutor's offices, police and **centres for social work** through a joint body – Coordination and Coordination Group. The purpose of the law is to regulate the organisation and acting of the state authorities and institutions and allow the prevention of the domestic violence and faster, timely and effective protection and support to the domestic violence victims. This Law is in force as of 1 June 2017.

The Law foresees a special procedure to prevent the domestic violence, which represents one of the most significant novelties, and substantive application of some of the most important solutions from the Istanbul Convention. First, every person shall report to the police or the public prosecutor's office the domestic violence or direct threat of the domestic violence. All state authorities, organisations and institutions are also obliged to report violence and direct threat of violence. The obligation of competent state authorities and centres for social work is expanded to the recognition of domestic violence and a danger from violence, but within their regular tasks.

In accordance with this law, basic public prosecutor's office has coordinating role in domestic violence prevention, and pursuant to Articles 25 and 26 of the Law, it organises and manages the meetings of the Group for coordination and cooperation. For the purpose of efficient application of this law, **Centres for Social Work** are obliged to cooperate with the police, public prosecutor's office and the court in given deadlines, and by undertaking measures from its jurisdiction to effectively and in a coordinated manner prevent domestic violence and criminal acts, set by this law, as well as to provide protection, legal aid and psychosocial and other types of support to a victim to enable his/her recovery, empowerment and independence. In July 2017, the Minister of Labour, Employment, Veteran and Social

Affairs issued an **Instruction on realisation of the obligation of the centres for social work in implementation of the Law on Domestic Violence Prevention.**

When applying the Law on Domestic Violence Prevention, a **guardianship authority** is obliged to act in accordance with the professional work standards prescribed by the Rulebook on organisation, normative and standards of work of the Centre for Social Work, Special Protocol on the centres for social work' - a guardianship authority' acting in cases of domestic violence and violence against women in partner relations from March 2013 and an Order issued by the Minister in August 2016. In August 2016, **a Special Order was issued by the Minister to all the centres for social work on standards of procedure and the work of the centre while reacting to the domestic violence phenomenon and organising the protection of domestic violence victims.** Special Order is primarily aimed at strengthening the activities in reacting to the violence phenomenon and in organising help and support to domestic violence victims as well as taking over personal responsibility of the directors and guardianship authority experts in efficient implementation of the guardianship authorities' obligations, prescribed by the law, sub-legal acts and general and special protocols from this field.

Based on currently available data, there are 14 safe houses/lodging houses for women in Serbia who experienced violence; 10 houses are managed by the centre for social work (Novi Sad, Zrenjanin, Jagodina, Sombor, Niš, Pančevo, Leskovac, Šabac, Priboj and Smederevo), 2 lodging houses for domestic violence victims within the centres for the development of social protection services (Kragujevac and Vranje), then lodging house for urgent cases and SOS telephone for women and children, violence victims (Vlasotince) and Counselling Office against domestic violence Belgrade with free of charge call to the number 0800-011-011. Majority of safe houses phones is available 24/7.

Based on the records on issued licenses for social protection services provision, led by the Ministry of Labour, Employment, Veteran and Social Affairs, there are 5 licensed lodging house service providers for the victims of domestic violence: in Belgrade – 2, Pancevo, Kragujevac and Leskovac as well as 1 service provider of SOS phone for the women who experienced violence – national SOS telephone 0800-011-011 (24/7). Other providers of these services are in the process of licensing.

Rulebook on detailed conditions and standards for social protection services provision⁵ defines more precisely the target groups of lodging houses placement. It is prescribed that services of **placement in lodging house** are provided up to six months to:

- 1) children, young persons and adult victims of domestic violence, abuse and neglect;
- 2) children young persons and adult victims of human trafficking;
- 3) children and young persons who are wandering, unaccompanied in different crisis situations, who need temporary accommodation and needs assessment in order to provide other services to them;
- 4) adults and older persons in crisis situations, homeless and beggars.

Purpose of accommodation in a lodging house is to satisfy the basic needs of an individual or a family to whom it is necessary to secure safety in crisis situations. The service is aimed at establishment of a feeling of safety as a foundation for further progress and

⁵"Official Gazette of the RS", no. 42/2013

empowerment of users, in order to increase their capability for safe life and inclusion into the community.

At the end of 2015, the Ministry of Labour, Employment, Veteran and Social Affairs adopted a **Rulebook on detailed conditions and standards for provision of SOS telephone service for the women who experienced violence** in accordance Article 24 of the Istanbul Convention. The Rulebook prescribes detailed conditions and standards for the SOS telephone service for girls and women who experienced gender-based violence from the group of counselling-therapeutic and social/educational services prescribed by Article 46 of the Law on Social Protection, as a form of help to girls and women who experienced gender-based violence, and who are in crisis, in order to overcome crisis situations and acquire skills for independent and productive life in the society. National SOS telephone is on the number 0800-011-011 (24/7).

In 2016, the Ministry of Labour, Employment, Veteran and Social Affairs conducted 32 surveillances over professional work and eligibility of the work of Centres for social work to determine the number of the actions relating to the domestic violence phenomenon.

Family allowance

Financial Support for Families with Children was enacted on 1 December 2017, and is in application as of 1 July 2018. The new provisions have simplified eligibility determination procedure, extend the scope of beneficiaries without bringing into question the budget allocations and bring into conformity specific provisions of the Law with the acquis (Chapters 2 and 19).

The law provides for the additional care for children particularly from vulnerable groups (children with developmental disorders, children without parental care and children beneficiaries of cash social assistance).

The law spells out a new entitlement to other benefits on the basis of birth, care and special care of a child. Such an entitlement shall for the first time allow a large number of women to acquire access to other benefits granted in the period immediately after the birth of a child. These are women who are not employed, but self-employed, who own a farmstead, or are temporary or casual workers, work on service contract, or on authorship contract, or at the moment of the childbirth are unemployed or have failed to exercise their right to unemployment benefit while having been in employment over the period which is of relevance for the exercising of their right to benefit. Further, the women insured in the farmers' social insurance fund will also be entitled to this benefit. In such a manner also the women who work in non-standard patterns of employment and women who will not need to discontinue their economic activity shall receive protection, i.e. they will decide on their own if and in what form to reduce such an activity or employment, while the state shall ensure for them their benefit acquired on the basis of previously paid social insurance contributions i.e. pension and disability insurance.

Also, the parents shall receive the special support on the basis of the birth of their first child given increasing costs they have to bear in the first days from the birth of their child.

A new legal provision shall decrease the paper work, necessary documents, it shall facilitate direct payment of the benefit, and provide better protection to employed new mothers whose regularly paid income in the times of maternity leave will not depend on the arbitrary will and current financial capacities of their employer.

It should be particularly emphasized that over the period when the beneficiary is entitled to maternity benefit during the leave from work for childcare and special childcare, the ministry responsible for social affairs shall assume the role of the employer and calculate and pay the benefit directly to the beneficiary's account.

The following benefits are identified under the Law:

- 1) wage compensation over the maternity leave, leave from work for child care and leave from work for special child care;
- 2) other benefits granted on the basis of the childbirth and childcare and special childcare;
- 3) parental allowance;
- 4) child allowance;
- 5) compensation of the costs of pre-schooling for children without parental care;
- 6) compensation of the costs of pre-schooling for children with developmental disorders;
- 7) compensation of the costs of pre-schooling for children who are cash social assistant recipients (CSA recipients)
- 8) compensation of the costs of pre-schooling for children members of economically vulnerable families.

Wage compensation received over the maternity leave, leave from work for childcare, leave from work for special childcare is a traditional policy measure of financial support for family to facilitate reconciliation of work and family life.

Other benefits received on the basis of childbirth, child care and special childcare are also a policy measure of financial support for a family with children to facilitate reconciliation of work and family life for self-employed persons, including the persons with such a status and are owners of a family farmstead, temporary or casual workers, work on service or authorship contract, who were employed or self-employed minimum 18 months before the childbirth, and at the moment of the childbirth are unemployed and failed to exercise their right to unemployment benefit and persons who are insured in the farmers' insurance fund.

The Law foresees the direct payment of wage compensation and other benefits to the beneficiary's account, and in case they are employed, of taxes and contributions to relevant dedicated accounts if the beneficiaries are employed persons, which will result in reduced red-tape, regular disbursement of income over the period of leave from work, and ultimately better protection of the beneficiary's rights.

Parental allowance is a support measure essential for family as it is both in terms of its content and economic value a key population policy tool. In particular, Serbia Proper and

AP Vojvodina are characterized by extremely unfavourable demographic trends: the population has long time ceased to replenish in the same scale, as for the decades now the fertility rate has been below the minimum replacement level; the number of newly born is far below the number of the deceased, and as a result the population growth rate is negative, both in total terms and in the largest number of municipalities; the aging of population is accelerated, and depopulation is rapid; the share of the old persons in total population increases. Long-term demographic projections show even more unfavourable developments in future and significant decrease in the number of population. Such trends have extremely unfavourable social and economic effects and require efficient policy response. In addition to parental allowance one-off payment for baby gear is foreseen to replace the VAT refund for the purchase of baby food and gear as proscribed under Article 56 b of the VAT Tax Law.

Child allowance is identified as a social policy measure. Its adjustment to social policy requirements is conditioned with the following:

- 1) financial threshold is kept, to ensure that only lower income families are entitled to child allowance;
- 2) child allowance amount is linked to subsistence needs of a child and is not differentiated as per the sequence of birth;
- 3) child allowance is granted as before, only for the first four children as per the sequence of birth, and exceptionally for every following child as per the sequence of birth, in the situation when one of the first four children is no longer entitled to it on the basis of the age limit under the Law;
- 4) child allowance amount is increased for the amount of another child allowance in case the recipient is a child of secondary school age.

The legal provision does not apply to foster parents, given that foster children are subject of the Social Welfare Law, supported from the allocations for maintenance of a foster child and as a remuneration for a foster parent.

The eligibility requirements for child allowance for children without parental care and children in one-parent families are more favourable than for general population in terms that threshold is increased by 20% and child allowance by 30% and for the children of one-parent families when other parent is not known, deceased without the entitlement to survivor's benefit or is fully and permanently incapable of work without the acquired entitlement to old age benefit, both the threshold and child allowance are increased by 30% respectively.

In the case of children with developmental disorders and disability, child allowance is granted only under more favourable conditions, i.e. 20% higher threshold and 50% higher a child allowance. If requirement for increased child allowance is met on more bases, the increase shall be limited under the Law to 80% regular child allowance.

The Law permits child allowance to be granted to a cash social assistance recipient without re-examination of their means, on the basis of the submitted proof of regular schooling of the child.

Regardless of means testing, the family with a child with developmental disorders who is a recipient of caregiver's allowance shall be entitled to child allowance, if meeting the requirements provided for under the Social Welfare Law.

Child allowance period of receipt may continue up to the completion of secondary school education, but not after the recipient's 20th birthday, and in case of the children who on reasonable grounds started schooling later in life, up to their 21st birthday.

Compensation of the costs of pre-schooling for children without parental care is identified as an additional social policy measure providing care to pre-school age children without parental care. The benefit is open for guardians, if child allowance is granted, and foster parents, if all the requirements under law for child allowance have been met. Children without parental care in residential care are eligible to the benefit without any requirements. Promotion of integration of children without parental care in peer group in a local community at pre-school age and equal right to pre-schooling are the basis on which the state shall fulfil its obligation to compensate costs of their pre-schooling. The amount of such a compensation equals the amount of co-payment by the parent/guardian to the full price of the service.

Compensation of the costs of pre-schooling for children with developmental disorders and disability is also an additional social policy measure providing care to particularly vulnerable children. It serves to promote inclusion of such children in regular pre-school groups, and is a support for parents to have their child remain in the family and to develop to their capacities, without conditioning the benefit with the granted child allowance.

Compensation of the costs of pre-schooling for children who are cash social assistant recipient is also an additional social policy measure providing care to particularly vulnerable children. It encourages inclusion of such children in regular pre-school groups, thus enabling the child to develop to its potentials.

Compensation of the costs of pre-schooling for children members of economically vulnerable families is a family support measure for the families that struggle to ensure economic conditions adequate to ensure the family is functioning, particularly in terms of effective parenthood. Also, it provides opportunity for an organized educational effort, which is of particular importance for the children from such families. The Law sets out the principle, i.e. the compensation itself, and the procedure, amount and eligibility requirements are specified by the competent provincial, city or municipal authority, from the allocation of which the compensation is funded.

With regard to protection of family in terms of its economic situation, the actions with immediate economic impact are not under the responsibility of the Office for Human and Minority Rights. The data on the basis of which Roma inclusion at local level is monitored are publicly available in e-database, where they have been collected since 2015. Local government units are liable for the accuracy of the data that are directly entered by them. The data are available on the web page www.inkluzijaroma.stat.gov.rs. Such an arrangement of a coordinated collection and processing of the data on five strategic priority areas (education, housing, employment, health care and social welfare) is showcased by the development of the data base – “a one-stop-shop” – under IPA 2012 “Here we are together – Technical assistance for Roma inclusion” project.

Under this project, local-level mobile teams and multisectoral body composed of local government representatives (education assistants, health mediators, staff of centres for social work, National Employment Service and other community actors from public, civic and public sectors), thus resulting in the creation of organisational and institutional preconditions

for the implementation of policies and actions of relevance for social inclusion of the Roma population. Such mobile teams have been set up in the following 50 local government units:

- Bela Palanka, Bojnik, Bujanovac, Valjevo, Vranje, Zitoradja, Zvezdara, Knjazevac, Kovin, Krusevac, Leskovac, Novi Sad, Odzaci, Palilula, Pancevo, Prokuplje, Smederevo, and Sombor (supported by **IPA 2012** (OSCE) – “Here we are together – Technical assistance for Roma inclusion”)
- Backa Palanka, Beocin, Bor, Vladicin Han, Vlasotince, Zajecar, Zrenjanin, Kovacica, Kraljevo, Lajkovac, Nova Crnja, Nis, Paracin, Pecinci, Pozarevac, Ruma, Stara Pazova, Subotica, Cukarica, and Sabac (supported by **IPA 2013** (KPMG) – „Roma housing – Technical assistance for improvement of living and *housing* conditions among the *Roma* population presently residing in informal settlements “)
- Arandjelovac, Becej, Vrsac, Doljevac, Lebane, Loznica, Mladenovac, Pirot, Smederevska Palanka, and Surdulica (supported by **IPA 2016** (SCTM)– EU support to Roma inclusion – Empowering local communities for Roma inclusion“)

In May 2017, the Office for Human and Minority Rights launched public call for proposals of the projects from the associations involved in the improvement of the position and status of the Roma in Serbia, and supported civil society organisations implementing project activities in local government units. RSD 16.6 mil were allocated to 38 projects the activities of which were focused to anti-discrimination, encouragement of wider community towards positive treatment of the members of Roma community, strengthening of local-level services, access to health, education and employment. Also, a call for proposals was launched in 2018, when 37 organisations received support in the total value of RSD 13.9 mil.

1. The committee notes on the basis of the fourth report of the European Commission Against Racism and Intolerance (ECRI) (adopted in 2011.) that in 2008 the Ministry for Human and Minority Rights was formed from the previous Office of Human and Minority Rights. The Ministry implements the following activities: 1) maintains the register on national minority rights; 2) elects national minority councils; 3) protects and promotes human and minority rights; 4) interprets decrees on human and minority rights, and 5) maintains relations between minorities and their homeland. Within such tasks, the Ministry also is involved in education on human rights, education of Roma and enrolment in schools, registration of Roma, improvement of inter-ethnic relations in Vojvodina and awareness raising campaigns. *The Committee asks in the next report for the information on all the measures, in particular on the organisation of the awareness-rising campaigns.*

The revised institutional framework for the minority protection

After the parliamentary elections held in May 2012, the institutional framework for the protection of minorities was amended. By the passage of a new Ministries Law ⁶ on 26 July

⁶Official Gazette of RS, 72/2012

2012, the Ministry for Human and Minority Rights, Public Administration and Local Self-Government was dissolved. Under the Ministries Law, the Government of Serbia shall establish a special service to carry out its tasks related to human and minority rights, whereas the Ministry of Justice and Public Administration shall carry out the tasks of public administration which, inter alia, are related to maintenance of the register of national minority councils, elections of national minority councils and drafting of legislation on human and minority rights.

On the basis of the referred to Law, on 2 August 2012 the Government of Serbia issued a Decree on the Office of Human and Minority Rights⁷, setting it up. Under the Decree, the Office for Human and Minority Rights carries out the expert tasks for the purposes of the Government of Serbia and line ministries which are related to: protection and advancement of human and minority rights; following-up on the national legislation and its compatibility with international and other international documents on human and minority rights and initiating revision of national legislation; general matters of relevance for the position of national minorities; following up on the position of national minorities living in the territory of Serbia and exercising of their; establishing relations between national minorities and states of origin.

The new Ministries Law⁸ was enacted in 2014. On the basis of its provisions, the tasks of public administration related to drafting of the legislation of relevance to human and minority rights, maintenance of the register of national minority councils, elections of national minority councils, maintenance of a specific list of minority member voters including other tasks as provided for under law are carried out by the Ministry of Public Administration and Local Self-Government.

Every year, Government of Serbia, as provided for under Higher Education Law⁹ decides on the number of students to be enrolled in the first year of bachelor programme of occupational, academic and integrated studies, funded from the national budget appropriations for higher education institutions established at national level, and bachelor programme of occupational studies, and also decides on the number of students to be enrolled in the first year of bachelor programme of occupational studies funded from the national budget appropriations for higher educational institutions established at national level whereby also percent of students with disability is fixed (1%) and of Roma nationality (1%) and nationals of Serbia who completed secondary school out of country (1%).

The Office for Human and Minority Rights was working on affirmative measures of enrolment inclusive with school year 2015/16 as provided for under the then Guidelines for practitioners on the enrolment in the first year on the bachelor programme of studies and of integral studies at higher education institutions established at national level for school year 2015/2016. The integral part of the Guidelines included Affirmative measures programme for the enrolment of the Roma national minority, whereby the enrolment in higher education institutions was fixed at the quota of 1%.

The enrolment of students who are members of the Roma national minority in school year 2016/17 is conducted as provided for under the Rules on criteria and procedure for the

⁷Official Gazette of RS, 75/2012

⁸Official Gazette of RS 44/2014, 14/2015, 54/2015, 96/2015 –spec. law 62/2017

⁹Official Gazette of RS. 88/2017 and 27/2018 – spec. law

enrolment of the students who are members of the Roma national minority in **secondary school** under more favourable requirements for the purpose of effective full equality¹⁰ adopted by the Ministry of Education, Science and Technical Development. According to the Rules, the application for the enrolment in secondary school under more favourable terms is submitted to the primary school where the applicant is attending the 8th grade within the set deadlines and in compliance with proscribed procedures.

The enrolment of students in secondary schools in 2017, including the matter of the enrolment of the students who are members of the Roma national minority in secondary school under more favourable terms is governed under the Rules on the enrolment of students in secondary school¹¹.

Minority rights – related activities of the Office for Human and Minority Rights

Funding national minority councils

The Office for Human and Minority Rights ensures regular funding for national minority rights. The funds are secured under the Budget of the Republic of Serbia Law, at annual level, in the amount of RSD 245 mil. and are distributed under the Decree on the budget allocation distribution procedure for the operation of national minority councils. National council receive the allocations on the basis of the Decision on the distribution of annual quota to national minority councils on monthly basis at the level of 1/12 of the secured funds.

The Office regularly prepares quarterly reports on the implementation of the Action Plan on the exercising of the rights of national minorities. Seven of them have been prepared so far, and disseminated. All the reports are publicly available on the web page of the Office of Human and Minority rights at <http://www.ljudskaprava.gov.rs/sr/node/21794>, in the Serbian and English languages.

Public awareness raising on the rights of national minorities

The Office of Human and Minority Rights carries out a number of the activities related to public awareness raising on the rights of members of national minorities.

Celebrating the International Mother Tongue Day, in cooperation with national minority councils, public authorities, institutions and independent bodies, the Office for Human and Minority rights expressed its gratitude to a significant number of media outlets by handing them certificates of appreciation for their contribution in the media promotion of human and minority rights, among which were also those media outlets that had specifically covered the activities of national minority councils, and reported on it in mother thongs of national minorities concerned.

The Office of Human and Minority Rights and Equality Commissioner have jointly organised national promotion campaign for equality, tolerance and anti-discrimination under the motto “*Discrimination is not a joke – Let’s talk about equality*” and “*The same, different*,”

¹⁰Official Gazette of RS 12/2016

¹¹Official Gazette of RS 23/2018

equal". The aim of the campaign was to raise awareness among general audiences and to promote existing mechanisms for the enforcement and effective equality and non-discrimination. Media campaign was at the heart of the campaign, in which three different video clips were released which point to discrimination of the Roma national minority, women, and LGBT population, as the three population groups that had still been mostly discriminated against in Serbia. The media campaign lasted four weeks and the video clips were released on the two televisions with national coverage, as well as on nine regional and local televisions.

Under the IPA 2013 "Support to the promotion of human rights and zero tolerance for discrimination" twinning project, that was implemented from August 2015 to June 2017, a nation-wide awareness-raising campaign on the rights of national minorities "Together, we are Serbia" was organised. The campaign was delivered in cooperation with national minority councils on the basis of the video clip released on the national television service (RTS) and social networks; as the wireless clip released on radio stations with national coverage and on the Internet; and as billboards in Subotica, Novi Pazar, Novi Sad, Nis and Belgrade. The aim of the campaign was to promote respect for the right to diversity and awareness rising of public on the presence of national minorities.

This campaign was further supported and in a unique way extended with the aim to announce and promote the Fair on national minorities living in Serbia, which was for the first time organised on 10 December 2016 – on the International Human Rights Day. 15 national minority councils took part in the Fair (Ashkali, Slovak, Czech, Roma, Montenegro, Bosniac, German, Bulgarian, Romanian, Croatian, Bunjevacs, Rusinian, Ukrainian, Vlach). The 2nd Fair was organised in 2017 under the motto "Mosaic of togetherness in Serbia", also on the occasion of the International Human Rights Day. 17 national minority councils took part in this fair, i.e. Ashkali, Bulgarian, Bunjevacs, Vlach, Greek, Hungarian, Macedonian, German, Roma, Romanian, Rusinian, Slovak, Slovenian, Ukrainian, Croatian, Montenegrin, and Czech national minorities, including many organisations of civil society. The event was an opportunity for the representatives of national minorities to showcase their culture and customs, ethnic dances, publishing, handicraft and culinary delicacies. The fair was open for the public and entrance was free of charge.

IPA 2016 „EU support to Roma Inclusion – Empowering local communities for Roma inclusion“, launched in 2017, and implemented by the Standing Conference of Towns and Municipalities, Office for Human and Minority Rights as one of the beneficiaries receives the support for the promotion of national minority rights. The project supported the TV series „the Apple Made of Gold“ released on the national television in the period between December 2017 and March 2018. The series was focused to the promotion of the values of diversity of multitude languages spoken in Serbia, wealth of cultures and traditions, and respect for the right to diversity, i.e. to be different.

On 2 March 2018, the Office for Human and Minority Rights and Ministry of Public Administration and Local Self-Government, in cooperation with the City of Belgrade, organised the roundtable on „Mosaic of Togetherness in Belgrade“ on the rights and status of national minorities.

Under the project „Strengthening protection of national minorities in Serbia“ as a component of the EU/CoE Horizontal Facility for the Western Balkans and Turkey (TAPA), a

call for proposals was launched on 15 June for local government units to apply with the project proposals focused to the promotion of the rights of the members of national minorities in the spheres of official use of language and script and education in national minority languages. The achievement of the objectives will be supported by the activities related to the promotion of national minority rights.

The right to accommodation and protection from eviction is regulated under the Housing and Maintenance of Apartment Buildings Law. The Government of Republic of Serbia has significantly stepped up its efforts to improve legal framework of housing. To this end, the Housing and Maintenance of Apartment Buildings Law has been enacted, as the first legal framework protecting human rights of the persons living in substandard settlements.

The Law enshrines all the obligations contained in the ratified international conventions, in particular in the International Pact on Economic, Social and Cultural Rights and its accompanying instruments.

By such legislation, Serbia is striving to reach high standards in the area of human rights which are enshrined in international legal instruments incorporated in the legislation of the EU Member States, in particular the European Convention on Human Rights and Fundamental Freedoms and:

- Article 8 – Right to respect for private and family life;
- Article 13 – Right to effective remedy;
- Article 14 – Prohibition of discrimination;

The National Strategy of Social Housing (Official Gazette of RS, 13/12) was adopted in 2012 in compliance with the Social Housing Law (Official Gazette of RS, 72/09). It is still valid umbrella strategic paper for the area of social housing pending the adoption of a new housing strategy that will be a comprehensive strategic document on housing policy the development of which is expected to start by the end of 2018.

The National Strategy on Social Housing sets out seven objectives, among which Objective no. 7 is about the right to improvement of the housing conditions of the Roma and the poorest population living in substandard settlements, while Objective no. 2 is about more general population for which housing on the market is inaccessible without specific form of public intervention.

Substantial number of the provisions of the new Housing and Maintenance of Apartment Buildings Law is dedicated to housing support that includes several forms of housing assistance for persons who from social, economic and other reasons are not able to address own housing need in the market conditions, either to address it for their personal or the benefit of their family.

The housing support includes one completely new systemic policy that has not been provided for under national housing law before. It is a housing allowance intended to settle costs of housing, which is a benefit that bears great relevance for the poorest strata of society, which to large extent includes Roma population as well.

The novelty of the Housing and Maintenance of Apartment Buildings Law is now a clear definition of the most vulnerable population in terms of housing, i.e. homeless people, who

are also to the large extent the members of the Roma population. To adequately address this issue, it is the housing support that has captured considerable attention in this Law, which is critical for prevention of discrimination against vulnerable population in the area of housing.

The Housing and Maintenance of Apartment Buildings Law specifically defines when, and under what conditions the eviction is conducted, i.e. the procedure of eviction, the remedy that persons subject to eviction are entitled to, including that they may be moved to an adequate dwelling.

Urban planning of substandard settlements

Such an action has been taken under the 1 M€ worth IPA 2012 project “Here we are together – European support for Roma inclusion”, that spawned urban plans (detailed or general urban plans), for 13 sub-standard Roma settlements with about 1150 households, i.e. including about 4200 residents, mostly Roma;

Improved infrastructure of substandard settlements

Preparations for the implementation of this action were completed when IPA 2012 project component 2 had been finalized the deliverable of which were the developed technical documents for the construction of utility infrastructure (water supply facility, sewer, power grid thoroughfares) and housing facilities to cover about 1200 households including 4500 populations mostly Roma.

The implementation of this action started in 2017, implementation of the projects of the construction of infrastructure in 13 substandard settlements in 10 local government units, supported under IPA 2013 in the amount of 9,5 M€. This project is expected to develop/improve utility infrastructure (water supply, sewer and power grid, and regulation of river flows as the protection from flooding, etc.) in minimum 13 settlements in 13 local government units.

Improved housing conditions in substandard settlements

Under the IPA 2013 project, about 195 housing solutions will be supported (construction of new houses/apartments, assembling of prefabricated houses or reconstruction of dwellings) for the Roma population stricken with poverty.

Increased social housing stock by the construction of new apartments, which is implemented under the following:

1) Social housing development (construction) programme 2013-2018

It is supported by the national budget allocations in the amount of 200 mil. dinars (about 2 M€). 135 apartments in 6 towns have been built so far, of which 50 for leasing to low-income households among which are the members of the Roma population. By the end of 2018, another 30 apartments in 3 towns are expected to be complete, of which 28 are for leasing to the low-income households.

2) IPA 2013 project Development/installing 160 housing units for the Roma population

Alternative housing programmes

This measure will also be taken under the IPA 2013 project Reconstruction of dwellings, which will ensure another 35 housing solutions for the Roma population stricken with poverty. IPA 2013 housing programme is launched; under IPA 2014 national programme the support is ensured for the social inclusion of Roma by investing into the development of technical documents for sustainable housing solutions;

The ongoing are the IPA funded projects under the programme cycle for 2014 (3,1 M€) and 2016 (4,2 M€), related to the in-depth needs analysis for the improvement of housing conditions, and to the development of plans and technical documents for substandard Roma settlements.

Under the IPA cycle, sources of funding are secured for the key actions and activities set out in the Action Plan of the Strategy for Social Inclusion of Roma, in particular with regard to housing with view to the improvement of the housing conditions of Roma. Selected local government units will receive support to set up and run mobile Roma assistance teams and to implement infrastructural IPA projects.

A large number of the internally displaced Roma have been assisted dwelling-wise, both as the result of the closure of official collective centres, and in the provision of housing solutions for the persons residing in informal centres and as the tenants of a landlord i.e. private accommodation.

The Protocol on Cooperation has been signed between the Monitoring Coordinating body of the Strategy for Social Inclusion of the Roma chaired by Vice-president and Minister prof. Zorana Mihajlovic PhD and the City of Nis, the aim of which is to find sustainable housing solutions for the residents of the informal settlement “Crvena Zvezda” in Nis. This initiative will advance a participatory approach in improvement of housing conditions, taking fully into account international standards and this particularly vulnerable population.

Geographic Information System (GIS) for substandard Roma settlement is up and running. All the units of local government received from the GIS database the initial data on substandard dwellings of the Roma settlements in their territory, which will serve as the basis for annual tracking of progress towards full improvement of the housing conditions of the Roma residents.

With regard to accessible housing arrangements, a publication on adequate housing arrangements which address the needs of the Roma population is developed and published.

IMPLEMENTATION OF THE NATIONAL STRATEGY ON SOCIAL HOUSING:

I ACHIVEMENT OF STRATEGIC OBJECTIVE 7

IMPROVED HOUSING CONDITIONS FOR THE SUBSTANDARD SETTLEMENT RESIDENTS, is mostly about the provision of the access to adequate housing for the Roma

population that mostly resides in substandard settlements, which is to be achieved by the following actions:

7.1 – Urban planning of substandard settlements;

This action has been taken under the 1 M€ worth IPA 2012 project “Here we are together – European support for Roma inclusion”, that spawned urban plans (detailed or general urban plans), for 13 sub-standard Roma settlements with about 1150 households, i.e. including about 4200 residents, mostly Roma;

7.2 -Improved infrastructure of substandard settlements

Preparations for the implementation of this action were completed when IPA 2012 project component 2 had been finalized the deliverable of which were the developed technical documents for the construction of utility infrastructure (water supply facility, sewer, power grid thoroughfares) and housing facilities to cover about 1200 households including 4500 populations mostly Roma.

The implementation of this action started in 2017, implementation of the projects of the construction of infrastructure in 13 substandard settlements in 10 local government units, supported under IPA 2013 in the amount of 9,5 M€. This project is expected to develop/improve utility infrastructure (water supply, sewer and power grid, and regulation of river flows as the protection from flooding, etc.) in minimum 13 settlements in 13 local government units.

7.3 – Improved housing conditions in substandard settlements

Under the IPA 2013 project, about 195 housing solutions will be supported (construction of new houses/apartments, assembling of prefabricated houses or reconstruction of dwellings) for the Roma population stricken with poverty.

II ACHIVEMENT OF STRATEGIC OBJECTIVE 2

INCREASED EXTENT AND RANGE OF THE HOUSING SOLUTIONS, by taking the following actions:

2.1 Increased social housing stock by the construction of new apartments, which is implemented under the following:

1) Social housing development (construction) programme 2013-2018

It is supported by the national budget allocations in the amount of 200 mil. dinars (about 2 M€). 135 apartments in 6 towns have been built so far, of which 50 for leasing to low-income households among which are the members of the Roma population. By the end of 2018, another 30 apartments in 3 towns are expected to be complete, of which 28 are for leasing to the low-income households.

2) IPA 2013 project Development/installing 160 housing units for the Roma population

Early childhood education – pre-schooling

According to the data available with the Republic Statistical Office, the coverage was 212.719 children of 6 to 6.5 years of age or 47,24 % in the school year **2017/2018**.

Children/staff ratio

Under Article 30 of the Early Childhood Education Law (Official Gazette of RS 18/10, 101/17, and 113/17 – spec. law), the children shall be organised in educational groups.

These may be the nursery groups (encompassing infants of 6 months to children of three years of age) and kindergarten or day care groups (encompassing children between three years of age and preschool age)

Educational groups may be set up to include children of the same or various age. They shall include the following number of children as per each age cohort:

- between 6 months up to 1 year of age – 7 children;- 1- 2 years of age – 12; 2 -3 years of age – 16; 3 - 4 years of age– 20; 4 – 5,5 years of age – 24; 5,5 to the school age – 26.

Without prejudice to para.3 thereof, a number of children enrolled in an educational group shall be as follows: hospitalized children – up to 15, and children with developmental disorders and disability – development group between 4 and 6 children

When educational groups cannot be set up as provided for in paragraph 3 thereof, the founder of the pre-school institution may proscribe either fewer number to compose one educational group, or that an educational group consists of up to 20% more children than the enrolled number of children in an educational group, following the criteria specified by the line minister.

When a pre-school institution, or a school with an organised delivery of pre-school course programme is established on the national level, i.e. its founder is the Republic of Serbia, the number of children within the meaning of Article 6 thereof shall be provided for by the pre-school institution or school concerned, with the consent of the Ministry. When the founder is the autonomous province, the consent shall give the competent authority of the autonomous province which is responsible for education.

Under Article 31 of the Law, the number of children to be enrolled in the groups of mixed composition shall be as follows: 12 children in the case of children who are between 1 and 3 years of age; 20 children when they are between 3 years of age and school age; and 15 for the group composed of the children between 2 and school age.

A pre-school institution may set up the groups of mixed composition of children of alternatively distributed age.

The children/staff ration shall mean that one group with the above mentioned proscribed number of children is headed by one educator. Depending upon an institution's daily working hours' schedule, i.e. shorter or longer working hours, additional educational staff may be hired.

Educational attainment of the staff (qualification level of educators) and adequate premises

Under Article 39 of the Pre-school Education Law (Official Gazette of RS, 18/10, 101/17, and 113/17 – spec. law), the job of educator shall be performed by a person who meets the requirements under the Law, and with adequate education, as follows:

- 1) with the infants between 6 years of age and children up to two years, a person with secondary school education attainment, a nurse, an educator, and with children between 2 and 3 years of age, a person with secondary school, a nurse, an educator, and a person who has relevant post-secondary college education, i.e. relevant post-secondary university level education completed from the level one studies (bachelor programme or specialist occupational programme), with completed in-service training for the work with children of nursery age - an educator ;
- 2) with the children between three years up to school age, a person with their relevant post-secondary college education, i.e. relevant post-secondary university education completed from the level one studies (bachelor occupational programme, bachelor academic programme or specialist occupational programme) or from the level two studies (post-graduate programme i.e. master academic programme, specialist academic programme or master occupational programme) i.e. from level one studies of minimum four years, as provided for under the laws applied to post-secondary university education before 10 September 2005 – an educator, under the Law;
- 3) in a mixed group (with the children between two-year age and school-age), a person meeting requirements referred to in points 1) and 2) thereof - an educator;
- 4) with the hospitalized children – a person meeting the requirements referred to in point 2) thereof – and educator;
- 5) with the children with developmental disorders in an educational group, a person meeting requirements referred to in points 1) and 2) thereof who in the course of its professional development or as per the provided for programme is trained for work with children with developmental disorders – an educator;
- 6) with the children with developmental disorders in a developmental group – a person with the relevant post-secondary university education completed from the level two studies (bachelor academic programme – mater and specialist academic programme), and a person with the relevant post-secondary university education completed from level one studies of minimum four-years – a special education practitioner – an educator, under the Law;
- 7) with the children members of ethnic minorities – a person meeting requirements referred to in points 1) to 6) thereof, if acquired relevant level of education in the language of educational job, or if the person passed the language examination (being the language of the person’s prospective educational job), including the principles of teaching, both the exams need to be taken and passed at a relevant post-secondary university level educational institution – and educator, under the Law.

Exceptionally, when the educators who can speak the language of national minority in question are in demand, an assistant educator with the required language skill and minimum secondary education may be hired along with an educator who does not have required

language skills, the hiring of whom shall last up to the launched contest for the job vacancy, and not after 31 August following year. The language exam taking programme shall be developed by a pre-school institution, under the Law.

The appropriateness of the premises is specified in-depth under the Rules on the operational requirements and the requirements for the pursuance of the activity of institutions for children (Official Gazette of RS 50/94 and 6/96).

The Rules spell out detailed requirements with regard to space, equipment, a number of practitioners and other staff that institutions for children (pre-school institutions and resorts for children) shall satisfy to be allowed to start to operate and pursue the activity, as well as the requirements that other legal and natural persons shall satisfy to be allowed to carry out specific tasks of and provide specific services of social care for children.

Funding

Under Article 49 of the Pre-school Education Law (Official Gazette of RS, 18/10, 101/17, and 113/17 – spec. law), the activity of pre-school education shall be funded as provided for under the Law.

Under Article 50 thereof, a parent, or other legal representative of a child shall co-pay the pre-schooling at the institution at national, regional or local levels under the Law. The decision on the amount of the co-payment referred to in paragraph 1 thereof shall be taken by the founder. Children without parental care, children with developmental disorders and disability, and children in economically deprived families shall be exempt from the co-payment obligation referred to in paragraph 1 thereof either in case of either day or semi-day care, as provided for under financial support for families with children law.

Contribution by Equality Commissioner

The background situation and practice of the Equality Commissioner indicate that discrimination on the basis of marital or family status is rampant in employment and occupation, with women being more frequently exposed to this form of unequal treatment than men. Such a state of play is driven by economic situation in the country, but also by unfair practice followed by specific employers in the recruitment procedures to pose the questions on martial and family status or to automatically exclude women on the assumption that they are as a rule not able to reconcile and strike balance between occupational and family responsibilities In its regular annual report for 2017 the Commissioner, indicates *inter alia*, that in order to achieve full equality and effectively combat discrimination based on martial or family status, conclusion of employment contracts with flexible working hours should be provided for, including development of community-based services of care for children and elderly, more active involvement in all the areas of social life, promotion of policies on child care leave from work for men. Also, special attention should be paid to women in rural areas, and make efforts to improve the situation of and develop specific policies for this population group.

Complaints lodged with Equality Commissioner for discrimination on the basis of marital and family status

	2014.	2015.	2016.	2017.	30.6.2018.
Complaints	52	24	52	48	30

numbers percent	and (7,5%)	(3,7%)	(8,2%)	(7,6%)	(5,3%)
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The follow-up by the Commissioner indicates that discrimination on the basis of marital and family status has often been stated as one of the basis even in the cases of multiple/intersection discrimination, where specific vulnerable population, particularly women, girls, Roma women, are at more considerable risk of intersectional discrimination due to their marital or family status, but also due to prevalent patriarchal notion about the role of a woman in a family.

In addition to employment and occupation, complaints for discrimination on the basis of marital and family status have been lodged also for the treatment by public authorities. It should be noted that in 2017, the Commissioner received complaints about the entitlement to parental allowance which were filed by the fathers of children whose mothers were non-nationals. As a result, the Commissioner issued recommendation to local government units (196) on the actions to be taken for the effective gender equality. The Commissioner explained in its recommendations that the effect of the denial and withdrawal of the entitlement to parental allowance to the father of a child whose mother is a non-national regardless of the fact that such a father is eligible under the Financial Support for Families with Children is that such families are placed in less favourable position in comparison to other families with children whose mothers are nationals of Serbia.

The already mentioned Special Report on the Discrimination of Women contains description of the situation regarding domestic violence taking into account violence against women as one of the gravest forms of discrimination of women and of jeopardizing their fundamental human rights. According to the Report, women are often exposed to secondary victimisation after having reported violence. In 2016, on the Commissioner's initiative, among other things, the provisions of the Criminal Code were being brought into conformity with the Convention of the Council of Europe on preventing and combating violence against women and domestic violence (Istanbul Convention) ratified by Serbia as early as in 2013. Under the amendments, the term of prison is for the first time equal as an imposed section for criminal offence of rape under Article 178 and the criminal offence of sexual intercourse with a helpless person.

Article 17 – The right of children and young persons to appropriate social, legal and economic protection

With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

1. a. to 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;
- b. to protect children and young persons against negligence, violence or exploitation;
 - c. to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support;
2. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

Article 17§1

Legal status of the child

Under Article 59 of the Family Law, regardless of its age, a child is entitled to know who are its parents. After its 15th birthday, a child who is capable of reasoning may examine the birth register and other documents related to its origin. Under Article 326 of the Family Law, after an adoption has been entered into the birth register, only the adopted child and adoptive parents are entitled to examine the birth register. Prior to allowing the child to have access to the birth register, the registrar shall refer the child to a guardianship authority, family counsellor or any other institution specialized for family mediation services to have psychological and social counselling.

Protection from bullying and abuse

The implementing regulation adopted based on the Social Welfare Law – **The Rules on the Prohibited Forms of Treatment by the Social Welfare Staff** ¹⁴ prohibits any conduct by the staff of a social welfare institution, i.e. at a social welfare service provider, which has any features of violence against a beneficiary, physical, emotional or sexual abuse, exploitation of a beneficiary, abuse of trust or power a member of staff enjoys in relation to a beneficiary, neglect, and other actions or treatment, and follow-up by the staff which undermine and are harmful for the health, dignity and development of a beneficiary. The special position that a child has as a beneficiary and the requirement to provide it with protection in the context of service provision is particularly emphasized under the Rules.

Currently, the amending of the Family Law is underway. One of the amendments is about the regulation of chastisement i.e. corporal punishment of a child, and of the defining of the rule that parents are not allowed to chastise the child, or to subject it to degrading treatment and punishment that are offensive for the human dignity and integrity of the child, and that they have responsibly to protect a child from such a behaviour coming from others.

The line ministry supports the public availability of all the information on good parental practices, harmfulness of chastisement and on alternative methods of raising a child,

¹⁴Official Gazette of RS", 8/2012.

including development of parental support services aimed at awareness raising on good parental practices and efficient methods of raising a child.

Article 17§2

Ministry of Education, Science and Technological Development (MoESTD) has for a number of years now been implementing a project securing free schoolbooks for the pupils of primary schools in Serbia. Only in the last four years, were USD 2.5 mil. allocated for the purpose of the implementation of the project “Purchase by the budget allocations of teaching aids for pupils, students, and institutions”

In school year 2014/15 about 290.000 pupils, i.e. all the pupils falling under the scope of the first cycle of primary education exercised their right to free schoolbooks; more than 126.000 pupils from socially vulnerable categories in school year 2015/16; 45.000 pupils from the families that are beneficiaries of cash social assistance in school year 2016/17, when also the libraries received sets schoolbooks for each and every primary school across Serbia, taking into account the total number of pupils as per every school and level of development of local government unit where the school is located. For school year 2017/18 about 86.000 pupils who are members of families in socially vulnerable category/economically deprived families (families are cash social assistance beneficiaries), pupils with mental and physical disabilities respectively, pupils who are schooled under the individual plan of education; and the pupils who are third child in sequence and talented child that is covered by the education system.

Under Article 10(1) of the new Schoolbook Law (Official Gazette of RS, 27/18) the government shall, to the extent of the resources available in the national budget, and for the purpose to ensure equal access to education, issue a decision on funding of the preparation or purchase and allocation of schoolbooks and manuals, in particular for the pupils who are in socially and economically deprived situation, as well as for the pupils with mental and other forms of disability.

Following the Government Decision 05 no: 451-5855/2018 of 21 June 2018, in the context of the referred to project, for school year 2018/19 the MoESTD shall secure free schoolbooks and other teaching aids included in the set of schoolbooks the schools opted for, for: pupils from social and economically deprived families (recipients of cash social assistance); pupils with mental and other disabilities (who are school under the individual plan of education), and for the pupils who are third child in sequence and for every following child born that is covered by the education system.

Please see reply to **Article 17§3**

Under Article 110 of the Foundations of Education System Law (Official Gazette of RS 88/17, 27/18 (I) – spec. Law and 27/18 (II) –spec. law) discrimination and discriminatory

treatment on the basis of race, colour, extraction, nationality, migrant or displaced person status, nationality or ethnic minority, language, religion, political opinion, sex, gender identity, sexual orientation, property, social and cultural origin, birth, genetic characteristics, health, disability, marital status, family status, age, appearance, political, trade union affiliation, affiliation in other organisations and other real and assumed personal characteristics as well as on other basis as provided under anti-discrimination law shall be prohibited.

Implementing regulations specifying identification and follow-up of the cases of discrimination include the Rules on the criteria for the identification of forms of discrimination by a member of staff, child, pupil or any third party at an educational institution (Official Gazette of RS, 22/2016) and the Rules on the treatment and follow-up in the context of antidiscrimination has been in the procedure of adoption.

Under Article 111 of the Foundations of Education System Law (Official Gazette of RS 88/17, 27/18 (I) – spec. Law and 27/18 (II) –spec. law) any physical, psychological, sexual, digital and any other bullying, abuse and neglect at the institution of a pupil, adult, parent, or lawful representative or third party shall not be allowed.

The Rules on the protocol of response by the institution to bullying, abuse and neglect (Official Gazette of RS, 30/2010) specify procedures to follow to exercise the protection of pupils from violence.

The right of children in public institutions of care

Responses to the Committee for Social Rights

Under Article 60 of the Family Law, a child is entitled to live with their parents and is entitled to have their parents to take care of it as a matter of priority. The right of the child to live with its parents may be limited only by a court decision when in the best interest of the child. The court may decide to have the child separated from their parents if there are reasons that justify complete or partial deprivation of the parent of its parental responsibility or in case of domestic violence.

Art. 81 and 82 of the Family Law, envisage the conditions under which parents shall be deprived from their parental responsibility. Parents are fully stripped off their parental rights if they abuse the rights (if they abuse the child physically, sexually or emotionally; if they exploit the child forcing it to excessive work, or to work jeopardising moral, health or education of the child, i.e. the work that is outlawed; if they entice the child to criminal offence; if they make the habit for a child to have harmful inclinations and habits; if in any other way they abuse the rights included in the body of parental rights or severely neglect the duty included in the body of parental rights (the parent has abandoned the child; the parent does not take care of the child living in the same household; the parent is avoiding maintenance of the child or personal relations with the child and of the parent that is not living in the same household; the parent intentionally and unreasonably keeps avoiding to create conditions for shared living with the child who is placed in residential care; the parent in any other way severely neglects duties included in the body of parental rights). Parents are

partially deprived of parental responsibility if unconscientiously exercise the rights or perform duties included in the body of parental rights. The parent who is not conscientious in the exercising of the parental right may be deprived of the rights and duties to look after, raise, educate and represent the child, and of managing and disposing of the property belonging to the child.

Except the court, the centre for social work – a guardianship authority, has vested powers to decide on the provision of placement for the child outside the parental home. In particular, the guardianship authority shall under law, and in compliance with Article 332(2) of the Family Law, issue an interim conclusion on the provision of the placement for the child, within 24 hours from the moment of notification on the existence of the need for the guardianship. Such a conclusion shall be issued in the situations when it is required to respond promptly (urgent intervention), to protect the life, health and proper development of the child, and provide the child with interim guardianship care. The referred to measures undertaken by the guardianship authority are of provisional, temporary character, and the authority shall immediately the displacement of the child from family and appointment of the interim guardian, file charges to effect deprivation of parental right or to protect the child from domestic violence, so that the court, following Article 60(3) of the Family Law, in the law suit hearing decide if the requirements for the deprivation of parental rights are satisfied or for the injunction to be ordered for the protecting of the child from domestic violence and the decision on the separation of the child from the parent.

In 2013, the Social Welfare Institute launched pilot service of family assistant under the auspices of the UNICEF and Foundation „Novak“. Family assistant is a service that has been piloting in social welfare institutions for children and young persons, which are undergoing the process of institution conversion. Family assistant is for the time being, the only service of intensive family support that has been piloted by the system, ensuring support for families coping with numerous and complex needs and difficulties, in which there is the risk of separation of the child from the family. In June 2016, the piloting was formally over, of the service funded by the Foundation „Novak “and UNICEF, and the piloting of the specialized service for families with children with mental disabilities under the IPA 2013 project cycle has taken over. Pending a system solution for funding the intensive family support, the provision of the service of family assistant by four service providers has been continued with the support of the project implemented by the Ministry of Justice, which is to be complete by the end of 2016. 560, with 1012 adults and 1311 children. More than 11500 field visits were organised in the piloting period. About one half of the families receiving the assistance are one-parent families, about 60% are only the social welfare recipients, and in fewer than one fourth there is an unemployed member, one-fourth are faced with a mental condition of one of the members, and one-fifth with the addiction disease, 2/3 children have educational difficulties, and about half have a health condition.

Analysis show that the family assistant service is favourable to prevent children from entering the system of formal social care i.e. is favourable for the preservation of family, and to strengthening of parental competencies, improvement of health status of family members, regular school attendance, and even contributes to good performance of the pupils in at school – all being important indicators of family wellbeing. The service is very effective for the Roma families, i.e. 40% of all the families receiving this form of assistance.

Family Assistant is an intensive and tailor-made support for the child and its family and is one of the essential services in the continuum of various services targeted at family. By

making such an addition to the national social welfare system the state has shown its commitment to support the families, i.e. helping parents/guardians to take care of their children. By developing the service, the national social welfare has been making efforts to ensure conditions are in place for the application of those solutions that give priority to support to family – parenthood in the procedures that are followed to protection children from neglect and abuse, i.e. ensure living in community of children with disability.

The “Family Assistant Piloting and Evaluation Study” has been prepared. It uses information collected in the piloting phase and in the direct contact with families, children and practitioners in the period 2013-15 in Belgrade (Children and Youth Care Centre), Nis (Residential care institution D.Radovic), Novi Sad (Children’s Village Sremska Kamenica) and Kragujevac (Local Service Centre Knjeginja Ljubica). The Social Welfare Institute was the coordinator of the piloting process.

External evaluation of the impact has been conducted by the Faculty of Political Science, Department for Social Policy and social Work.

The negotiations on family assistant as a service are ongoing (service providers from Belgrade, Kragujevac, Nis and Novi Sad, Social Welfare Institute, Ministry of Labour, Employment, Veterans and Social Affairs and UNICEF) to find solution for continuation of the funding.

For the time being, funding is secured by the UNICEF which shall last by the end of August 2018.

Also, amendments to the Social Welfare Law are pending which shall provide legal framework for the Centres for Children and Family. The Draft of the Law as amended has been prepared, whereby the provisions are in place on the establishment of the Centre for Children and Family i.e. for the implementation of the service of Family Assistant. Also, the services of counselling, therapy, social and educational support will be re-defined which are provided as a form of support for individuals and families in crisis.

Following the UN Guidelines for Alternative Care of Children (2009 b, paragraph 15) that “Financial and material poverty, or conditions directly and uniquely imputable to such poverty, should never be the only justification for the removal of a child from parental care, for receiving a child into alternative care, or for preventing his/her reintegration, but should be seen as a signal for the need to provide appropriate support to the family” and guided by the UN Convention on the Rights of the Child where poverty is understood as a need for a family to receive the support, the social and economic conditions in Serbia cannot be a reason for the separation of a child.

The Ministry of Labour, Employment, Veterans and Social Affairs has been implementing the policy that ensures support to parents helping them to exercise their parental responsibility, the primary purpose of is to prevent removal of a child from its family by the provision of adequate financial support and services focused to strengthening of the capacities of the family.

Currently in Serbia, there are in total 6 centres for foster care and adoption, and 2 more are planned to be opened which 1) prepare, assess and train future foster and adoptive parents; 2) provide support to foster parents, i.e. families offering foster care and to adoptive parents; 3) report to a centre for social work on the work of foster parents and on the

functioning of the families offering the service of foster care and recommend measures to address likely shortcomings; 4) carry out other tasks in compliance with law and other regulations (Article 131 of the Social Welfare Law).

With regard to the process of deinstitutionalisation and conversion of the institutions, the process of displacement of children and young persons with mental disabilities from residential care to small home-like communities continues, to ensure provisional placement in safe and enabling environment, in the circumstances when such a placement is not possible in the family environment, so that the beneficiaries can have the support they need and become prepared for the sustainable independent life.

Foster care coverage has been significantly increased in comparison to the residential care coverage. However the coverage of children with mental disabilities has been persistently low. For that reason, the state places particular emphasis on the development of specialized foster care, i.e. foster care including intensive and additional support which meet the needs of the child with mental and physical developmental disorders, significant health conditions, and behavioural disorders, for whom after the conducted assessment, it has been concluded that it will be in its best interest to receive the service of foster care, and thus is placed in foster care for shorter or longer period. Also, the efforts have been stepped up to develop the service of casual foster care (intermittent foster care), for the child with developmental disorders or health condition, who live in biological or foster family and who is moved to another foster family for shorter period with the aim of respite and preservation of the capacities of the foster family, i.e. biological family, to be further taken care of and to prevent crisis which may be detrimental to the functioning of the family. Also, the service of family assistance is being implemented, the aim of which is to provide support to the family coping with different and serious problems to ultimately prevent the removal of the child.

Numerous activities have been undertaken in the field of the development of the community-based services, such as day care, supported living, house help or personal assistance, while the residential care is a service that is used as a last resort when it is not possible to provide a less restrictive alternative service. Deinstitutionalisation is primarily undertaken with regard to large-scale institutions, whereby residential care is replaced by foster care, and with the concept of small home-like communities for children with most complex disorders for whom it is not possible to create conditions for their return to own family.

The establishment and sustainability of community-based services is supported by the mechanism of earmarked transfers set up on the basis of the Decree on Earmarked Transfers (March 2016) ensuring financial support for local governments the level of development of which is below the average national, which are allocated, i.e. transferred from national to local level for the development of community-based services at local level and for those local governments that are developing innovative services and also, for the local governments in the territory of which there are residential care institutions in conversion.

Living conditions in residential care are the result of the limited uptake of community-based services, and therefore the earmarked transfers are significant for the development of such services, and for the creation of the enabling environment for improved deinstitutionalisation, while the living conditions in residential care and quality of social welfare services are further improved by licensing of social welfare organisations under

which service providers are bound to meet all the standards under law, both structural and functional.

Investments in social welfare institutions are solely associated with their responsibility to meet the licensing requirements and standards under law, i.e. enhancement of the quality (if the requirements and standards are not met the license is revoked), rather than with the extension of the holding capacities of the institutions. In the social welfare system, licensing is governed under the Social Welfare Law with the aim to improve the quality of services, and it is the twofold process: licensing of practitioners and licensing of social welfare organisations.

Right to assistance

Given that increasing influx of migrants from areas under conflict to Serbia, and taking into account that among migrants there is a large number of children, in July 2015, the Ministry of Labour, Employment, Veterans and Social Affairs issued **the Guidelines for centres for social work and residential care institutions for the provision of care and placement to unaccompanied migrant children** regulating organisation of work and obligations of the institutions concerned in the procedure of interim placement and care for migrant children. The Guidelines is circulated to all the centres for social work across Serbia. According to them, a centre for social work shall immediately upon the receipt of a written or oral notification from the Ministry of Internal Affairs, Police Head Office – Border Police Authority or Commissioner for Refugees and Migrations, on the identified or discovered UMC in the territory of under its local or subject-matter jurisdiction, ensure to such an UMC the a) guardianship care by the appointment of a provisional guardian under Art. 132, para. 2, point 4 of the Family Law (Official Gazette of RS 18/2005, 72/2011 – spec. law, 6/2015), b) placement in residential care institution the organisational structure of which includes a special organisational unit for provisional placement and care of UMC, which, in line with its scope of work, ensure safety, health care and subsistence. The placement is temporary and may last up to the moment of the expression of wish by the UMC for asylum, under Asylum Law, after which the placement shall be secured by an asylum centre. A residential care institution with the special organisational unit for provisional placement and care of UMC shall ensure the following: safety, health care in compliance with health care regulations and subsistence (housing, adequate food taking due care of the UMC's national and religious origin, personal hygiene maintenance, clothes, footwear, etc.). Other residential care institutions shall, in case of lacking uptake, make available their capacities for the placement of UMC.

Non-national children are placed in reception centres escorted by police officers and staff on stand-by at centres for social work where their identity has been identified, on the basis of the statements given by the UMC. The centre for social work shall ensure under its scope of work the Provisional conclusion on placement and Decision on direct guardianship. Upon the admission at the Centre, temporary guardian shall be appointed from among the practitioner staff at the centre for social work who shall assume and effect all the responsibilities as provided for in the Decision on temporary guardianship. It means the protection of the interest of the UMC, anti-discrimination, observation of the right of the UMC to the provision of the protection of cultural and ethnical identity, right to an interpreter, right to inter-organisational cooperation and all until the return of the UMC to the country of origin or placement in any of the asylum centres. The institutions maintain records and keep

documents on UMC (birth register, a case file containing all the accompanying documents on the carried out work for every UMC on case-by-case basis).

The service of psychological counselling and social support is provided by the duly trained institution's staff. The treatment is a short-term one, focused to stabilization of the UMC/young person, in which its needs are assessed and form of care and protection is set, activities planned with the member of its family. In addition to the institution's staff, psychological counselling and social support may be provided at a reception centre by psychologists from a variety of NGOs.

In October 2017, the line ministry adopted the new **Guidelines for centres for social work and residential care institutions for the provision of care and placement to unaccompanied migrant children**.

Under Article 132, paras.1 and 2, point 4 of **the Family Law**³⁰, enacted in 2005, a guardianship authority may decide to appoint a provisional guardianship to a beneficiary, as well as to a child under parental responsibility. i.e. to a person with business and legal capacity if it has been assessed that such a measure is a necessity for the effective temporary protection and care of a person concerned, their rights or interests, and it is done ex officio, in the case of, inter alia, a non-national who is found in the territory of Serbia or it has a property in its territory. Under para. 3 thereof the decision on appointment of the provisional guardian shall contain the provision on the legal activity/matter or type of legal activity/matter the recipient of such a decision may undertake or pursue depending on the circumstances on case-by-case bases. In the case of migrant children who is not travelling in the company of an adult responsible person, parent or guardian, the temporary guardian shall take care on the meeting of the basic needs of the UMC including safety, health, subsistence – food, clothes, footwear, placement, personal hygiene, etc. A special obligation which must be spelled out in the Decision on appointment of the provisional guardian to an UMC is representation in all the proceedings affecting its rights under national law, such as in the asylum procedure, of for the provision of any other form of protection. With regard to guardianship care, an UMC, in all such proceedings is, under Art. 65 of the Family Law, entitled to the right to be heard, which means that a child is entitled to timely information it needs to form its own opinion, that the opinion must be taken into due consideration in all the matters affecting the UMC and in all the proceedings in which their rights are being decided on, taking into account the age and maturity of the child, as well as that it is entitled to express its opinion freely and directly in any court or administrative proceedings in which its rights are being decided on.

Under Article 41, para. 2, points 7 and 8 of **the Social Welfare Law**³¹ enacted in 2011 a social welfare beneficiary is a child or adult up to the age of 26, whose health, safety and development are jeopardized due to family and other life circumstances, i.e. if it is certain that without support of social welfare system it will not be able to reach the optimum level of development, in particular: if the child or adult is a victim of human trafficking and if an unaccompanied non-national or stateless person.

All the entitlements provided for under the Social Welfare Law shall be accessible to UMC with due regard for the underlying principles, in particular respect of a beneficiary's

³⁰Official Gazette of RS 18/05, 72/11 – spec. law and 6/2015.

³¹Official Gazette of RS. 24/2011.

integrity and dignity, non-discrimination on any bases, best interest of the beneficiary, choice of the least restrictive form of care, timeliness and completeness of care, accessibility and tailor-made care, etc.

With regard to the application of *Article 17 of the Charter*, please note that in 2014 the [Equality] Commissioner prepared the Special Report on Child Discrimination¹² indicating that children of Roma nationality and children with mental and other disabilities are mostly discriminated against. In the Report, a set of recommendations is given such as the need for urgent adoption of the rules on the procedure to be taken in the cases of discrimination in educational institutions (adopted in 2016), the need for work with both the school staff and children to raise awareness which shall allow the acceptance of and respect for diversity, elimination of prejudices and stereotypes, and the need to ensure equal treatment in good quality education for all children and young persons, without discrimination.

Also, in cooperation with the UNICEF, the Commissioner organises the Youth Panel, gathering children and young persons from 13 to 21 years of age, to enable them to acquire knowledge necessary for the identification of discrimination, to prevent them to discriminate, and to learn to use anti-discrimination mechanisms, if necessary. In addition, competitions for the best art work and photography are regularly launched for primary and secondary school students across Serbia, with view to raise the level of tolerance and acceptance and awareness and sensibility enabling identification of discrimination.

Simultaneously, “The Proceedings of Equality Commissioner’s Opinions and Recommendations: Follow-up on the Complaints to Discrimination” has been printed and published, containing opinions and recommendations issued in the proceedings conducted on the basis of the received complaints for discrimination of children. Also, there is a collection of comic books for children and youth which has been published under the title “Do not tolerate discrimination, react! Seek protection and react! The comic books represent cases from Equality Commissioner’s practice in which children were discriminated against, and the authors of the coming books are experienced artists and cartoonists. Further, recognizing the issue of discrimination of children particularly present in educational system, the Equality Commissioner prepared the publication “Prevention of segregation, development of inclusive enrolment policies and desegregation of schools and classes (international experience and recommendations for the improvement of practice in Serbia “.

Taking the overview of the exercising of the right to equality by children and young persons, in its regular annual report for 2017, the Commissioner’s recommendations to the public authorities include:

- taking all the measures falling under the competence of authorities to ensure hiring of educational assistants for children and students in need of additional support in education and continuation of the activities of development of inclusive education, based on the principles of equality and accessibility. Further, provide for the employment requirements for educational assistants, increase the number of educational advisors with the aim to advance inclusive education and take the measures for timely provision of schoolbooks in the child-friendly formats;
- improve legal framework for the protection of the child in terms of its conformity with the UN Convention on the Right of the Child, in particular with view to the definition of the terms and prohibition of chastisement;

¹²Available
content/download/poseban_izvestaj_o_diskriminaciji_dece_web.pdf

at:<http://ravnopravnost-5bcf.kxcdn.com/wp->

- better access to primary and secondary schooling for the children from vulnerable groups through implementation of affirmative measures in particularly targeted at the Roma population and so called ‘street children’ with the aim to increase the uptake of the children enrolled in schools, and also to reduce the number of drop-outs, with the aid of the activities leading to the inclusion of the adults from vulnerable groups in educational system.;

- continuous efforts to ensure equal opportunities regarding the access to higher education for the youth from marginalized population, by the putting in place special measures and supplementing the standards for accreditation of higher education institutions, in particular in terms of the accessibility of space and premises, provision of assistive technologies and relevant student support services;

- taking measures to mainstream into the curricula and teaching materials the topics that develop culture of peace, tolerance, understanding and respect for diversity, gender equality, and non-discrimination, eliminate from the teaching materials discriminatory content and content supporting stereotypes and prejudices, and put in place health education and reproductive and sexual health education and through citizenship education encourage and promote instilling of the values of equality and tolerance.

Article 19 – 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:

1. to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration;
2. to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey;
3. to promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries;
4. to secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters:
 - a. remuneration and other employment and working conditions;
 - b. membership of trade unions and enjoyment of the benefits of collective bargaining;
 - c. accommodation;

5. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons;
6. to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory;
7. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article;
8. to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality;
9. to permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire;
10. to extend the protection and assistance provided for in this article to self-employed migrants insofar as such measures apply.
11. 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;
12. to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker.

Appendix to Article 19§6

For the purpose of applying this provision, the term “family of a foreign worker” is understood to mean at least the worker's spouse and unmarried children, as long as the latter are considered to be minors by the receiving State and are dependent on the migrant worker.

Article 19§1

Employment of foreigners is governed under the **Employment of Foreigners Law** (Official Gazette of RS, 128/14, 113/17 и 50/18), enacted in 2014 and compatible with Directive 2004/38 on the right of the citizens of the Union and members of their families to move and reside freely within the territory of the Member States, right to permanent residence/settlement and the access to labour market, i.e. employment.

The right to free access to labour market, i.e. employment and self-employment, under this Law is granted to: the EU nationals and members of their family who are not EU nationals and have obtained the approved temporary residence for the members of their family or for permanent residence/settlement in those countries

The family members of the EU national are construed to be spouses or cohabiting partners; their direct descendants or direct descendants of their spouses or cohabiting partners; under the age of 21; adopted children or step children, under the age of 21, and persons above

21 years of age who are dependent members, i.e. under the law maintained persons, and their direct ancestors.

These persons, under the Directive and this Law, shall have free access to labour market and if their employment is terminated on account of temporary incapacity for work or any occupational injury; if through no fault of their own they stay jobless, which in Serbia continued for minimum one year and if they have been registered as unemployed to an organisation in charge of recruitment; in case they participate in the further education and training programmes.

The EU national has free access to labour market and six months after the termination of employment if the employment concerned was for fixed-term not exceeding 12 months and if registered as job-seeker or if in the first 12 months of residence their fixed-term employment has terminated through no fault of their own and they are registered job-seekers to the competent recruitment authority.

As provided for under Directive 1996/71 on posted workers, a foreign employer with the registered seat in a EU members state, EEA or Switzerland is entitled to post a EU non-national to Serbia without work permit.

As provided for under Article 2, para. 1, point 4 of the Employment of Foreigners Law, an EU national is a national of a EU MS, EEA or Swiss Confederation the EU MS, EEA or Swiss nationality of whom shall serve as a proof of the entitlements.

As of the enactment of this law, inclusive with 30 June 2018, 25.511 work permits were issued (new and renewed), of which 7002 for women and as per the years:

1. between 04.12.2014 and 31.12.2014 - 50 (18 for women)
2. between 01.01.2015. and 31.12.2015- 6.362 (1.754 for women)
3. between 01.01.2016 and 31.12.2016 - 7.340 (2.038 for women)
4. between 01.1.2017 and 31.12.2017- 7.645 (2.088 for women)
5. between 01.1.2018 and 30.6.2018 - 4114 (1104 for women)

Under Article 85(2) of the Employment and Unemployment Insurance Law (Official Gazette of RS, 36/09, 88/210, 38/15, 113/17 – spec. law and 113/17) a non-national or stateless person may register as a job-seeker if has its temporary residence approved and in position of a valid work permit.

Under Article 97 thereof, the National Employment Service and a recruitment agency as entities in charge of employment and recruitment, shall provide information on out of country employment opportunities and requirements, living and working conditions, labour and employment rights and responsibilities, and arrangements offering protection under out-of-country employment contract, on the rights upon the return to home country, under law. The protection granted to the persons who are employed abroad includes minimum employment-based equal treatment on the same footing as for the nationals of the host country during the employment and stay abroad.

The services of public employment service and private employment agencies are free of charge.

The number of registered private recruitment agencies with operation licence as granted by the ministry in charge of employment is 112. The list of registered recruitment agencies is available on the web-page of the Ministry of Labour, Employment, Veterans and Social Affairs (www.minrzs.gov.rs) and National Employment Service (www.nsz.gov.rs) .

With the help of the established network of migration service centres (Belgrade, NIs, Novi Pazar, Novi Sad, Kraljevo, Krusevac and Bor) set up within the National Employment Service, the migrant and prospective migrants are provided with the information on the risks of irregular migration, migration rights, visa, residence and work permit procedures, out-of-country employment and studying opportunities, access to health care and education etc. It all advances effective dissemination of information on legal migration flows, i.e. better awareness and preparedness for possible leave and as adequate adjustment possible to the conditions and regulations in effect in a country of destination. Also, among the tasks falling under the scope of the migrant service centres is the referral of migrants, returnees on the basis of readmission agreement and asylum holders in the process of integration in the host country, i.e. Serbia to relevant local institutions to access to their rights and entitlements.

According to the data available with the National Employment Service, in 2015, 696 persons were provided by the services of the migrant service centre. Prevalent were the clients from Belgrade (83,2% or 579) in comparison to the clients from other places across Serbia (16,8% or 117).

55,6% or 387 are men and 44,4% or 309 are women. According to their status, they are predominantly unemployed (75,9% or 528), and, employed 23,1% (161) of a total number of clients, and 1% declared themselves as students.

According to the level of formal education, secondary school attainment is predominant, followed by bachelor level and after-graduate university programme. As per age cohorts, predominant are 30 – 34, followed by 25 – 29, then 35 -39, and 40 - 44.

In 2016 1.144 persons availed themselves of the services of the migration service centres. In comparison to 2015, the increase is 64,4%.

In 2016 predominant were clients from the city of Krusevac (33,2% or 387) and Belgrade (30,2% or 345), in comparison to other towns across Serbia (33,6% or 412).

62,2% or 711 were men and 37,8% or 433 women. Prevalent are the unemployed (76,6% or 876), employed 20,9% (239) and 1% students.

According to the level of formal education, secondary school attainment is predominant (634), followed by bachelor level (242) and persons with completed post-secondary college education (108). As per age cohorts, the sequence as per prevalence as follows: 31 - 50 (543), 26 -30 (202), 25 years of age (153) and 50+ (119).

In 2017, the services were provided to 1.122 i.e. 66% or 741 men and 34% or 381 women. As per employment status 76,1% or 854 were unemployed and 22,5% or 253 employed persons.

According to the level of formal education, secondary school attainment is predominant – IV level of secondary school education (40,2% or 451), followed by III level of secondary school education (21% or 236), bachelor programme – VII/1 Secondary school education (18% or 202), post-secondary college education – VI/1 secondary school education (6,9% or 77), and VII/2 SSE 6 persons and VIII SSE 3.

As per age cohorts, the sequence as per prevalence as follows 31 - 50 (52,9% or 593), 26 - 30 (15% or 168), 50+ (11,9% or 134), and up to 25 (11,5% or 129).

Between 01.01.2018. – 30.06.2018, the number of clients was 444, men are the prevalent beneficiaries of the NES services 64,9% (288), and women represented in 35,1% (156 persons). According to employment status, unemployed are prevalent 69,6% (309) in comparison to employed persons (27,5% or 122) and students (1,6% or 7).

As per age cohorts, the sequence as per prevalence as follows 31 -50 (53,8% 239), 26 -30 (15,8% or 70), 50+ (13,7% or 61), up to 25 (9% or 40).

According to the level of formal education, secondary school attainment is predominant – IV SSE (37,8% or 168), followed by III SSE (26,6% or 118), bachelor programme – VII/1 SSE (14,9% or 66), persons without occupation – I SSE (5,9% or 26), with post-secondary college education– PSE/1 SSE (5,4% or 24), and at the back of the line II SSE (15 persons), V SSE and VI/2 SSE (9 persons respectively), and VII/2 SSE (2 persons) and VIII SSE (1 person).

The prevalent were clients from Belgrade (39,4% or 175), followed by Krusevac (23,4% or 104), and Novi Sad (14,2% or 63). Significantly less engaged in the provision of their services were the migration service centre located in Nis, (11% or 49), Kraljevo and Novi Pazar (4,1% or 18 respectively), and in the end Bor (3,8% or 17 persons).

If statements of the beneficiaries of MSC services are taken into account given in the period 2014-18, the destinations for regular migration include Germany in the first place as a country of destination followed by Austria, and immediately after it Switzerland. Then there are Sweden and Norway, while Canada is recognised as a country outside European area that the beneficiaries of the MSCs are mostly interested in.

Under the Employment and Unemployment Insurance Law, the entities participating in provision of correct information on employment conditions to potential migrant workers are accountable and liable before law. Therefore, under Article 98a an agency providing out-of-country recruitment services shall be liable to the persons employed abroad for the legality of their employment and for the conditions of work which must correspond to the provisions of the country for which the agency is recruiting.

The recruitment agency is liable to the persons to whom it offered recruitment services to effect their out-of-country employment in cases when the workers temporarily return to home country contrary to their will and through no fault of their own, and for the damage incurred to such persons, if it is a result of misinformation on essential elements of living and working conditions in the country of their destination.

Migration trends

For the eight year in row, the Migration Profile is prepared in Serbia. In July 2018, the Migration Profile 2017 was adopted. Data on different categories of migrants are collected from the competent institutions, and thus the profile is regularly updated on annual basis. The institution in charge is the Commissioner for Refugees and Migration. Serbia's Migration Profile is a comprehensive document covering all the categories of migrants in the country, disaggregated in compliance with Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection, including the background and review of the migration situation at national level. Migration Profile and its regular updating is an obligation of Serbia under the Roadmap Towards Free Visa Regime, and also the specific objective of the Migration Management Strategy (Official Gazette of RS, 59/09). Migration Profile is a comprehensive statistical overview on migration and national migration policies informing migration stakeholders and general public on the migration situation. Also, the accurate data are instrumental in planning of and inform actions required for the proper migration flow management.

REFUGEES AND DISPLACED PERSONS – Currently, in Serbia there are 26.502 individuals (18.232 from Croatia and 8.270 from Bosnia and Herzegovina). The number of refugees has been decreasing since 2014: 43.763 (2014), 35.295 (2015), 29.457 (2016), 27.802 (2017) и 26.502 (1July 2018).

Internally displaced persons (IDPs), including from AP Kosovo, currently number 199.584 (1July 2018). Since 2014, the trend is downward: 204.049 (2014), 203.140 (2015), 203.006 (20016), 201.047 (2017) and 199.584 (1July 2018).

17.000 IDPs still remain in the AP Kosovo. Currently, there are 11 collective centres that are operating (85 refugees and 350 IDPs), of which 8 are at the AP Kosovo, with 318 refugees and IDPs (40 refugees and 278 IDPs). At the territory Serbia there are currently 3 CCs with 115 refugees and IDPs placed (43 refugees and 72 IDPs).

Date	Number of Collective Centres	Refugees and exiles	IDPs	Total
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Датум	Број колективних центара	Избегла и прогнана лица	Интерно расељена лица	Укупно
01.01.2002.	388	17.415	9.448	26.863
01.01.2003.	323	13.569	9.274	22.843
01.01.2004.	194	8.107	7.933	16.040
01.01.2005.	143	5.091	7.408	12.499
01.01.2006.	112	3.418	6.128	9.546
01.01.2007.	92	2.515	5.760	8.275
01.01.2008.	80	1.702	5.046	6.748
01.01.2009.	73	1.299	4.580	5.879
01.01.2010.	62	1.165	3.926	5.091
01.01.2011.	54	898	3.358	4.256
01.01.2012.	41	607	2.869	3.476
01.01.2013.	33	507	2.190	2.697
01.01.2014.	23	340	1.310	1.650
01.01.2015.	20	312	940	1.252
01.01.2016.	14	112	431	543
01.01.2017.	13	101	429	530
01.01.2018.	11	83	350	433

The implementing mechanisms for all the forms of support to IDPs in Serbia are in place at national and local level levels. Since 2008 local government has been actively participating and addressing the needs of IDPs thanks to the up and running local level action planning system in place. Also, recently a number of programmes foreseen under the strategic framework have been implemented with the EU, UN, national and international support. A local action plan is a strategic and action paper mapping out the needs in the territory of a local government and finances to address housing and other needs of refugees and IDPs.

In June 2015 the National Strategy on Refugees and IDPs 2015-2020 was adopted, a special strategic objective of which is to improve housing needs satisfaction, in particular for the most vulnerable, based on clearly defined criteria and priorities, and coordination of national, local and international stakeholders.

Continuing commitment of the Republic of Serbia to ensure adequate living conditions and durable and long-term solutions for IDPs is reflected in the adoption of the Migration Management Law and the revision of the National Strategy on Refugees and IDPs 2015-2020 including significant allocations for adequate placement and improvement of the position of IDPs, donor fund raising, continuous high priority of the issue of IDPs on the policy agenda of all the relevant forums focused to finding a long-term solution for the challenges the IDPs are faced with. The Strategy builds on the earlier objectives and actions of Serbia which are still current.

Under the Migration Management Law, the Commissioner for Refugees and Migrations shall propose measures to the Government with regard to the placement of irregular migrants. Since the massive influx of migrants from Macedonia in July 2015, 14 reception and transit centres have been opened to receive and ensure placement for the migrants. Following the situation and the needs in the field (mass influx, change of main routes, closing of routes, stranded situation, large number of families with children), there are currently 13 centres that are operational. Total placement capacity of the reception and

asylum centres is 6000 persons, with an increasing trend as appropriate in the facilities for short-term stay.

In March 2018, the new Asylum and Temporary Protection Law was adopted which came into force as of June 2018. Taking into account the obligations Serbia assumed in the process of association, The Law is compatible with EU Directives concerning asylum, in particular Directives 2011/95/EU, 2013/32/EU, and 2013/33/EU. The difference in comparison to the repealed law is in the more accurate and detailed definition of asylum-seekers' rights and of the rights enjoyed by the persons to whom the protection has been approved, and in particular those concerning conditions under which mobility is limited, the rights of unaccompanied migrant children, the rights of vulnerable asylum-seekers, best interest of the child, which are fully in compliance with the provisions of the ratified international instruments on fundamental rights and freedoms of asylum-seekers and refugees. The Commissioner for Refugees and Migrations is responsible for the enforcement of the asylum regulations on placement of asylum-seekers in asylum centres and provision of subsistence over the course of status identification procedure. In addition to accommodation, asylum-seekers are provided with food, clothes and footwear in asylum centres, as well as recreational and educational activities, counselling and free legal aid. All the persons placed in centres have access to health care, including compulsory health check on admission. The Commissioner runs five asylum centres. Since the start of the migrant crisis (June 2015) there have been 810 beds available in these facilities. They are scaled to over 1800 beds in the response to increasing influx.

Continuous training courses on protection, employment and treatment of vulnerable migrant population, identification of potential victims of human trafficking, gender-based violence, anti-discrimination and on other topics are delivered by competent institutions of Serbia and relevant MOs and NGOs for the staff of asylum centres and reception centres with view to the provision of adequate support to migrants and prevention of different forms of violence. All the suspected cases are referred immediately to competent services as foreseen under standard operational procedures. In 2017, 378 participants from the Commissioner for Refugees and Migration attended 61 training course.

The Commissioner for Refugees and Migrations regularly informs potential migrants and groups at risks on the problems and consequences of irregular migrations.

The Commissioner constantly encourages CSOs, in particular programmes of the Roma organisations focused to reintegration of returnees based on the readmission agreement and by organisation of the awareness-raising campaigns for the Roma on the readmission procedure and inclusion of the returnees in labour market by supported self-employment.

As of 2009, the Commissioner for Refugees and Migrations embarked upon the launching of public calls for the project proposals of the associations of relevance for refugee population, IDPs (among which are Roma, Ashkali and Egyptians – RAE population), asylum-seekers, and returnees on the basis of readmission agreement. The projects are prioritised as per the established criteria and are focused to organisation of awareness raising among user population toward their social inclusion and access to human rights mechanisms.

CENTRE FOR THE PROTECTION OF VICTIMS OF HUMAN TRAFFICKING

With regard to anti-trafficking in the context of irregular and illegal migrations, the Centre for the Protection of Victims of Human Trafficking, pursues the following activities under its remit:

- In cooperation with the IOM, leaflets in the Arabic language on the self-identification of migrants in the context of human trafficking have been disseminated across the migrant reception centres
- Several training courses on human trafficking and victim identification have been delivered for the migrants since 2015, which is an ongoing continuous action
- The Centre responded Immediately within 24 hours as a matter of priority on the reordered suspected likelihood of human trafficking among migrants,
- The Centre received around 60 reports of human trafficking of migrants of which 5 resulted in the identification of the victims of human trafficking. All the victims received support during their stay in Serbia.
- The Centre jointly with the Organised Crime Service of Serbia carried out actions of preliminary identification in the migrant reception centres
- The Centre participated in a number of meetings of experts on the topic of refugee-migrants

Article 19§2

Under Article 96 of the Employment and Unemployment Insurance Official Gazette of RS 36/2009, 88/2010, 38/2015, and 113/2017), the National Employment Service and the agency provide services of recruitment (job-matching services) in the manner and following the procedure for the recruitment for the work in the country (national employment), and they liable to ensure protection of the job-seeker during the process of employment abroad (international employment).

The protection of job-seekers for the purpose of international employment shall consist of the provision of the following: out of country work and residence permit; costs of general, sanitary and specialist medical examinations and certificate on health status; costs of transport; provision of information on living conditions abroad; provision of information on the rights and responsibilities arising from employment; conclusion of employment contract in advance, before leaving the country, and other contracted entitlements.

Under the Employment and Unemployment Insurance Law (Official Gazette of RS 36/2009, 88/2010, 38/2015, and 113/2017), Article 95, employment abroad is entered into on the basis of the announced job vacancies abroad which is received by the Ministry, National Employment Service or Agency.

Also Art. 96 and 100 govern recruitment and protection of the nationals of Serbia who want to work abroad. The recruitment of the nationals of Serbia for international employment is equally conducted by the NES and agencies as the recruitment for the purpose of national employment. The National Employment service and the agency shall ensure protection for the persons in the procedure of recruitment for the employment abroad.

The protection of the persons recruited for international employment consists as a minimum of equal treatment on the basis of employment as the treatment with the nationals of receiving country during the employment and residence abroad.

The protection of persons employed abroad shall consist of: out of country work and residence permit; costs of general, sanitary and specialist medical examinations and certificate on health status; costs of transport; provision of information on living conditions abroad; provision of information on the rights and responsibilities arising from employment; conclusion of employment contract in advance, before leaving the country, and other contracted entitlements

The National Employment Service and the Agency inform the Ministry on the persons who find job abroad, their number and structure and communicate other data on employment abroad, prior to their leave from the country.

In 2017, as provided for under the Employment and Unemployment Insurance Law, the National Employment Service launched several procedures for recruitment and employment of the nationals of Serbia to work abroad. Upon the completion of the procedures of recruitment following job vacancies announced by the foreign employers, 28 persons got job. In the first half of 2018, another 28 persons found job abroad thanks to the job-matching services provided by the NES.

The Agreement on Recruitment and Temporary Employment of the Nationals of the Republic of Serbia in the Federal Republic of Germany signed between the NES and German Employment Agency (BA) regulates employment of nurses at the job of long-term care and in hospitals and other equivalent institutions in Germany. After the undertaken procedures and announced job vacancies, organised under the project “Triple Win” jointly implemented by the National Employment Service, German International Cooperation Organisation GIZ, and Section for the Employment of Foreigners of the German Federal Employment Agency (ZAV), in 2017 **151** nationals of Serbia got job in Germany. In the first half of 2018 **58** nationals of Serbia found job in the described manner.

Based on the 2. Part of the Agreement on Recruitment and Temporary Employment of the Nationals of the Republic of Serbia in the Republic of Germany, according to which in 2017 the employers in Germany may enter into employment contracts with the nationals of Serbia who satisfy requirements under the legislation of Germany, on the basis of the job-matching services provided by the Federal Employment Agency of Germany, **288** nationals of Serbia entered into employment contracts and obtained work permit for health care nursing activity with specific employer in Germany. In the first part of 2018, **86** nationals of Serbia found job as described here.

Article 19§3

Centres for social work and other social welfare institutions cooperate with social welfare institutions abroad, when that is required for the purpose of the protection of the rights of migrants.

Article 19§4

Under Art. 2 of the **Labour Law**, the provisions of the Law are applicable to all the employed non-nationals and stateless persons working in the territory of Serbia unless otherwise specified under law.

Under Art. 29, a non-national or stateless person may enter into employment under requirements provided for thereof, and under a special law.

Under Art. 18, both direct and indirect discrimination shall be prohibited of job-seekers, based on sex, extraction, language, race, skin colour, age, pregnancy, health status, membership in political organisations, trade unions or any other personal characteristic, disability, nationality, religion, marital status, family responsibilities, sexual orientation, political and any other belief, social status, property.

Art. 18-23 of the Labour Law, prohibit discrimination and regulate rights of job-seekers to access of court and remedy and redress in case of discrimination.

Under Art. 20 thereof, discrimination referred to in Art. 18 thereof, shall be prohibited with regard to 1) recruitment requirements and selection of the candidate for the job; 2) working conditions and all the employment entitlements; 3) education, training and professional development; 4) job advancement; 5) termination of employment contract. Clauses of the employment contract discriminating on any of the basis referred to in Art. 18 shall be null and void.

Under Art. 271(1) of the Labour Law, the fine from RSD 600.000 to 1.500.000 shall be imposed on the employer – legal person for the violation of anti-discrimination requirement as provided for in Art.18-21 thereof, and the entrepreneur with the fine between RSD 200.000 and 400.000, and the responsible person at legal person, and the representative of the legal person shall be fined in the amount between RSD 30.000 and 150.000 (Article 274 (2) and (3) of the Labour Law.

Under Article 6 of the Labour Law, a trade union under this law shall be an autonomous, democratic and independent organisation of employees which they shall join voluntarily for the proposes of representation, advocacy, improvement and protection of their professional, working, economic, social, cultural and other individual and collective interests.

Under Article 208 of the Labour Law trade union association and action subject to no approval whatsoever and to the requirement to have the association entered into the register, shall be guaranteed.

Under Article 55 of the Constitution, (Official Gazette of RS, 98/2006) freedom of political, trade union and any other association and the right not to be affiliated with any of the associations whatsoever shall be guaranteed.

Under the Employment of Foreigners Law (Official Gazette of RS, 128/14, 113/17, and 50/18)) is in conformity with the ILO Migration for Employment Convention (Official Gazette of SFRY – International Treaties and Other Agreements, 5/68) and with the ILO Convention on Migrant Workers (Supplementary Provisions) no. (Official Gazette of SFRY – International Treaties and Other Agreements,12/80).

Both the Convention require the non-national who enters into employment in Serbia to have equal rights and responsibilities with regard to labour, employment, self-employment as the national, if all the requirements are satisfied under law and the non-national is employed subject to the approval for temporary residence regardless the period of residence or

permanent settlement under law and subject to work permit under this Law unless otherwise provided for thereof.

Under the Employment of Foreigners Law, in force as of 4/12/2014, the non-national entering into employment in Serbia has the same rights and responsibilities with regard to labour, employment, and self-employment as the national, if all the requirements are satisfied under law. The non-national is employed subject to permanent residence approval regardless of the residence period or permanent settlement under law and subject to work permit possession.

Work permit is granted as a work permit for employment and personal work permit respectively

The personal work permit is granted upon the application submitted by the non-national who:

- **is seeking asylum**- it may be granted even upon 9 months from the application for asylum (under condition it is not the applicant's fault that the no decision has been made against the application within the referred to period). The validity of such a permit is six months with the option of renewal for the period of validity of the asylum-seeker status.

- **has temporary protection granted**- with the period of validity overlapping with the protection granted

- **is a victim of human trafficking**- with the period of validity overlapping with the period of validity of residence permit

- **has subsidiary protection granted** – with the period of validity overlapping with the period of validity of subsidiary protection granted.

Personal work permit is granted for the purpose of family reunion to:

- a member of immediate family (the non-national to whom permanent settlement has been granted or who has the refugee status) with the granted approval for permanent settlement or temporary residence
- a non-national, a member of the immediate family of a national of Serbia
- a non-national of Serbian origin up to 3rd degree of kinship in direct line of descent.

In all the three cases the period of validity of the work permit coincides with the validity period of residence permit.

As of the coming into force on 4/12/2014 of the new Employment of Foreigners Law, 50 work permits were granted (of which 18 for women); in 2015 the total number of the granted work permits was 6362 (1754 for women), 2016 the number was 7340 (2038 for women).

In the reporting period in 2017, in total there were **7.647** work permits granted to non-nationals, of which **1094 were personal and 6553 other**(542 for secondment, 11 for independent professionals, 2172 for self-employment, 431 for posting 3.397for employment purposes.

In the first half of 2018, a total of 4.114 (1104 for women) work permit for non-nationals in Serbia were granted. Of that number 602 (284 for women) were personal work permits, and 382(39 for women) were work permits for secondment to a company registered abroad, 5 work permits for independent professionals, 1081 (283 for women) were work permits for self-employment, 191 (28 for women) were work permits for posting to an international employer, and 1841 (461 for women) were work permits for employment purposes.

Article 19§5

Under Article 4(2) of the Employment of Foreigners Law (Official Gazette of RS 128/14, 113/17, and 50/18) a non-national shall be regarded of as unemployed in conformity with employment and unemployment insurance law and equally entitled as the nationals, on condition that the requirements provided herein have been duly met.

The job-seeker is entitled to unemployment benefits and services as provided for under the Employment and Unemployment Insurance Law (Official Gazette of RS, 36/09, 88/210, 38/15, 113/17 – special law, and 113/17). The job-seeker is entitled to unemployment benefit in case of termination of employment or termination of compulsory insurance in the cases as provided for under this Law. The non-national who is a job-seeker is entitled on equal footing with the national.

The non-national and stateless person may register as a job-seeker with the public employment service if they have obtained the approval for temporary or permanent residence. When registered, they are entitled to be informed by the PES on employment opportunities, to participate in active employment policy measures, to unemployment benefits and services under law, and to recruitment i.e. job-matching services.

The status of the unemployed non-national registered as a job-seeker with the PES is equal with the national, i.e. they have the same rights and responsibilities.

Article 19§6

Under Article 66(1) of the Constitution of the Republic of Serbia, the family shall enjoy specific protection.

Migrant workers are entitled to family unification (Asylum and Temporary Protection Law, Official Gazette of RS, 24/18 and Foreigners Law, Official Gazette of RS 24/18).

The family members shall be children born in and out of wedlock, adoptive children, spouses, cohabiting partners, parents and adoptive parents. By way of derogation, other persons may be recognized as family members.

Article 19§7

Given that the Free Legal Aid Law has not been adopted, the refugees from ex-Yugoslav countries and IDPs from the AP Kosovo are entitled to the legal aid offered by CSOs.

Under the Asylum and Temporary Protection Law (Art 56.), the asylum-seeker is entitled to be informed on the associations of citizens and other organisations offering assistance and information to asylum-seekers. In the same vein, the foreigner who expressed intention to seek asylum in Serbia is entitled to the free legal aid and representation before competent authorities which is offered by the associations the activity of which is the provision of legal assistance to asylum-seekers.

Article 19§8

Under the Foreigners Law (Official Gazette of RS, 24/18), the non-national may not be removed by force to the territory where there is a threat of persecution to them on account of their race, sex, sexual orientation or gender identity, religion, nationality, citizenship, affiliation to a social group or political opinion.

The provision is not applicable to the non-national of whom there is reasonable doubt that they represent a threat to the safety of the Republic of Serbia or the non-national who is by the final ruling sentenced for the severe criminal offence on account of which they constitute a threat for public order.

However, by way of derogation from the above referred rule, the foreigner may not be forcibly removed to the territory where there is the risk of them being subjected to the execution of death penalty, torture, inhuman or degrading treatment or punishment, that is, where they are under a threat of severe violation of the guaranteed rights.

Migrant children shall not be forcibly removed from Serbia.

Article 19§9

The right to work and the right to free management of one's wages and savings is guaranteed to all non-nationals under the applicable law of Serbia.

Article 19§10

Under the Employment of Foreigners Law (Official Gazette of RS 128/14, 113/17, and 50/18) the work permit for self-employment shall be granted to an applying non-national to whom the approval for temporary residence in Serbia has been granted.

The period of validity of the work permit for self-employment purposes overlaps with the period of validity of the approval of temporary residence, and shall not exceed one year with the possibility of renewal under condition a non-national submits a proof of continuation

of the pursuance of the original activity under the same conditions under which the work permit was granted.

A non-national who obtains the work permit for self-employment purposes shall undertake to pursue the activity within 90 days from the granting.