



26/02/2015

RAP/RCha/SER/4(2015)

EUROPEAN SOCIAL CHARTER

4th National Report on the implementation of the European
Social Charter
submitted by

THE GOVERNMENT OF SERBIA

(Article 7, 8, 16, 17, 19
for the period
01/01/2010 – 31/12/2013)

Report registered by the Secretariat on
26 February 2015

CYCLE 2015

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

IV Thematic Group
Articles 7, 8, 16, 17, 19

Information to be submitted

Article 7§1

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

Pursuant to Article 24 of the Labour Law (“Official Gazette of the RS” nos. 24/05, 61/05, 54/09, 32/13) the employment relationship may be effectuated with a person above the age of 15 who meets other requirements for work at certain tasks, stipulated under the law, or the rulebook on organization and systematisation of jobs (hereinafter: the rulebook).

Article 7§2

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

Pursuant to Article 25 of the Labour Law, employment relationship with persons below the age of 18 may be entered into upon written approval of the parents, adoptive parents or foster parents, under the condition that such work does not jeopardize their health, moral or education, and is not prohibited under the law.

A person below the age of 18 may 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 employment contract and that these tasks are not harmful for his/her health.

Pursuant to Article 84 of the Labour Law employees below the age of 18 shall not work at the jobs that:

- 1) involve strenuous physical work, underground work, underwater work or working at excessive heights;
- 2) involve exposure to harmful radiation or to the substances that are toxic, carcinogenic or causing genetic diseases, or to health risks due to the cold, heat, noise or vibrations;
- 3) may increase risks to their health and life due to their psychophysical capabilities, according to the findings of the competent health authority.

Also, Article 85 of the Labour Law stipulates that employees between the ages of 18 and 21 may work at jobs referred to in Article 84 points 1) & 2) of this Law only upon report of the competent medical authority substantiating that such work shall not be deteriorating for their health.

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

- if he/she enters into employment relationship with a person below the age of 18, contrary to provisions of this Law (Article 25);
- if he/she orders an employee below the age of 18 to work contrary to provisions of this Law (Articles 84 , 87 and 88);
- if he/she orders an employee aged between 18 and 21 to work contrary to provisions of this aw (Article 85);

An entrepreneur shall be fined for these offences with RSD 300,000 to 500,000, and the responsible person in legal entity shall be fined with RSD 30,000 to 50,000 (Article 274 paragraphs 2 and 3 of the Labour Law).

Article 7§3

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

Pursuant to Article 25 of the Labour Law, employment relationship with persons below the age of 18 may be entered into upon written approval of the parents, adoptive parents or foster parents, under the condition that such work does not jeopardize their health, moral or education, and is not prohibited under the law.

Article 247 paragraph 1 point 2) of the Labour Law stipulates that employer in the capacity of legal entity shall be fined in the amount of RSD 600,000 to 1,000,000 if they enter into employment relationship with a person below the age of 18, contrary to provisions of this Law (Article 25).

An entrepreneur shall also be fined for this offence with RSD 300,000 to 500,000, and the responsible person in legal entity shall be fined with RSD 30,000 to 50,000 (Article 274 paragraphs 2 and 3 of the Labour Law).

Article 7§4

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply any relevant statistics or other information on the proportion of workers not covered by these limits and the reasons why they are not covered, and state whether any particular measures have been taken to assist young persons under 18 who do not benefit from any restrictions on their working hours.

Article 87 of the Labour Law stipulates that a person under 18 working in a full-time job shall not work longer than 35 hours a week or eight hours a day.

Overtime and re-distribution of working hours shall also not be allowed for employees below the age of 18 (Article 88 paragraph 1).

Article 274 paragraph 8 point 2) of the Labour Law stipulates that employer in the capacity of legal entity shall be fined in the amount of RSD 600,000 to 1,000,000 if they instruct an employee below the age of 18 to work contrary to provisions of this Law, whereas an entrepreneur shall be fined for the same offence with RSD 300,000 to 500,000, and the responsible person in the legal entity shall be fined with RSD 30,000 to 50,000 (Article 274 paragraphs 2 and 3 of the Labour Law).

Article 7§5

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply any relevant statistics or other information on the remuneration of young workers as well as on other appropriate allowances for apprentices, and on the adult reference wage or salary.

Article 47 paragraph 1 of the Labour Law stipulates that an employer may enter into employment relationship with a person entering into employment relationship for the first time in the capacity of 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 paragraph 4).

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

All employees shall be guaranteed 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, same working ability, responsibility as well as physical and intellectual work are needed.

Decision of the employer or agreement with employee that fail to comply with paragraph 2 of this Article shall be null and void.

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

Article 273 paragraph 1 point 4) stipulates that employer in the capacity of legal entity shall be fined in the amount of RSD 800,000 to 1,000,000 if they fail to pay the salary, or the minimum wages (Article 104 and 111).

Entrepreneur shall be fined in the amount of RSD 400,000 to 500,000 for the offences referred to in paragraph 1 of this Article (Article 273 paragraph 2).

Responsible person of a legal entity shall be fined in the amount of RSD 40,000 to 50,000 for the offence referred to in paragraph 1 of this Article (Article 273 paragraph 3). If the offence referred to in paragraph 1 of this Article inflicts material damage to an employee or other natural person or legal entity, a protective measure – prohibition to pursue business may be pronounced to the employer, pursuant to the law (Article 273 paragraph 4).

Article 7§6

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

Article 47 paragraph 1 of the Labour Law stipulates that an employer may enter into employment relationship with a person entering into employment relationship for the first time, in the capacity of 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, a trainee shall be entitled to salary and all other rights resulting from the employment relationship, pursuant to the law, general document and employment contract (Article 47 paragraph 4).

Article 49 of the Labour Law stipulates that an employer shall provide education and vocational training and development to an employee when required by the work process or introduction of new methods and organization of work.

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

The cost of such education, vocational training and development 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 employee, except in case where reasons for such dropping out were justified.

Article 7§7

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

Article 69 of the Labour Law stipulates that every calendar year, an employee is entitled to an annual leave the duration of which shall be set in the general document and employment contract, but no less than 20 working days.

Article 7§8

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

Article 88 of the Labour Law stipulates that employees below 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 the work discontinued due to the action of *force majeure*, under the condition that such work lasts for a definite period of time and has to be completed without delay, and the employer has no other older employees available.

Employer shall, in case referred to in paragraph 2 of this Article, provide supervision of work of employees below the age of 18 by a person of full age.

Article 274 paragraph 8 point 2) of the Labour Law stipulates that employer in the capacity of legal entity shall be fined in the amount of RSD 600,000 to 1,000,000 if they instruct an employee below the age of 18 to work contrary to provisions of this Law, whereas an entrepreneur shall be fined for the same offence with RSD 300,000 to 500,000, and the responsible person in the legal entity shall be fined with RSD 30,000 to 50,000 (Article 274 paragraphs 2 and 3 of the Labour Law).

Article 7§9

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

Article 25 of the Labour Law stipulates that employment relationship with persons below the age of 18 may be entered into upon written approval of the parents, adoptive parents or foster parents, under the condition that such work does not jeopardize their health, moral or education, and is not prohibited under the law. A person below the age of 18 may 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 employment contract and that these tasks are not harmful for his/her health. Cost of medical examination for persons referred to in paragraph 2 of this Article that are registered by the republic agency responsible for employment - shall be borne by that agency.

Article 84 of the Labour Law stipulates that employees below the age of 18 shall not work at the following jobs: 1) involving strenuous physical work, working underground, under water and at excessive heights; 2) involving exposure to harmful radiation or substances that are toxic, carcinogenic or causing genetic diseases and posing health risks due to the cold, heat, noise or vibrations; 3) that, according to the findings of the competent health care authority, may increase health and life risks due to the psychophysical capabilities of such employees.

Article 85 of the Labour Law stipulates that employees between the ages of 18 and 21 may work at jobs referred to in Article 84 points 1) and 2) of this Law only upon report of the competent health care authority substantiating that such work shall not be hazardous for their health.

Article 86 of the Labour Law stipulate that the cost of medical examinations referred to in Article 84, point 3) and Article 85 shall be borne by the employer.

Article 274, paragraph 1, points 2), 8) and 9) of the Labour Law stipulate that employer in the capacity of legal entity shall be fined in the amount of RSD 600,000 to 1,000,000 for the following offences: 2) if they enter into employment relationship with a person below the age of 18 contrary to provisions of this law (Article 25); 8) if they instruct an employee below the age of 18 to work contrary to provisions of this Law (Articles 84, 87 and 88); 9) if they instruct an employee aged between 18 and 21 to work contrary to provisions of this law (Article 85);

An entrepreneur shall also be fined for this offence with RSD 300,000 to 500,000, and the responsible person in legal entity shall be fined with RSD 30,000 to 50,000 (Article 274 paragraphs 2 and 3 of the Labour Law).

Article 7§10

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

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

According to Article 25 paragraph 1 of the Labour Law, employment relationship with persons below the age of 18 may be entered into upon written approval of the parents, adoptive parents or foster parents, under the condition that such work does not jeopardize their health, moral or education, and is not prohibited under the law.

Article 84 of the Labour Law stipulates that employees below the age of 18 shall not work at the following jobs: 1) involving strenuous physical work, working underground, under water and at excessive heights; 2) involving exposure to harmful radiation or substances that are toxic, carcinogenic or causing genetic diseases and posing health risks due to the cold, heat, noise or vibrations; 3) that, according to the findings of the competent health care authority, may increase health and life risks due to the psychophysical capabilities of such employees.

Pursuant to Article 88 of the Labour Law, overtime and re-distribution of working hours shall not be allowed for employees below the age of 18.

Employee below the age of 18 may 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 the work discontinued due to the action of *force majeure*, under the condition that such work lasts for a definite period of time and has to be completed without delay, and the employer has no other older employees available.

Employer shall, in case referred to in paragraph 2 of this Article, provide supervision of work of employees below the age of 18 by a person of full age.

Pursuant to Article 87 of the Labour Law, a person under 18 working in a full-time job may not work longer than 35 hours a week or eight hours a day.

Article 274, paragraph 1, points 2), 8) and 9) of the Labour Law stipulate that employer in the capacity of legal entity shall be fined in the amount of RSD 600,000 to 1,000,000 for the following offences: 2) if they enter into employment relationship with a person below the age of 18 contrary to provisions of this law (Article 25); 8) if they instruct an employee below the age of 18 to work contrary to provisions of this Law (Articles 84, 87 and 88); 9) if they instruct an employee aged between 18 and 21 to work contrary to provisions of this law (Article 85);

An entrepreneur shall also be fined for this offence with RSD 300,000 to 500,000, and the responsible person in legal entity shall be fined with RSD 30,000 to 50,000 (Article 274 paragraphs 2 and 3 of the Labour Law).

The system of social protection of children in Serbia, in accordance with general principles of UN Convention on the Rights of the Child and principles on which the relevant laws in Serbia are based, particularly the Family Law, Law on Social Protection and Law on Financial Support to Families with Children, is focused on enabling the minimum financial security and independence, dealing with consequences of social exclusion and prevention and remediation of consequences of abuse, neglect and exploitation. Objectives of social protection system are founded on rights guaranteed by the Constitution of the RS: right to life, survival and development, right to respecting the best interest of a child, right to equal treatment or non-discrimination and right to respecting the opinion of a child, or its participation.

After 20 years of the old Law being in effect, the new Law on Social Protection ("Official Gazette of RS, No. 24/2011) came into force in April 2011. Reasons for adoption of this Law are the compliance with international standards and commitments undertaken through ratification of

international agreements, first of all the ones referring to the guarantees of human rights and freedoms and children's rights, in meeting the standards in this field.. During LSP development, the following international documents have been consulted: The EU Charter on Fundamental Social Rights, International Covenant on Economic, Social and Cultural Rights, International Pact on Civil and Political Rights, International Convention on the Elimination of All Forms of Social Discrimination, Convention on Rights of Persons with Disabilities and UN Convention on the Rights of the Child. This Law complies with objectives of Lisbon Strategy signed in 2007, as well as objectives of social cohesion, representing priorities of reforms of social protection in the Republic of Serbia.

Article 41 of the Law on Social Protection defines that the beneficiary of social protection rights or services is an individual, and/or a family facing obstacles in meeting their needs, because of which they are not able to achieve or maintain the quality of life or an individual and/or a family without sufficient funds to meet the basic life needs, and who are not able to achieve that through their work, income from property or from other sources. According to Article 41, victims of human trafficking - children, youth and adults and elderly have been identified as beneficiaries of social protection rights or services for the first time.

Section II of the Law on Social Protection entitled Principles of Social Protection (Articles 24–33) the following principles are listed: Principle of respecting integrity and dignity of beneficiaries (Beneficiary, in accordance with the law, is entitled to social protection based on social justice, responsibility and solidarity, provided with respecting of their physical and mental integrity, safety, as well as with respecting their moral, cultural and religious beliefs, in accordance with guaranteed human rights and freedoms); Principle of prohibition of discrimination (discrimination of beneficiaries of social protection based on race, gender, nationality, social background, sexual orientation, religion, political, union or other affiliation, financial status, culture, language, disability, nature of social exclusion or other personal feature); Principle of the best interest of beneficiary; Principle of the least restrictive environment; Principle of efficiency of social protection; Principle of timeliness of social protection; Principle of integrity of social protection; Principle of social protection quality promotion; Principle of transparency of work; Principle of availability and individualisation of social protection.

Article 35 of the Law on Social Protection (“Right to participation in decision-making process”), among other issues, explicitly states that a child shall be entitled to participate and freely express its opinion in all the procedures deciding on its rights, according to its age and maturity.

Article 56 of the LSP stipulates: “Social protection services may be provided as urgent interventions in order to secure safety in situation threatening to life, health and development of beneficiaries and they shall be provided 24 hours a day. Urgent intervention services shall be provided by the social welfare centre with mandatory cooperation with competent authorities and services. Urgent intervention services shall be provided by the Republic of Serbia, and/or autonomous province.”

From 2013, sexual offences against children are not subject to statute of limitations, stipulated by Article 108 of the Criminal Code of the Republic of Serbia ("Official Gazette RS", no. 104/2013). After adoption in the Serbian Parliament, the legislator became an ally in the process of recovery of the child that survived sexual violence. The legislation enables criminal prosecution of a sexual offence when a person that has experienced sexual abuse in childhood has mental strength and social power to participate in the criminal proceedings as equally as possible. This made Serbia a country in which it is recognized that sexual trauma in children does not have an “expiry date”, that it has a life-lasting impact and that it requires a legal option for initiating the criminal proceedings at the moment when a person that experienced sexual trauma feels capable of participating in the proceedings. By amending the former legislation according to which a sexual offence against a

child used to be subject to statute of limitation six years after the last incident of sexual abuse (after which the perpetrator could not be prosecuted for that offence), the legislator simultaneously increased the possibility for perpetrators to be sanctioned as they may be prosecuted for a crime against a child for as long as they live.

The LSP introduces new groups of beneficiaries, that have not been sufficiently represented in practice so far, as victims of domestic violence, abuse, neglect and self-neglect, as well as human trafficking. The Law on Social Protection identifies groups of social protection beneficiaries on one hand, and groups (or types) of services on the other. Amongst others, social protection beneficiaries are: child at risk and child - victim of abuse, neglect and exploitation, child - human trafficking victim and child - foreign citizen and human trafficking victim. Groups of listed services are counselling and therapeutic services, social and educational services, as well as accommodation services and services of support for independent living.

A minor (child) and an adult of up to 26 years of age (young person, young people or youth) are beneficiaries in case their health, safety and life are threatened by family and other life circumstances, and/or if it is certain that without the social protection system support they may not achieve the optimum level of development, particularly if:

- 1) they are without parental care or at risk of losing parental care;
- 2) their parents, guardians or other persons taking direct care of them are not able to care for them without the social protection system support, due to health reasons, mental illness, intellectual issues or unfavourable socio-economic circumstances;
- 3) they have developmental issues (physical, intellectual, mental, sensory, socio-emotional, multiple, with speech and language), and their needs for care and financial security exceed the capacities of a family;
- 4) they are in conflict with parents, guardians and community and if their behaviour poses a threat to themselves and their environment;
- 5) they face difficulties because of abuse of alcohol, drugs or other intoxicants;
- 6) there is a danger that they will become victim, or if they are victim, of abuse, neglect, violence and exploitation, and/or if their physical, mental or emotional welfare are threatened by acts or omissions of parents, guardians or other persons taking direct care of them;
- 7) they are victim of human trafficking;
- 8) they are foreign citizens or stateless persons, without escort;
- 9) their parents are in dispute over the manner of exercising parental right;
- 10) they have other needs requiring social protection.

Along with the Law on Social Protection, numerous bylaws are being developed as they are required for its full implementation, and some of them have already been adopted.

Trafficking of humans, particularly children, is incriminated by the Criminal Code. "Whoever by force or threat, deception or maintaining under deception, abuse of authority, trust, dependency relationship, difficult circumstances of another, retaining identity papers or by giving or accepting money or other benefit, recruits, transports, transfers, sells, buys, acts as intermediary in sale, hides or holds another person with intent to exploit such person's labour, forced labour, commission of offences, prostitution, mendacity, pornography, removal of organs or body parts or service in armed conflicts, shall be punished by imprisonment of three to twelve years. For offence committed against a minor, the offender shall be punished by the penalty prescribed for that offence even if there was no use of force, threat or any of the other mentioned methods of perpetration" (Article 388).

Two more criminal offences are listed: the criminal offence of children trafficking for adoption (Article 389) and criminal offence of enslaving or holding persons in slavery and transport of persons in slavery (Article 390).

Article 6 paragraph 1 of the Family Law stipulates that every person shall to have the child's best interest in mind during all activities regarding the child and according to paragraph 2 of the same Article the state shall undertake all the necessary measures in order to protect a child from neglect, physical, sexual and emotional abuse and any kind of exploitation and that the state is obliged to respect, protect and promote children's rights (paragraph 3).

The Republic of Serbia signed the Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, the so-called Lanzarote Convention, in 2007 and ratified it in 2010, and it came into force in November 2010. The Ministry of Labour, Employment and Social Policy delegated a representative to the Council of Europe Committee who regularly and actively participates at the meetings on behalf of the Republic of Serbia.

The National Action Plan for Children (NAP) is one of the first strategic documents of the Government of the Republic of Serbia. The document was developed by the Council for Child Rights of the Serbian Government. NAP for children was adopted by the Government in 2004 as an expression of strategic commitment of the country in public policy for children till 2015. NAP represents a milestone in the relation of society towards children and in expansion of country development policy, so it has been including the policy towards children as its integral part ever since. Based on the definition of a child from UN Convention on the Rights of the Child that "a child is a human being younger than eighteen years of age", NAP was developed in full compliance with the four basic principles from which all the Convention articles originate: non-discrimination, child's best interest, right to life, survival and development and children participation. Based on objectives in the child's rights protection defined in the aforementioned, as well as other relevant international documents and based on the Council for Child Rights estimates according to information on the position of children in our society, the priorities determining the NAP structure have been defined. These priorities represent the following basic items of NAP: (1) Reduction of children poverty; (2) Education of high quality for all children; (3) Better health for all children; (4) Promotion of status and rights of developmentally challenged children; (5) Protection of rights of children without parental care; (6) Protection of children from abuse, neglect, exploitation and violence and (7) Capacity strengthening of the country for solving the problems of children.

The Decree of the Republic of Serbia on the network of social protection institutions (Official Gazette of the RS no. 16/2012) stipulates that the newly formed institution Centre for Protection of Human Trafficking Victims handling coordination of human trafficking victims protection and urgent accommodation and protection of human trafficking victims is included in the network of institutions of social protection. This significantly strengthens the staffing and financial capacities of the Department for Coordination of Human Trafficking Victims Protection, that used to be a very important actor of the national mechanism for human trafficking victims protection.

Centre for Protection of Human Trafficking Victims, founded as a social protection institution, handles assessment of status, needs, strengths and risks of human trafficking victims, performs identification and provides appropriate help and support to human trafficking victims aiming at their full recovery and reintegration. Therefore the Centre coordinates activities of providing social protection services to human trafficking victims, cooperates with social welfare centres, institutions for accommodation of beneficiaries, other authorities, services and organisations in order to ensure the best interest and safety of human trafficking victims. The Statute of the Centre for Protection of Human Trafficking Victims and Rulebook on Internal Organisation and Systematisation of Jobs and Tasks state that the Centre shall perform its operations within two organisational units, Department for Coordination of Human Trafficking Victims Protection and Shelter for Human Trafficking Victims.

However, moving into a building in which the Centre is supposed to be, as well as forming of the working unit of this Centre - the first urgent shelter for human trafficking victims to be funded by the Republic of Serbia Budget, is on hold at the moment, because of judicial proceeding on the mentioned facility, so that the Department is currently functioning in difficult circumstances and the shelter is still not operational.

Funding of CPHTV and employees is provided by the Budget of the Republic.

In order to inform the victims of human trafficking, the Centre for Protection of Human Trafficking Victims developed a leaflet distributed through Ministry of Interior that enables availability of information directly at the moment of detecting a victim or in case of suspicion about a case of human trafficking.

Information Booklet of the Centre for Protection of Human Trafficking Victims was published at the web page of the Centre for Protection of Human Trafficking Victims, Belgrade www.centarzztlj.rs.

Protection of minors, victims of human trafficking, is organized by the Centre for Protection of Human Trafficking Victims in cooperation with competent guardianship authority guardianship. The largest number of children was returned to the family of origin. In cases in which the guardianship authority estimated that it was not feasible, or it was not in the best interest of a child, children were placed with temporary guardians, and after that they were placed in shelters, homes, foster families, returned to the country of origin or connected with their families in third countries.

General Protocol for protection of children from abuse and neglect provides clear and binding guidance to all the service providers, in both government and civil and private sector, for implementation of integrated intersectorial cooperation in the process of child protection. General Protocol contributes to establishing an efficient and coordinated procedure for protection of a child who has actually or potentially been abused and neglected and enables appropriate intervention, recovery and conditions for further safe development of a child. The General Protocol also contributed to development and expansion of network of multidisciplinary teams for protection of children in local community as well as implementation of an integrated model of these teams at the municipal level throughout Serbia.

Ministry in charge of social protection affairs delivered the Special Protocol on protection of children from abuse and neglect to all the social protection institutions, in order to enable preventive activities and prevent possible inhuman treatment, abuse or torture in the institutions of social protection. Those institutions are obliged to comply with the Protocol in all the cases in which there are elements of inhuman treatment, abuse or torture of accommodated children. That Special Protocol stipulates forming of an internal team for protection of children from abuse and neglect and an external team, as well as a special obligation of institutions to report each type of incident involving children victims to MLESP not later than 24 hours after the incident, and also develop an internal plan and lay down internal procedures for acting in these situations (Instruction number 560-03-402/2011-20 of July 12, 2011.)

The Ministry also adopted the bylaw with the Law on Social Protection - Rulebook on Prohibited Actions of Employees in Social Protection (Official Gazette of the RS no. 8/2012 of February 3, 2012). This Rulebook stipulates that "In the social protection institutions, or at premises of the provider of social protection services, employees shall be prohibited from exercising any form of violence against a beneficiary, or physical, emotional and sexual abuse, exploitation of beneficiary, abuse of trust or power they have over the beneficiary, neglect of beneficiary and other treatments that are threatening to health, dignity and development of a beneficiary, stipulated by the Rulebook." The abovementioned document particularly stresses the *specific status of a child* as the

beneficiary of services and the need for its protection in the process of using of services. The obligation of reporting is separately defined, as well as check of safety of other beneficiaries, if violence occurs in homes for accommodation of beneficiaries or other service providers.

After adoption of the General Protocol for Protection of Children from Abuse and Neglect (2005), which represents a legally binding document for all the actors in the process of child protection, the relevant ministries developed and adopted special protocols governing the specific roles and procedures in the child protection process in certain sectors, particularly institutions of social protection for children (2006), police (2007), educational institutions (2007), health protection system (2009) and judicial authorities (2009). Guidelines for implementation of these special protocols have also been developed, and in early 2012, the amended, second edition of handbook for implementation of General Protocol was published and distributed to all the professionals dealing with protection of child rights in the Republic of Serbia. The aforementioned handbook was distributed to all the 140 social welfare centres, as well as homes for children. This completed the system of protection providing early identification of children at risk from having their rights defined by the Convention of the Rights of the Child and Facultative Protocols being violated, as well as timely intervening of all the relevant systems in community.

In accordance with the General Protocol, mandatory on-call duty for cases of urgent interventions for protection of children from abuse and neglect was introduced in all the centres for social work in Serbia, and these interventions are conducted in cooperation with the police and health care service.

Ministry of Labour, Employment and Social Policy introduced an obligation to attend accredited programmes of training for professionals in the system of social protection. The accreditation system is also included in the new Law on Social Protection (2011) and is closely related to the process of obtaining of licence for work of professionals in this field.

The accredited training programmes usually contain modules (mostly introductory) on human rights, and all the programmes intended for promotion of children status include central topics on exercising and promotion of child rights, first of all the right to living in a family, the best interest of a child, right to protection from neglect, abuse and exploitation, right to respect an opinion of a child referring to principles and provisions of the Convention on the Rights of the Child.

Overview of accredited training programmes focusing on protection of children and youth - <http://www.zvods.gov.rs>

National Children's Line NCL - SOS telephone number for help to children is 0800-12 34 56. It was founded in 2006 and it covers the whole territory of Serbia. 25 advisors work at the telephone line: pedagogues, psychologists social workers, doctors and legal practitioners. Calls are free, anonymous and confidential. The SOS line for children is a service available to children and youth 24 hours a day in order to encourage them to overcome numerous developmental and social challenges of growing up, as well as to inform, educate and protect them from all forms of violence. Topics that children and youth mostly discussed with advisors are: psychosocial topics (1/4 of discussions), peer relations (each fifth conversation), violence and abuse (12%), asking for information (12%). The largest number of calls came from Belgrade, usually from children aged 10-12, whereas calls from youth aged 16-18 are rare, but more profound.

The National Children's Line NCL - SOS telephone number for help to children, with free, anonymous and confidential calls stopped being financed as a project in January 2014, and started being funded by the Republic of Serbia. Telekom Company enables calls to be free of charge.

In 2013, NCL received 119,435 and developed 1,479 calls - 9,415 received and 400 developed calls more than in 2012.

Services in the community have been mostly funded as projects so far, through donor funds, and they had usually been terminated upon completion of projects, as the local communities have not been able to provide sustainable funds. A novelty in the Law on Social Protection is the support for funding of these services from the Budget of the Republic of Serbia through earmarked transfers for all the underdeveloped municipalities (below the Republic average).

Civil associations also play a significant role in formulation and implementation of policy of assistance and support to family and children in the Republic of Serbia. Non-governmental organizations dealt with issues regarding domestic violence, protection of children from abuse and neglect, development of non-institutional forms of protection of children and youth without parental care (Victimology Society of Serbia, Child Rights Centre, Incest Trauma Centre, Shelter for Women Victims of Violence, etc.) CSOs also play a significant role in development of non-institutional forms of protection at local level entering the system of support and assistant to family and children through providing services of day care centres and clubs for children with disabilities and children with developmental challenges, persons with disability, shelters for “children of the street”, shelters for women and children victims of human trafficking, habitation with support for developmentally challenged children, promotion and organizing of foster care, as well as implementation of various programmes of support to certain target groups of children, etc.

In the system of social protection, all the children in the database of centres for social work, on any grounds, and especially from the group of neglected or abused children, are covered by some type of social intervention.

As the primary services of social protection in the local community, centres for social work are authorized to provide assistance and support to children and youth in situations when their health and development are threatened. Centres for social work are in charge of providing primary protection of rights and interests of a child by appropriate interventions of social and family-legal protection of the child, particularly through functions of guardianship authority.

Services provided by these centres include all children, regardless of the place they live in, and children who are victims of violence are protected regardless of the location on which violence occurs. Centres for social work are in charge of providing primary protection of rights and interests of a child by appropriate interventions of social and family-legal protection of the child, particularly through functions of guardianship authority. Centres for social work also decide on services and rights of family and children stipulated by the Law on Social Protection.

The entire territory of the Republic of Serbia is covered by the network of centres for social work. There are 140 centres for social work in Serbia, and 173 departments of centres for social work (there are 174 cities and municipalities in total in the RS).

Pursuant to Article 41 of the Law on Social Protection, victims of human trafficking - children, youth and adults and elderly have been explicitly identified as beneficiaries of social protection rights or services for the first time. The Ministry of Labour and Social Policy, in accordance with its competences, supervises operations of social protection institutions providing social protection services and undertaking measures of family and legal protection of human trafficking victims, provides professional assistance to these institutions and adopts bylaws for promotion of the work of these services in performing the aforementioned tasks. Social protection institutions, in cooperation with other actors in the field of human trafficking victims protection, fulfil their duties stipulated by the Council of Europe Convention on Action against Trafficking in Human Beings [CETS no. 197] ratified by the Republic of Serbia, and they provide the following to human

trafficking victims, both domestic and foreign: appropriate accommodation, psychological and financial assistance (safety and protection of victims); counselling and informing, particularly on their legal rights and available services, in a language they understand; access to education for children; necessary medical and other assistance to victims legally residing in its territory, but without appropriate means and that need such assistance; right to access to labour market, professional and on-the-job training; cooperation with non-governmental organizations, other competent organizations or other parts of the civil society dealing with providing assistance to victims.

The inspection supervision over the work of social protection institutions and service providers is performed by the ministry in charge of social protection, through the social protection inspection (Article 168 of the The Law on Social Protection.) The social protection inspectors (Article 169 of the Law) are independent in their work within the scope of authority stipulated by the law and regulations adopted for implementation of the law and they are personally held accountable for their work. The social protection inspectors are obliged to act in good faith and impartially in performing the activities of inspection supervision, to keep as official secret data obtained during the surveillance, particularly data from the files of beneficiary.

Compared to the bodies entrusted with performing inspection supervision, the social protection inspectors of the ministry in charge of social protection are entitled to do the following: 1) perform direct supervision over their work; 2) issue mandatory instructions for enforcement of the law and other regulations and control their enforcement; 3) revoke authorization of the inspector who is not performing his/her duty in a timely, professional, lawful and conscientious manner and propose establishing of responsibility in the body entrusted with inspection supervision tasks; 4) organize joint actions with the inspectors from bodies entrusted with inspection tasks performance; 4) perform direct inspection supervision, if it is not performed by the bodies entrusted with it; 6) ask for reports, data and notices on performing the entrusted tasks of inspection supervision.

When performing supervision, an inspector of social protection may:

- 1) temporary prohibit the performance of activity, or performance of certain tasks at the social protection institution and social protection service provider if those are provided contrary to the provisions of this Law, for not less than 30 days and not more than six months from the date of receipt of the act imposing that measure;
- 2) determine the minimum of work during the prohibition of work;
- 3) temporary prohibit the performance of an activity, or performance of certain tasks regarding social protection to an employee performing the social protection activities contrary to the provisions of this Law and regulations for implementation of this Law, for not less than 30 days and not more than six months from the date of receipt of the act imposing that measure;
- 4) temporary prohibit independent work to a professional who was imposed a measure of temporary prohibition of independent work by the competent authority of the Chamber;
- 5) prohibit independent work to a professional who has not obtained, or renewed the licence for independent work, or whose licence for independent work has been revoked;
- 6) propose the Chamber to revoke licence of the professional due to reasons stipulated by the law;
- 7) file criminal charge, charge for economic offence and request for initiating the misdemeanour proceedings if they suspect that by acting, or failure to act, of an institution for social protection, and/or social protection service provider, a criminal offence, economic offence or violation have been performed;
- 8) send the employee to an examination for evaluation of health capability in case of suspicion about the loss of health capability for safe and successful performance of tasks in the field of social protection.

Starting from the Strategic Objectives 7, 8 and 9 of the National Action Plan for Fight against Human Trafficking (2009-2011) of the Government of the Republic of Serbia obliging the competent entities to improve the identification of victims of all forms of human trafficking through promoting capacity of governmental and non-governmental representatives, prevent secondary victimization of victims/witnesses by the competent authorities and develop long-term programmes for protection and reintegration of the human trafficking victims, on November 5, 2011 in Belgrade the Ministry of Labour, Employment and Social Policy and International Organization for Migration (IOM), signed the Memorandum on Cooperation for implementing the Joint Programme of the International Organization for Migration (IOM), United Nations High Commissioner for Refugees (UNHCR) and United Nations Office on Drugs and Crime (UNODC) for fight against human trafficking in Serbia. Within this Memorandum, the Ministry of Labour, Employment and Social Policy developed the Training Programme for employees of the centres for social work, dealing with social work, and also organized 10 training sessions and conducted the training of employees in order to strengthen professional capacities for identifying potential and actual human trafficking victims and providing protection to those victims. These training sessions were held in 2011, 2012 and 2013 and they included 77 social welfare centres in Serbia and 307 experts. The same training sessions included the employees of the Centre for Trafficking Victims Protection.

The result of these activities is development of the Handbook for professionals of guardianship authorities for work with human trafficking victims (on organizing protection, assistance and support to victims of human trafficking). There is a plan for development of Instruction on acting of centres for social work in protection of human trafficking victims.

Within this project, shelters for human trafficking victims were opened within the Centre for Social Work of the City of Novi Sad and within the Safe House for Women in Nis.

Interdepartmental activities on development of new Strategy of Prevention and Suppression of Human Trafficking and Protection of Victims in the Republic of Serbia, to be in effect till 2017, have already started, and the Ministry of Labour, Employment and Social Policy is participating in those activities.

Government of the RS reactivated operations of Council for the Rights of the Child on January 29, 2014.

Tasks of this Council are to submit initiatives, proposals, opinions and analyses regarding exercise of children's rights in the Republic of Serbia to the Government, monitor implementation of regulations in the field of children's rights exercising and provide initiatives for their amendments, as well as monitor the implementation of the National Action Plan for Children, collect data from the competent ministries, organisations and institutions on its implementation and monitor compliance of other strategic documents with this plan. The Council will also provide support to development and expansion of the network of Local Action Plans for Children and cooperate with bodies of the local government units in that field. A very important field of work for the Council in the next period will be promotion of interdepartmental and multidisciplinary approach in promotion, prevention and protection of children's rights and managing the database regarding that field. This body will cooperate with scientific institutions, vocational and other associations and obtain opinions on issues in exercise of children's rights.

Committee on the Rights of the Child was established according to Article 47 of the Rules of Procedure of performance, as a separate and permanent working body of the National Assembly. President of the Committee is the President of the National Assembly. Apart from the National Assembly President, the Committee consists of vice-presidents of the National Assembly, representatives of parliamentary groups and Committee for Labour, Social Issues, Social Inclusion and Poverty Reduction President. Article 67 of the Rules of Procedure define that the Committee on the Rights of the Child, as a separate permanent working body, shall consider draft laws from the point of children's rights protection; monitor implementation of the laws and other acts governing

status and protection of children's rights; perform check of harmonization of national legislation with international standards of children's rights; cooperate with national and international institutions and bodies as well as authorities at the local level; initiate amendments to provisions and propose adoption of certain acts and undertaking measures for children's rights protection; promote children's rights; deal with other issues of relevance for children's rights. At its session in March 2013, the Committee on the Rights of the Child unanimously adopted the initiative of the Incest Trauma Centre¹ and also assumed the role of the official proponent of proposals for revocation of statute of limitation for sexual offences against children (Article 108 of the Criminal Code). Since 2009 (as the Working Group for the Rights of the Child) till today (as Committee on the Rights of the Child) this body of the Assembly has held numerous public hearings, with inclusion of children into various activities as a special contribution.

Committee on Human and Minority Rights and Gender Equality of the National Assembly is another body considering the draft laws and other general acts and issues related to the field of exercise and protection of human rights and children's rights (Article 57 paragraph 1 point 1 of the Rules of Procedure of the National Assembly.) The Committee cooperates with the Committee on the Rights of the Child, in order to avoid overlapping of competences of these two bodies.

The Republic of Serbia developed and strengthened mechanisms of accountability for protection of human rights, including children's rights. The greatest progress is reflected through establishing of independent institutions for protection of human rights - these are the offices of Ombudsman², Trustee for Information of Public Importance and Protection of Personal Data³ and Commissioner for Protection of Equality⁴, as well as two bodies of the Assembly: Committee on the Rights of the Child⁵ and Committee on Human and Minority Rights and Gender Equality of the National Assembly⁶.

Within the institution of Ombudsman, there is a special area of work on protection of children's rights, managed by the Deputy Ombudsman, meaning that Serbia implemented the recommendation of the UN Committee for the Rights of the Child of June 2008. In the Autonomous Province of Vojvodina, the independent supervision of the children's rights protection is also performed by the specialized deputy ombudsman for children's rights. Also, the Decision on the City Ombudsman (the City of Belgrade)⁷, stipulates that the Ombudsman also appoints his/her own deputy specialized in performing duties regarding children's rights protection. Adoption of a separate law on Ombudsman for children is also planned. Establishing of this institution is expected in the coming period.

It should be particularly stressed that provisions of the Family Law consistently apply to children and youth involved in living and working on the streets, and the Law on Social Protection, adopted in 2011, recognized children and youth - victims of human trafficking and victims of violence and exploitation as beneficiaries for the first time, and beneficiaries of rights and services in the field of social protection may also be foreign citizens, in accordance with international agreements. This enables protection of this group of children that is particularly exposed to risk of becoming victim of violence, exploitation, multiple discrimination and social exclusion. Centre for social work, acting as guardianship authority, implements guardianship protection toward these children and undertakes all the available measures from its own competence to protect their rights and interests.

¹ Civil Society Organization for <http://www.incestraucentar.org.rs/index.php?lang=sr>

² the Law on Ombudsman ("Official Gazette of the RS", nos. 79/2005 and 54/2007)

³ The Law on Free Access to Information of Public Importance. (Official Gazette of the RS, nos. 120/2004, 54/2007, 104/2009, 36/2010) and the Law on Protection of Personal Data Official Gazette of the RS, nos. 97/2008, 104/2009, 68/2012 - Decision of the Constitutional Court

⁴ Law on the Prohibition of Discrimination (Official Gazette of the RS, no. 22/09)

⁵ "Official Gazette of the RS" no. 20/12"

⁶ Ibid

⁷ «Official Journal of the City of Belgrade» no. 34/09, 41/09 - corrigendum, 41/10)

According to data of the Republic Institute for Social Protection from 2012, in Serbia there are 3 operational shelters for children living and working on the streets. Children from shelters are covered by appropriate protective measures. Exposure to physical and mental violence are the dominant risk factors for this group of children and youth, and they may be exploited and introduced to the chain of human trafficking.

As far as statistical monitoring in the field of social protection, it is performed through analysis of annual reports on the work of institutions for accommodation of beneficiaries as well as centres for social work, primary departments of social protection in the community. Data collection and processing is performed by the Republic Institute for Social Protection.

According to data of Republic Institute for Social Protection (www.zavodsz.gov.rs), in 2011 centres for social work registered 47 cases in which children were victims of human trafficking (out of which 4 victims of sexual exploitation and 4 of labour exploitation), in 2012 there were 45 (out of which 13 victims of sexual exploitation and 8 labour exploitation.) In 2013, there were 77 cases.

In 2011, 31 children of the street, or homeless children were registered, and in 2012 - 33.

According to data of the Centre for Human Trafficking Victims Protection, 79 victims were registered in 2012 (out of which 33 younger than 18).

DevInfo base is a database intended for monitoring the social development. In order to promote availability of data at the municipal level, Statistical Office of the Republic of Serbia, in cooperation with UNICEF, developed the municipal DevInfo database <http://devinfo.stat.gov.rs/diSrbija>, through which numerous data for each of Serbian municipalities may be obtained. This database is updated twice a year and it contains a large number of socio-economic indicators – divided by gender, age and other variables - for all the 174 municipalities in Serbia. Data for every municipality are presented through municipal profiles, or documents containing tables and graphs with data regarding population, economy, employment, education, health and social protection, justice departments, traffic and infrastructure.

According to data of the Centre for Human Trafficking Victims Protection, 79 victims were registered in 2012 (out of which 33 younger than 18).

Information to be submitted

Article 8§1

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

Article 94 paragraph 7 of the Labour Law stipulates that during the maternity leave and absence from work because of childcare, the employed woman, or father to the child are entitled to compensation of salary, pursuant to the law.

Pursuant to Article 96 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, is entitled to, after the expiry of maternity leave and leave for childcare, prolong absence from work or work half-time up to the age of five of the child, at most.

The right referred to in paragraph 1 of this Article shall be granted upon advice of the competent body for evaluation of the level of psycho-physical disability of the child, pursuant to the law.

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

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

Pursuant to Article 97 of the Labour Law, a foster parent or guardian of a child below 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 foster or guardian family took place before the child turns three months, the foster parent or 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 paragraphs 1 and 2 of this Article shall also be granted to a person to whom, pursuant to adoption regulations, the 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 paragraphs 1–3 of this Article shall be entitled to compensation of salary pursuant to the law.

Pursuant to Article 98 of the Labour Law, a parent or guardian, or a caregiver of a person disabled by cerebral palsy, polio, any kind of plegia or muscular dystrophy and other severe diseases, may, upon advice of a competent medical authority, and upon own request to work shorter hours, but not shorter than half-time.

Any employee working shorter hours referred to in paragraph 1 of this Article shall be entitled to adequate compensation, proportional to the time spent at work, pursuant to the law, general document and employment contract.

Article 274 paragraph 10 point 1) of the Labour Law stipulates that employer in the capacity of legal entity shall be fined in the amount of RSD 600,000 to 1,000,000 if they fail to provide protection of maternity, as well as rights based on childcare or special care of a child or other person pursuant to provisions of this Law, whereas an entrepreneur shall be fined for the same offence with RSD 300,000 to 500,000, and the responsible person in the legal entity shall be fined with RSD 30,000 to 50,000 (Article 274 paragraphs 1 and 2 of the Labour Law).

In order to provide rights of a child to living standard, the Law on Financial Support to Families with Children governs the financial support to families with children, which in terms of this Law includes: improvement of conditions for satisfying the primary needs of children, special support to giving birth, support to financially vulnerable families with children, families with children with developmental disabilities and children without parental care.

Rights of families with children to financial support stipulated by Article 9 of the Law (compensation of salary during maternity leave, leave from work for childcare and leave from work

for special childcare, parental allowance, child allowance, reimbursement of expenses of attending the preschool institution for children without parental care and reimbursement of expenses of staying in preschool institution for children with developmental disabilities) are rights of general interest the provision of which is handled by the Republic, pursuant to the Law on Financial Support to Families with Children.

The municipality and/or city handle the provision of right to subrogation of cost of attending the preschool institution for children from financially vulnerable families, pursuant to this Law.

The Labour Law stipulates the length of maternity leave and leave for childcare for 365 days for the first and second child, and/or two years for the third and each subsequent child, from the date of the beginning of maternity leave.

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, is entitled to, after the expiry of maternity leave and leave for childcare, prolong absence from work or work half-time up to the age of five of the child, at most.

The Law on Financial Support to Families with Children stipulates that compensation during maternity leave, absence for work for childcare or special care of the child may be granted to employees of legal and natural persons (employers) and self-employed persons.

Compensation of salary for employees of employers is calculated and paid in the amount of the average basic salary of the employee for 12 months preceding the month in which the leave of absence starts, increased for the time spent at work, for every full year of work spent in employment relationship, pursuant to the Law, and not more than five average monthly salaries in the Republic.

Compensation of salary for persons performing business independently is established in the amount of average monthly base for payment of contribution for mandatory social insurance in the last 12 months preceding the month in which the leave of absence started, and not more than five average monthly salaries in the Republic of Serbia.

The employer is required to pay the compensation to a new mother simultaneously with payment of wages to other employees. Upon proving that the payment of wage has been performed, the paid funds shall be refunded to the employer from the Budget of the Republic of Serbia.

For exercising the right to compensation of salary there is no census, as the compensation is not a type of social assistance but a right related to employment relationship.

The Law on Financial Support to Families with Children stipulates the right to parental allowance for giving birth to a child, and it is the right the mother is entitled to for the first, second, third and fourth child, provided that she is the citizen of the Republic of Serbia, that she is a resident of the Republic of Serbia and that she is entitled to health protection through the Republic Institute for Health Insurance. This right may be exercised by both employed and unemployed mothers.

In 2012, there were 36,965 new mothers employed at legal and natural persons(employers) and self-employed persons who used the average monthly right to benefits during maternity leave, absence for work for childcare or special care of the child. RSD 22,756,909,325.00 was spent for payments related to this right in 2012.

In 2013, there were 38,795 new mothers employed at legal and natural persons(employers) and self-employed persons who used the average monthly right to benefits during maternity leave, absence for work for childcare or special care of the child.

RSD 22,756,909,325.00 was spent for payments related to this right in 2013.

Article 8§2

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

An employed woman is entitled to leave of absence from work due to pregnancy and childbirth (hereinafter: the maternity leave), as well as absence from work for childcare for not more than 365 days in total. 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. Upon expiry of maternity leave, an employed woman is entitled to leave for childcare to expiry of 365 days after the outset of the maternity leave referred to in paragraph 2 of this Article (Article 94 paragraphs 1-4).

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 gave birth to one, two or three children, and gives birth to two or more children in the subsequent delivery. Upon expiry of maternity leave, an employed woman is entitled to leave for childcare till expiry of two years from the day her maternity leave referred to in Article 94, paragraph 2 of this Law started.

Article 274 paragraph 1 point 10) of the Labour Law stipulates that employer in the capacity of legal entity shall be fined in the amount of RSD 600,000 to 1,000,000 if they fail to provide protection of maternity, as well as rights based on childcare or special care of a child or other person pursuant to provisions of this Law, whereas an entrepreneur shall be fined for the same offence with RSD 300,000 to 500,000, and the responsible person in the legal entity shall be fined with RSD 30,000 to 50,000 (Article 274 paragraphs 2 and 3 of the Labour Law).

Article 8§3

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Article 187 paragraph 1 of the Labour Law stipulates that an employer may not terminate employment contract with an employee in course of their pregnancy, maternity leave, leave from work for childcare or special childcare.

The adopted Law on Amendments to the Labour Law (“Official Gazette of the RS” no. 32/13) of April 8, 2013, stipulates that the fixed-term employment contract of an employed woman shall be extended to include a period of leave from work.

Decision on termination of employment contract shall be null and void if on the date of termination of the employment contract the 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 and presents relevant certificate issued by an authorised physician or any other responsible authority (Article 187 paragraph 3).

Article 273 paragraph 1 point 6) of the Labour Law stipulates that employer in the capacity of legal entity shall be fined in the amount of RSD 800,000 to 1,000,000 if they terminate the employment contract of an employee contrary to provisions of this Law, whereas an entrepreneur shall be fined for the same offence with RSD 400,000 to 500,000, and the responsible person in the legal entity shall be fined with RSD 40,000 to 50,000. If execution of this Article inflicts material damage to an employee or another natural or legal person, a protective measure - prohibition to pursue business - may be pronounced to the employer, pursuant to the law (Article 273 paragraphs 2-4 of the Law).

Article 8§4

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Article 90 of the Labour Law stipulates that an employed woman shall not work overtime and during the night during the first 32 weeks of her pregnancy should such work be harmful for her health and health of her child, based on the advice of competent medical authority. An employed woman shall not work overtime and during the night during the last eight weeks of her pregnancy.

Article 91 of the Labour Law stipulates that 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 below 3 years of age or severely disabled child only with written consent of such an employee.

Pursuant to Article 93 of the Labour Law, rights referred to in Articles 91 and 92 of this law are also granted to adoptive parents, foster parents or guardians of children.

Article 274 paragraph 1 point 10) of the Labour Law stipulates that employer in the capacity of legal entity shall be fined in the amount of RSD 600,000 to 1,000,000 if they fail to provide protection of maternity, as well as rights based on childcare or special care of a child or other person pursuant to provisions of this Law, whereas an entrepreneur shall be fined for the same offence with RSD 300,000 to 500,000, and the responsible person in the legal entity shall be fined with RSD 30,000 to 50,000 (Article 274 paragraphs 2 and 3 of the Labour Law).

Article 8§5

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Article 89 of the Labour Law stipulates that an employed woman during pregnancy 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 harmful radiation, extreme temperatures and vibrations.

Article 90 of the Labour Law stipulates that an employed woman shall not work overtime and during the night during the first 32 weeks of her pregnancy should such work be harmful for her health and health of her child, based on the advice of competent medical authority. An employed woman shall not work overtime and during the night during the last eight weeks of her pregnancy.

Article 91 of the Labour Law stipulates that 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 reschedule working hours to an employed woman or employed parent with a child below 3 years of age or severely disabled child only with written consent of such an employee.

Pursuant to Article 93 of the Labour Law, rights referred to in Articles 91 and 92 of this law are also granted to adoptive parents, foster parents or guardians of children.

Article 274 paragraph 1 point 10) of the Labour Law stipulates that employer in the capacity of legal entity shall be fined in the amount of RSD 600,000 to 1,000,000 if they fail to provide protection of maternity, as well as rights based on childcare or special care of a child or other person pursuant to provisions of this Law, whereas an entrepreneur shall be fined for the same offence with RSD 300,000 to 500,000, and the responsible person in the legal entity shall be fined with RSD 30,000 to 50,000 (Article 274 paragraphs 2 and 3 of the Law).

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

Information to be submitted

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

Adoption of the Law on Social Housing (Official Gazette of the RS, 72/09) created a general legal framework for development of social housing in the Republic of Serbia. Within the scope of the Law implementation, the Government also adopted the National Strategy for Social Housing (Official Gazette of the RS, 13/12). This Strategy defines the basic directions for actions in the housing sector through establishing and development of the social housing concept, increasing the scope and diversity of housing solutions, increase of housing availability for households with low income, subsidising the cost of housing, reduction of homelessness, promotion of housing conditions in informal settlements, etc.

After that, the Action Plan for Implementation of the Strategy of Social Housing was also adopted, defining the activities, funds and institutions in charge of implementation of the planned measures.

In March 2013, the Government adopted the Decree on Standards and Norms for Planning, Designing and Construction and Terms for Use and Maintenance of Social Housing Apartments, governing corresponding spatial standards, infrastructure required for construction of social apartments, as well as rights and obligations of tenants of social apartments that remain in Government's ownership, contents and manner of signing and extending the lease agreement, households entitled to housing benefit to pay the rent, elements and manner of calculating the rent and other important issues governing the relation between beneficiaries and providers of social housing services.

The Decree on Energy Protected Buyer, or vulnerable buyer of thermal energy (Official Gazette of the RS, 90/13) was adopted in 2013, and it includes discounts for electricity consumers. According to this Decree, the right to a discount for monthly bills may be granted to vulnerable households depending on their monthly income, number of members and property status of real estate. Financial social assistance beneficiaries and beneficiaries of child allowance are also granted a status of protected buyer, without the need for resubmission of documents.

The Law on Social Protection (Official Gazette of the RS 24/11), within various groups of social protection services, stipulates certain types of housing, as housing with support, within services of support for independent living. Accommodation in homes, shelters and other types of housing are also included in the housing services.

The Law on Social Protection stipulates the prohibition of discrimination of social protection beneficiaries based on race, gender, age, nationality, social background, sexual orientation, religion, political, union or other affiliation, financial status, culture, language, disability, nature of social exclusion or other personal feature (Article 25).

The Rulebook on Centre for Social Work Organisation, Norms and Standards (Official Gazette of the RS, nos. 59/08, 37/10, 39/11 и 01/12) stipulates the respect for human rights and dignity of a beneficiary (Article 6) as well as protection from discrimination (Article 7.) The centre for social work is obliged to represent the interests and rights of beneficiaries and provide equal access to services it is in charge of to all citizens, irrespective of ethnic, cultural, religious, gender or social and economic differences, disability and sexual orientation.

Amendments to the Law on Refugees (Official Gazette of the RS, 30/10) and the National Strategy for Resolving the Issues of Refugees and Internally Displaced Persons 2011 - 2014, foresee various types of housing solutions for representatives of these vulnerable groups. The housing issue is included in the Strategy for Reintegration of the Returnees based on Readmission Agreement (Official Gazette of the RS, 15/09.)

Also, the Strategy for Improvement of the Status of Roma (Official Gazette of the RS', 27/09) mentions improvement of the housing conditions of Roma as one of priorities. The revised Action Plan for Implementation of the Strategy until January 1, 2015 with measures and actions for improvement of housing conditions of this national minority was adopted.

The Strategy for Prevention and Protection against Discrimination, adopted in June 2013, identifies Roma as especially vulnerable category of population. The Strategy foresees measures relating to adoption of general acts governing implementation of affirmative measures for enrolment of Roma students into secondary schools and faculties in more details, as well as resolving the issue of moving out of illegal Roma settlements and provision of active participation of Roma in planning of their housing. This includes respecting their needs and right to participate in decision making

regarding all the issues that concern them, particularly in the local government units, including relocating and the manner of social integration and provision of conditions for social housing, pursuant to international standards and guidelines for relocation of citizens from informal settlements. Council for Promotion of the Status of Roma and Implementation of the Decade of Roma Inclusion was formed in May 2013.

The Republic of Serbia National Assembly adopted the Law on Permanent and Temporary Residence of Citizens (Official Gazette of the RS no. 87/11) on November 17, 2011. Article 11 of this Law states: "A citizen may report a permanent residence based on ownership rights over an apartment, lease agreement or other legal basis. If a citizen may not report permanent residence on basis referred to in paragraph 1 of this Article, the competent authority shall issue a decision on establishing their permanent residence at the following address: 1) their permanent address, if all the terms stipulated by the law are met; 2) permanent residence of their spouse or common-law partner; 3) permanent residence of their parents; 4) institution in which they are permanently housed or the centre for social work on the territory of which they are, with notification of a citizen to that institution, and/or centre that their address shall be at the address of institution and/or centre. The aforementioned enables persons without permanent residence to exercise this right by applying to address of centres for social work, ensuring further exercise of various rights and services in the field of social protection, as well as other guaranteed rights.

On June 6, 2013, the Ministry of Labour, Employment and Social Policy adopted a mandatory Guide for centres for social work and institutions of social protection for housing of beneficiaries, regarding the procedure of reporting the permanent residence at the address of centres for social work or an institution of social protection for housing, creating conditions for smooth and full implementation of Article 11 paragraph 4 of the Law on Permanent and Temporary Residence of Citizens.

The Law on Social Protection granted the local government units the possibility to allocate funds from their budgets and within their territory for innovative services, and some of them use that for provision of "social housing in protected conditions" service, resolving the housing issues of some beneficiaries of social services through constructing apartments.

Local government units may, by their own decisions, establish additional rights for certain categories of beneficiaries in their own communities. For example, by its decision on rights in social protection of the City of Belgrade, the City of Belgrade stipulated the following rights of children in foster care: right to scholarship for students from Belgrade (in the amount of 50% of the minimum wage), right to textbooks and school supplies, right to reimbursement of cost of vacation and recreation, field classes and excursions (up to 50% of average salary in Belgrade), right to constant financial assistance to children who are becoming independent (from the date of termination of right to accommodation till the date of beginning of employment relationship, for not more than two years in the amount of 50% of average salary in the City), right to temporary housing upon termination of right to accommodation.

The City of Belgrade also provided subsidies for payment of utility products and services in the Unified Billing System through payment slips for the Infostan Company. Foster parents with permanent residence on the territory of the City of Belgrade are entitled to discount of 50% for utility services.

Foster parents are also entitled to discount when paying the fee for urban construction land paid for construction of individual residential buildings or legalisation of facilities built without permit.

The City of Belgrade started implementing the national Strategy for Improvement of the Status of Roma in 2009 by adoption of the Action Plan for relocation of unsanitary settlements within the

territory of the City of Belgrade and housing of relocated families, setting the foundation for continuous and sustainable improvement of the status of Roma. The objective of the Action Plan is a comprehensive improvement of living condition and empowering of Roma families through four main fields: housing, education, health and employment.

Inhabitants of social apartments with status of socially vulnerable beneficiaries are also entitled to discounted utility bills.

The Law on Social Protection was adopted after almost 20 years of implementation of the old one that has been significantly amended. Material security benefits from the old Law, or the financial social assistance as defined by the new Law, were well targeted by included a relatively low number of beneficiaries. Apart from that, amounts were low, especially for large families.

The new Law enabled introduction of partial flexibility in the amount of rights (till present, the material security benefits for the family, which is a term remaining from the old Law, used to be stipulated and equal for all the families with equal income and equal number of members - the new Law stipulates the same base for an individual, or holder of rights in a family, but different sums: for an adult - 0.5 of the base and children up to 18 years of age -0.3 of the base) or higher equivalence scale, providing higher amounts for large families and greater coverage of poor families. The new Law also stipulated 20% higher amounts for families in which all the members are incapable of working and single-parent families; it introduced additional categories of persons considered as incapable of working; stipulated that the obligation of a relative to participate in alimentation of a beneficiary should be ordered by court, and not centre for social work, and the amount of assistance for families with six or more members is recognized as the amount for six members (the amount used to be equal to the amount for five members in the previous Law.)

In accordance with Article 4 of the Law on Social Protection, the right to social protection is granted to “Each individual and family with a need for social assistance and support in overcoming social and life hardships and creating terms for fulfilling the basic living needs are entitled to social protection, pursuant to the law. Rights to social protection are granted through provision of social protection services and material support.”

Material support is obtained through financial social assistance, allowance for assistance and care of another person, increased allowance for assistance and care of another person, assistance for training for work, one-time financial assistance, in kind assistance and other types of material support, in accordance with the Law on Social Protection and provisions adopted for its implementation.

The right to financial social assistance may be granted to an individual, or a family, provided they do not own any other real property, except for the residential space corresponding to the needs of an individual, or a family, and land of up to 0.5 ha (for an individual unfit for work, or a family whose all members are unfit for work, census is up to 1 ha), except if consent for mortgage registration had been provided in order to settle the claims; that an individual, or a family member have not sold or donated immovable property or have given up the right to succession of immovable property, or if the period in which, from the market value of the immovable property they had sold, donated, or given up the right to succession, they could provide assistance in terms of this Law, has expired; that an individual or a family member own no movable property by the use or disposal of which, without endangering basic needs of living, they could provide resources equal to six amounts of financial social assistance to be granted to them according to this Law at the moment of applying for financial social assistance and if an individual, or a family member, had not signed an agreement of lifelong support.

The right to financial social assistance may be granted to an individual capable of working, or a member of a family if they are being educated or trained for work in terms of this Law, or if they

are in the registry of unemployed persons; if they have not refused an offered employment, work engagement on temporary or seasonal jobs, professional training, requalification, additional qualification or primary education; if their employment relationship has not been terminated out of their own will, with their consent or their fault, because of disciplinary or criminal accountability, except if a year has passed from termination of employment relationship or if after the termination of employment relationship the incapacity for work has occurred; if they are the sole caretaker of a child with developmental disabilities so they could not be professionally engaged.

A member of the family who is unfit for work shall be granted a right to financial social assistance if a family does not meet the aforementioned conditions.

An individual unfit for work, or a family whose all members are unfit for work and a single-parent family are entitled to an increased financial social assistance, established by increasing the stipulated amount of social assistance for an individual, or a family, by 20%.

The new Law on Social Protection provides mechanisms for extension of assistance to the poor through higher amounts of transfers and social protection network including the most vulnerable groups of citizens who have been facing difficulties with using the social protection so far.

Legal protection:

Legal protection of children and families is exercised within the family law, as well as criminal, civil, social and administrative law by the guardianship body or centre for social work. Powers of guardianship authority are particularly significant in judicial proceedings during which the body may have a status of a party, representative, intervener and provider of professional opinion. Through providing support and assistance to families and children, the guardianship authority also provides services of psycho-social counselling supervises the exercise of parental rights, decides on protective measures and initiates judicial proceedings. In the process of deciding on measures within its own competence (adoption, guardianship, supervision over exercise of parental rights, determination and change of a personal name) and their implementation, the guardianship authority also uses methods of professional social work and social protection.

The Family Law stipulates that everyone shall have child's best interest in mind during all the activities concerning the child (Article 6). The state shall undertake all the necessary measures in order to protect a child from neglect, physical, sexual and emotional abuse and any kind of exploitation. The state shall also respect, protect and promote children's rights. A child born out of wedlock shall have the same rights as a child born in wedlock. An adopted child shall have the same rights toward its adoptive parents as the child has toward parents. The state shall provide protection in a family environment to a child without parental care whenever it is possible.

In disputes for protection of child rights and in disputes for exercise or deprivation or parental rights, the court shall act in the best interest of a child (Article 266). Lawsuit for protection of child rights shall be submitted by: a child, parents of a child, public prosecutor and guardianship authority (Article 263). Lawsuit for protection of child rights may be filed regarding all rights recognized to the child by this Law, but not protected by another procedure (Article 263).

A child without parental care (minor beneficiary) or adult person deprived of capability of work (adult beneficiary) shall be placed under guardianship. The guardianship authority may decide not to appoint a guardian to a person under guardianship, but to directly perform the duty of a guardian, if it is in the best interest of the beneficiary. Taking care of a beneficiary includes: taking care of personality, representation, acquiring means of subsistence and management and disposition of beneficiary's property.

If there are opposite interests between a child and its legal representative, the child shall be represented by collision guardian. A child that turned 10 and that is mentally competent may independently and/or through another person or institution require guardianship authority to appoint the collision guardian. A child that turned 10 and that is mentally competent may independently and/or through another person or institution require guardianship authority to appoint the collision guardian.

The Constitution of the Republic of Serbia guarantees every child a right to find out about its background and the right to preserve its identity (Article 46).

A child that turned 15 and that is mentally competent may decide on a parent it want to lives with (Article 60 of the Family Law).

A child that turned 15 and that is mentally competent may decide on a parent it want to lives with (Article 61 of the Family Law).

Pursuant to Article 23 of the Family Law, a person younger than 18 years of age may not get married. Court may, for justified reasons, allow marriage for a minor who turned 16 and reached physical and mental maturity required for exercise of rights and duties within a marriage.

Employees of the centres for social work in the Republic of Serbia provide legal protection for and on behalf of children who are beneficiaries of the social and family and legal protection systems, through their regular activities regarding protection of children's rights.

In the system of social protection, all the children in the database of centres for social work, on any grounds, and especially from the group of neglected or abused children, are covered by some type of social intervention.

140 existing centres for social work are primary services of social protection in a community. They cover the whole territory of the Republic of Serbia. Services provided by these centres include all children, regardless of the place they live in, and children who are victims of violence are protected regardless of the location on which violence occurs. Centres for social work are in charge of providing primary protection of rights and interests of a child by appropriate interventions of social and family-legal protection of the child, particularly through functions of guardianship authority. Centres for social work also decide on services and rights of family and children stipulated by the Law on Social Protection.

Pursuant to the Family Law (Article 263), in case of domestic violence, all child, health and educational institutions or social protection institutions, judicial and other state authorities, associations and citizens have the right and duty to inform the public defender or guardianship authority about it in order to protect the rights of the child.

Pursuant to the Family Law in this field, guardianship authority has powers, from initiating court proceedings, assistance to court in obtaining required evidence, submission of findings and opinions on expediency of the requested measure, to undertaking measures of guardianship protection, urgent care and undertaking other measures of family-legal and social protection. The guardianship authority is also authorised to file criminal and misdemeanour charges.⁸

According to what it is based on, a family in the Republic of Serbia may be: marital, extra marital and adoptive. Relations between parents and children are legally equal, regardless whether children

⁸ The following decisions on measures of protection against violence are made exclusively by the Court: Issuance of the order for eviction from apartment; Issuance of the order to move into apartment; Restraining order for a member of a family; Restraining order for area around the place of living/work; Order against further harassing of a member of a family.

were born in wedlock or out of it. Parental right is a sum of rights and duties of parents exercised for the benefit of their minor children, in order to take care of life and health of children, their support, education, all other rights and interests and their property. The intention of legislator is for parents to exercise their rights individually and independently, meaning that a family has its own autonomy. However, as the norms of the Family Law state that rights and interest of a child are separate social values the guardianship authority, as a legally established competent authority, has a right and duty to intervene only in legally prescribed cases and in a required manner, in order to protect rights and interests of the child (monitoring of exercise of parental rights is established only when parents do not exercise their rights in the interest of children).

The Law on Social Protection (Article 40)⁹ stipulates development of services for intensive support to a family, offered to a community in which the family with children lives, and the establishing and financial sustainability of which are under the competence of a local self-government.

The ministry in charge of social protection affairs supports development of services for children and family in a community. According to data of the Republic Institute for Social Protection, there are 17 counselling centres in the Database of social protection services in Serbia, offering specialised family support services (mostly operating in centres for social work.)

If there are no specialised counselling family centres, the centres for social work are obliged to provide family counselling services to families that contact them because they have a need for counselling or another specific problem.

Ministry of Labour, Employment, Veteran and Social Affairs focuses on services aiming at the family, particularly having in mind the provision of the Law on Social Protection that prohibits placement of children aged 0-3 in institutions and difficulties parents face when taking care of children with complex developmental disabilities. Support to biological family is one of the Ministry's priorities for the coming period.

Pursuant to Family Law, the basic principle of relation between parents and children is parental right belonging to both mother and father. Parental right is exercised by parents together and by mutual agreement, and in case of their disagreement, the guardianship authority shall make decisions. The guardianship authority is in charge of offering assistance to parents in raising and upbringing their children, and is obliged to intervene in certain cases. Parents have the right and duty to take care of the child. Care of children includes: keeping, raising, upbringing, education, representation, support and managing and disposing the child's property. However, issues that are of major relevance for child development are decided on by both parents, even in cases when only one of them exercises parental right, provided that the other parent is also fulfilling their duties toward the child.

Institution with expert services for support to parents in meeting their responsibilities in raising children are: preschool institutions, centres for social work, educational and health institutions.

⁹ Article 40 of the Law on Social Protection

Evaluation and Planning Services - evaluation of status, needs, strengths and risks of beneficiaries and other significant persons in their environment; evaluation of guardians, foster parent and adoptive parent; development of individual or family plan of service providing and measures of legal protection and other evaluations and plans;

Daily community services - day care; home assistance; shelter and other services supporting the stay of a beneficiary in a family and its immediate environment;

Support for independent living services - supported housing; personal assistance; training for independent living and other types of support required for active participation of a beneficiary in society;

Counselling-therapeutic and socially-educational services - intensive services of support to family in crisis; counselling and support of parents, foster parents and adoptive parents; support to family taking care of its child or an adult member with developmental disabilities maintaining of family relations and family reunion; counselling and support in cases of violence; family therapy; mediation; SOS telephone lines; activation and other advisory and educational services and activities;

Accommodation services - placement into an extended, foster or other family for adults and elderly; residential accommodation; accommodation in shelters and other types of accommodation.

Specific measures adopted for children from family, single-parent family and children from the most vulnerable groups refer to benefits for exercising the rights to child-care allowance, as well as its increased amount. Local self-government is entitled to introduce specific measures of assistance to vulnerable categories of children, according to needs and possibilities.

The Ministry implements one part of assistance to parents through measures of material support, provided in accordance with the Law on Social Protection and the Law on Financial Support to Families with Children.

The Republic of Serbia has already adopted the prohibition of placement of children aged 0-3 into institutions and is fully determined to enable all the children of up to three years of age to live in family environment.

In the Republic of Serbia, conditions and manner of separating a child from one or both parents is governed by provisions of the Family Law. Parents may temporarily entrust the child to another person only if that person meets the conditions for guardian (Article 69). In cases when separation is not voluntary a child may be separated from parents only by court decision. This decision is always made if it is in the best interest of a child and it may be made in all the cases when a parent is (partially or completely) deprived of parental right, or as a protective measure against domestic violence. In order for parents to be able to exercise their parental rights and duties to minors, it is assumed that they live together. On the other hand, it is an absolute and personal right of children to live with their parents until they acquire complete working ability with age of majority or emancipation. Parents may not waive their parental rights or duties to live with their children. An exception the rule that minor children should live with their parents may be possible only if it is in a legitimate interest of children or in mutual interest of both children and parents.

Child and the parent the child is not living with are entitled to maintaining personal relations, and the parent is entitled to participate, together with the parent exercising parental right (Article 78), in making decisions on issues with significant influence over the child life, such as education, undertaking significant medical procedures, change of residence and disposal of child property, etc. During the divorce procedure, the guardianship authority proposes the manner in which the child will maintain personal relations with the parent it is not living with, but the final decision on that shall be made by the Court. Parallelism in decision-making in the Family Law is definitely repealed (court, guardianship authority), thus decisions on separating the child from parents are made exclusively by the Court in statutory terms and procedure, whereas preventive and consultative role of the guardianship authority is not neglected.

The Family Law authorises the centre for social work to intervene in the family when required by the legitimate interest of a child. It means that the centre staff are obliged to act preventively, with means at their disposal, as soon as they find out that relations among family members are so disturbed that they pose a threat to rights and interests of children. Also, the corrective supervision, performed by the guardianship authority includes decision making aimed at correcting parents in exercise of their parental right (Article 80 paragraph 1). Measures undertaken by guardianship authority start from warning, through referral to family counselling or an institution specialising in mediation in family relations, requirement to submit the account on disposal with child's property, to initiating court proceedings regarding exercise of parental right (Article 80 paragraphs 2, 3 and 4).

Statutory child support is governed by the imperative norms and waiving the right to support is not permitted. This right is not subject to statute of limitations.

Issues concerning child support are fully governed by the Family Law. Child support is primarily duty (as well as right) of a parent. When a child is underage, this obligation is absolute, limited only by real possibilities of a parent to support a child. Even a parent fully deprived of parental right is

entitled to support a child. The Law stipulates the obligation of parents to support a child after the child turns 18 years of age. In case of court dispute for support, the Law stipulates criteria for Court to consider when making a decision on support. These criteria concern needs of support recipient (child) and the possibility of the support debtor. It may be awarded in the fixed monthly amount, but if a debtor has a regular monthly income, it is determined in percentage in respect of that income. Percentage of deduction from debtor's monthly income shall be between 15 to 50% of the net monthly income (Article 162 paragraph 2.) The amount of support should enable at least such level of life standard for the child as enjoyed by the parent-support debtor (Article 162 paragraph 3.) If the parents are not alive or they do not have material means, a minor child is entitled to support from blood relatives in the straight upward line, and the same rules apply to cases of adoptive relations.

Claim for support is submitted to High Court. The Court on the territory of which a plaintiff (support creditor) has residence, or the Court on whose territory the respondent's property is located, has local jurisdiction according to the provisions of the Law on Civil Procedure of the Republic of Serbia. Apart from forced execution of court decision according to the rules of the Law on Enforcement Proceedings, avoiding to pay alimony is legally sanctioned, thus non-payment of alimony stipulated by enforceable judicial decision is a criminal offence. The Inheritance Law stipulates that a person that has not fulfilled their legal duty of support, thus violating the obligation toward the descendent, is unworthy of being a heir, and they may be excluded from the right to mandatory part.

Relations between parents and children are governed by legislation of the country of which they are citizens. If parents and children are citizens of different countries, the law of the country in all of them have residence applies. If parents and children are citizens of different countries, and they do not have residence in the same country, the Serbian law applies if the child or any of the parents are Serbian citizens. In other cases, the law of the country the citizen of which the child is applies.

According to the Family Law, one or more protective measures may be stipulated against the family member performing violence. Legal measures of protection against domestic violence are: issuance of order for eviction from a family apartment or house, or moving into the family apartment or house, regardless of ownership or real estate lease right; prohibition of approaching family member at a certain distance; prohibition of access to area around the place of living or working of a family member; prohibition of further harassing the family member. Their objective is either to prohibit completely or just limit maintenance of personal relations with another family member. Measure of protection against domestic violence may last for one year the most, but it may be extended until the reasons for its imposing cease to exist, and it also may be terminated before expiry of the term if the reasons causing it cease to exist. Measure of protection against domestic violence is imposed in separate civil proceedings.

The guardianship authority may have either the status of actively legitimized entity or the status of specific expert in the proceedings for protection against domestic violence, and the court may require them to assist with obtaining the required evidence, as well as to state their opinion on purposefulness of the requested measure. The guardianship authority is also obliged to keep records and documentation on persons who were victims of violence and persons against whom the measure of protection was imposed.

Economic protection

The Law on Social Protection was adopted in Serbia in 2011, and implementation of new statutory solutions focusing on socially vulnerable people - by exercising the right to financial social assistance - enabled better coverage of multimember households through applying the so-called "equivalence scale", valorising the presence of each additional household member in a better way and making a better difference between adults and children within the same household. The Law

also stipulated 20% higher amounts for families in which all the members are unfit for work and single-parent families; it introduced additional categories of persons considered as unfit for work; recognized the amount of assistance for families with six or more members as the amount for six members (the amount used to be equal to the amount for five members in the previous Law.) The domestic violence perpetrator is not considered a family member, and their income and property do not influence the right of domestic violence victims to receive financial social assistance, provided they meet other requirements stipulated by this Law. The Law on Social Protection stipulates one-time assistance provided to persons who suddenly or at the moment find themselves in the status of social need, and the assistance may be financial or in-kind. Local government units are in charge of providing one-time assistance.

This Law also emphasises the proactive role and responsibilities of beneficiary, in particular the persons capable of working, and it also opens a possibility for activation of beneficiaries.

Material support is obtained through financial social assistance, allowance for assistance and care of another person, increased allowance for assistance and care of another person, assistance for training for work, one-time financial assistance, in kind assistance and other types of material support, in accordance with the Law on Social Protection and provisions adopted for its implementation.

The Law on Social Protection stipulates that an individual, or a family, whose income based on their work, proceeds from property or other sources, is lower than the amount of financial social assistance laid down by this Law, are entitled to financial social assistance.

A family consists of spouses and common-law partners, children and relatives in the straight line regardless of the degree of kinship, as well as relatives in a side line till the second degree of kinship provided they live in a joint household, a child not living in a family but that is away in boarding school - till the end of the term stipulated for that schooling, not later than 26 years of age and a spouse, regardless of where they actually live.

The domestic violence perpetrator is not considered a family member, and their income and property do not influence the right of domestic violence victims to receive financial social assistance, provided they meet other requirements stipulated by this Law.

The right to financial social assistance may be granted to an individual, or a family, provided they do not own any other real property, except for the residential space corresponding to the needs of an individual, or a family, and land of up to 0.5 ha (for an individual unfit for work, or a family whose all members are unfit for work, census is up to 1 ha), except if consent for mortgage registration had been provided in order to settle the claims; that an individual, or a family member have not sold or donated immovable property or have given up the right to succession of immovable property, or if the period in which, from the market value of the immovable property they had sold, donated, or given up the right to succession, they could provide assistance in terms of this Law, has expired; that an individual or a family member own no movable property by the use or disposal of which, without endangering basic needs of living, they could provide resources equal to six amounts of financial social assistance to be granted to them according to this Law at the moment of applying for financial social assistance and if an individual, or a family member, had not signed an agreement of lifelong support.

The right to financial social assistance may be granted to an individual capable of working, or a member of a family if they are being educated or trained for work in terms of this Law, or if they are in the registry of unemployed persons; if they have not refused an offered employment, work engagement on temporary or seasonal jobs, professional training, requalification, additional qualification or primary education; if their employment relationship has not been terminated out of

their own will, with their consent or their fault, because of disciplinary or criminal accountability, except if a year has passed from termination of employment relationship or if after the termination of employment relationship the incapacity for work has occurred; if they are the sole caretaker of a child with developmental disabilities so they could not be professionally engaged.

A member of the family who is unfit for work shall be granted a right to financial social assistance if a family does not meet the aforementioned conditions.

The Law defines who shall be considered unfit for work.

The right to financial social assistance is recognized for up to nine months during a calendar year, to an individual fit for work, or a family in which majority of members are fit for work, and for other families it is recognized for an indefinite term, and the review of compliance with requirements for further exercise of this right is performed in May, based on the income for the previous three months.

The right to financial social assistance is recognized for the amount of difference between the social assistance defined in accordance with this Law and the average monthly income of an individual, or a family, earned during three months preceding a month in which the application for financial social assistance was submitted.

Type of income and proceeds forming an average monthly proceeds of an individual, or a family, manner of establishing the amount of proceeds and income and proceeds not taken into consideration are stipulated by the Decree on income and proceeds of influence upon exercising the right to social financial assistance adopted by the Government of the Republic of Serbia (Official Gazette of the RS, No. 36/11).

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

Legislative framework in the field of social housing in the Republic of Serbia has been gradually improving since 2009. However, there are still differences between housing needs and economic capacities of numerous households to provide appropriate housing, and the lack of apartments that low income households may afford is becoming more prominent.

“Social Housing in Protected Conditions” concept was included in the Serbian Strategy on Social Protection Development in 2005, and it was evaluated as the best and the most appropriate solution that provides housing solutions for the most vulnerable categories in need of the local centres for social work additional assistance. This concept has been implemented in more than 40 Serbian municipalities so far. Occupants have no right to buy off the apartments, whereas local government units set the terms for use as regards to housing cost payment. The apartments are usually managed by the centres for social work that are, at the same time, in charge of care and work with the occupants. Most of social apartments for rent have been built in Belgrade.

The existing system of social housing for leasing apartments is still not sufficiently affordable to low income households, as they face difficulties when paying rent or utility bills. There is no developed system of residential benefits at the national level, and measures used by the local government units like one-time financial assistance lead to a momentary solution to the problem, but they do not contribute to sustainable solutions.

Implementation of measures from the field of social housing is partially under jurisdiction of national institutions and partially under jurisdiction of local government units. Those are mostly programmes initiated by the national institutions (mostly Commissariat for Refugees and Migrations), financed by donor funds aiming at vulnerable social groups like refugees, IDPs, veterans with disabilities and others. Percentage of local government units budget allocations for co-funding of social housing programme and housing subsidies was very low.

Conducting the Study of Income and Living Conditions (SILC) enabled obtaining numerous required data on indicators of social exclusion in housing for the first time, and in future it should facilitate regular monitoring of status in this field.

A unified measure according to which vulnerable households may be granted a right to a discount for monthly bills for electricity natural gas and heat energy has been introduced at the national level. Financial social assistance beneficiaries and children's allowance beneficiaries may exercise this right without submitting additional papers in accordance with the Decree.

However, data on scope and type of subsidies for housing costs provided by certain local government units have not been systematized yet.

Some of the local government units offer subsidies to poor households for payment of housing expenses mostly for covering a part of utility bills.

On the other hand, there are more and more situations in which competent authorities initiate procedure for eviction and evict occupants of social apartments with high unpaid amounts for utility bills or rent, although debtors are mostly households with very low income.

Primary and secondary homeless people were registered by the census of 2011. for the first time. According to the definition used in the census, primary homeless people are persons without housing or temporary address of residence living in the street, parks, etc., and who periodically look for accommodation in some of the shelters or reception centres. Secondary homeless people are persons living in premises that according to census methodology are considered as premises occupied out of necessity (for example, an occupied basement, shed, tent, train coach, etc.)

This census registered about 19,000 primary and secondary homeless people, mostly among persons older than 65 and children of up to 14 years of age. Roma represent about one third of registered homeless people.

Number of collective centres for accommodation of refugees and IDPs was reduced significantly and numerous housing solutions were provided, but the issue of IDPs residing in informal settlements is still present. Other vulnerable households have access to housing programmes within the Regional Housing Programme.

The Regional Housing Programme (RHP) is a joint multiannual programme the purpose of which is to provide permanent housing solutions for about 27,000 most vulnerable refugee families (74,000 persons) in the region. RHP of Serbia will be conducted over a period of five years and through several sub-projects, and it is EUR 330 million worth, and RHPs of all four countries are EUR 585 million worth.

Regarding returnees as per Readmission Agreement, they may exercise different rights at centres for social work (to material benefits - financial social assistance, allowance for care and assistance of another person, parental benefit, assistance for training for work, etc), and they may be referred to various services (service of accommodation at the social protection institution, assistance in obtaining personal identification documents, assistance with inclusion of children into educational

system...), then daytime assistance in community (assistance at home, day care, habitation with support etc.), as well as exercise various benefits in a municipality in which they have temporary residence (discount for electricity, discount or exemption from payment for preschool institution services, free meal in soup kitchen, etc.) When appropriate, centres for social work frequently provide returnees a free ticket in one direction to their temporary residence, one-time financial assistance (in the centre for social work of the municipality in which the returnees are temporary residing), then temporary housing, where centre for social work adopts a resolution on accommodation of persons in a shelter that might last till the expiry of their travel papers and other.

3) Please provide pertinent figures, statistics or any other relevant information to show that Article 16 is applied in practice, including information on domestic violence, information on child care arrangements and housing for families, the level of family benefits, the number of recipients as a proportion of the total population, as well as information on tax benefits and other forms of financial assistance for families.

In order to solve the extended refugee crisis caused by the disintegration of Yugoslavia, Governments of Bosnia and Herzegovina, Montenegro, Croatia and Serbia developed the Regional Housing Programme (RHP) to provide permanent housing solutions for estimated 27,000 families in the region, whereas in Serbia solving of housing needs of the following categories of beneficiaries is expected:

1) 400 families (or 750 persons) living in collective centres and 2) 16,780 families (or 44,250 persons) of refugees from the period between 1991-1995, including vulnerable former holders of tenancy rights without a permanent solution in the countries of origin or in Serbia as the recipient country. RHP will be implemented all over Serbia, and based on the projects municipalities and towns with refugees submitted. The project will be completed in 2017.

During the informative campaign, a promo film on the Regional Housing Programme was broadcasted on Radio Television of Serbia programme and numerous local TV stations all over Serbia.

This programme follows the present joint efforts of partner countries and the international community, and confirms the commitment of the countries to bring the regional displacement to an end by providing permanent housing solutions as well as guarantees for protection of rights of refugees, returnees and IDPs.

To that end, and with support of the European Commission, United States of America Government, UNHCR and OSCE, the Fund of Regional Housing Programme for the funds of donor community was established. The fund is managed by the Council of Europe Development Bank.

Data of the Ministry of Labour, Employment and Social Policy on the disbursed amounts toward the right to financial social assistance for December 2013 (base for disbursement RSD 7,628.00).

Number of family members	Number of families	Total amount	Total number of persons
1 member	36,722	277,315,133.91	36,722
2 members	21,750	212,272,163.76	43,500
3 members	14,762	169,269,322.41	44,286
4 members	16,578	219,895,810.46	66,312

5 members	8,002	121,457,263.96	40,010
6 and more members	5,707	99,861,055.50	34,242
TOTAL	103,521	1,100,070,750.00	265,072

Number of children in CSWs who are witnesses of domestic violence in 2012	3,017
---------------------------------------------------------------------------	--------------

Number of children in CSWs, victims of violence, who were removed from families for protection against violence as the reason for their removal in 2012, based on a temporary conclusion on provision of accommodation	
Reason for removal from family	Number of children
Both parents abusing the child	170
A parent is not capable of protecting a child against abuse of the other parent	310
A parent is not capable of protecting a child against abuse outside the family	15
Other	145
TOTAL	640

Number of proceedings for protection of victims against violence initiated by CSW of its own motion in 2012, according to types of proceedings and age of victim					
Type of proceedings	Victim's age				TOTAL
	Children	Youth	Adults	Elderly	
Proceedings for measures of protection against domestic violence	172	39	91	40	342
Proceedings for complete deprivation of parental rights	134	2	15	6	157
Proceedings for partial deprivation of parental rights	116	2	12	0	130
Criminal charge	111	8	100	34	253
Proceedings for deprivation of work capability of a perpetrator	3	10	35	14	62
Proceedings for adoption of interim measures of forced treatment	42	5	27	4	78
Proceedings for protection of interests and rights of the child	152	17	40	16	225
Other	229	66	352	131	778
TOTAL	959	149	672	245	2,025

Number of victims of violence in CSW according to origin of report in 2012	
Origin of report	Victim's age

	Children	Youth	Adults	Elderly	Total
Family member	1,140	161	534	270	2,105
Report by another person, outside of a family	264	58	139	136	597
Report of an institution (school, health centre, kindergarten...)	647	44	91	62	844
Police report	749	234	1,285	301	2,569
Court request	304	49	347	55	755
Report of an association	27	0	23	22	72
Guardianship authority of its own motion in other proceedings	303	15	68	26	412
Victims themselves	145	139	927	215	1,426
Anonymous report	147	30	112	54	343
Someone else	61	21	57	65	204
TOTAL	3,787	751	3,583	1,206	9,327

Number of victims of violence in CSW in 2012, according to the environment in which the violence took place					
Environment in which the violence took place	Victim's age				
	Children	Youth	Adults	Elderly	TOTAL
Family	3,566	719	3,491	1,149	8,925
Foster or another family	25	1	2	1	29
Housing institution	0	7	1	2	10
Other	196	24	89	54	363
TOTAL	3,787	751	3,583	1,206	9,327

Number of CSW beneficiaries who were victims of violence in 2012, according to dominant type of violence									
Dominant type of violence	Victim's age								
	Children		Youth		Adults		Elderly		TOTAL
	M	F	M	F	M	F	M	F	
Physical violence	585	596	77	246	248	1,912	135	334	4,133
Sexual violence	24	94	0	10	1	21	2	4	156
Mental violence	435	490	99	162	196	876	75	262	2,595
Neglect	741	702	52	53	46	173	108	170	2,045

Other	68	52	10	42	33	77	43	73	398
TOTAL	1,853	1,934	238	513	524	3,059	363	843	9,327

Number of families in CSW in which existence of violence was identified in 2012 and the number of victims of violence according to age					
Number of families	Victim's age				
	Children	Youth	Adults	Elderly	Total
4,494	3,787	751	3,583	1,204	9,325

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

Information to be submitted

Article 17§1

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

In the field of children's rights protection, the Republic of Serbia consistently applies international agreement for children's rights protection, either through legislative framework, or through strategic documents, action plans, establishment of special mechanisms for protection. A significant progress in organizing the network for protection of children's rights in the local community has been made. The policy established in this field also includes the protection of children against all forms of violence.

The Family Law (2005) defines domestic violence, prohibits domestic violence, establishes the right to protection against domestic violence, establishes a circle of persons entitled to protection against domestic violence, stipulates measures of protection and governs specific court proceedings for family and legal protection against violence. The Family Law also stipulates the right of the child to independent representation in cases of collision of interests of the child and legal representative of the child. The Family Law introduces the specialization of judges for acting in family affairs and stipulates a mandatory training on children's rights for judges.

The Family Law stipulates the obligation of the government to undertake all the required measures for protection of child against neglect, physical, sexual and emotional abuse, and any kind of exploitation, as well as the obligation of all the child healthcare and educational institutions, social protection institutions, judicial and other court authorities, associations and citizens to notify the public prosecutor or guardianship authority on the need and reasons for protection of children's rights.

According to the Family Law, parents shall not subject a child to humiliating procedures and punishments offending human dignity of the child and they shall protect the child against such actions of other persons.

The Family Law stipulates that everyone shall act in the best interest of a child during all the activities concerning the child (Article 6 paragraph 1). The Law stipulates that the Court shall always act in the best interest of the child in disputes for protection of children's rights and in disputes for exercise or deprivation or parental rights (Article 266 paragraph 1.)

In the system of social protection, all the children in the database of centres for social work, on any grounds, and especially from the group of neglected or abused children, are covered by some type of social intervention.

The General Protocol on conducting and cooperation of institutions, authorities and organisations in cases of domestic violence against women and violence in partner relations was adopted by the Government in November 2011. This Protocol, that has been in effect since the date of adoption, explicitly defines that the child - victim of domestic violence is a child - witness of violence in the family, for the first time in a national document: "Children shall be considered victims of violence in a family not only when they endure it directly, but also when they are, as witnesses, exposed to violent acts that one member of a family performs against other members."

In 2013, the ministry in charge of social protection affairs adopted the Special Protocol on conducting of centres for social work - guardianship authorities in cases of domestic violence and violence in partner relations against women. This fully completes the undertaken obligation from the General Protocol to structure the manner of the system of social and family and legal protection key institution reacting in fight against domestic violence and violence in partner relations in provision of protection assistance and support to victims of domestic violence.

Development of the document Guide on beneficiary complaints consideration for social protection service providers is in progress. The base for the Guide development is in Article 39. of the Law on Social Protection (Official Gazette of the RS no.24/2011), defining the right of social protection beneficiaries to file a complaint in case they are not satisfied with the provided service, act or behaviour of service provider, and they may file a complaint with the competent authority. The Rulebook on details of terms and standards for social protection services stipulates that service providers shall have clearly defined procedures for beneficiary complaints consideration and that they shall respond to them not later than 15 days from the date of receipt. The beneficiary's right to file a complaint is a novelty in the system of social protection in the Republic of Serbia. For beneficiaries to be able to exercise this right, the service provider is obliged to: develop and cherish a positive attitude to complaints, establish a system for consideration of complaints as a part of building the internal system of quality improvement in the organization, provide implementation of procedures for consideration of complaints and compliance with deadlines for conducting the proceedings.

According to the Law on Registry Books¹⁰ birth of a child shall be reported to a competent registrar for entry into registry of births (Article 46.) Healthcare institution shall report birth of a child in its premises, on a correct form. Father of a child shall report birth of a child outside of a healthcare institution, and if he is not able to do it, then it shall be done by another member of the household, or a person in whose apartment the child was born, or a person who learned of birth. Child birth shall be reported within 15 days from the date of birth. The fact of birth of a child whose parents are unknown shall be entered into the registry of births of the region where the populated place in which the child was found is located. Entry into the registry shall be performed according to the decision of the competent guardianship authority, containing the following data: personal name of the child; gender of the child; date, month, year and hour of birth; place and municipality of birth and citizenship of the child. Place where the child was found shall be registered as the place of birth. The guardianship authority shall adopt a decree based on the record on finding of the child, and shall submit it to the registrar together with the record on finding the child. The fact of birth of

¹⁰ Official Gazette of the RS no. 20/09

a child without parental care reported upon the expiry of stipulated deadlines, that may not be entered into registry of births in a manner stipulated by Articles 49 and 50 of this Law shall be entered into the registry of births as per place of the child's temporary residence at the time of initiating the procedure for entry of that fact into the registry of births. Entry into registry shall be performed based on the decision of the competent guardianship authority, containing the following data: personal name of the child; gender of the child; date, month, year and hour of birth; place and municipality of birth and citizenship of the child. The populated place where the child is temporarily residing at the time of initiating the procedure for entry of the fact of birth into the registry of births shall be entered as the place of birth.

The Minister of Labour and Social Policy and the Minister of Internal Affairs have jointly adopted the Rulebook on procedure and creating a record on finding of the child¹¹ stipulating that every person that finds a child is obliged to report it to the competent police administration or, if circumstances so require, to the closest healthcare facility (ER). Acting on the report is urgent. Police station creates a record and submits it to the competent guardianship body.

According to the Family Law, a personal name consists of a name and a surname and it is entered into the registry of births. The name is determined by parents. They shall be entitled to having the child's name entered into the registry of births both in mother tongue and alphabet of one or both parents. Parents shall also be entitled to choosing the child's name freely, but they may not determine a derogatory name, name offending moral or name that is contrary to customs and perceptions of the community. Name of the child shall be determined by a guardianship authority if the parents are not alive, if they are unknown, if they have not determined a name in legally stipulated term, if they may not reach an agreement on the child's name, or if they have determined a derogatory name, name offending moral or name that is contrary to customs and perceptions of the community. (Article 344).

According to the Family Law, a child that turned 15 and that is mentally competent shall be entitled to change of personal name. According to the Family Law, a child that turned 10 and that is mentally competent shall be entitled to giving consent to change of personal name (Article 346). Child's name may be changed by establishing maternity or paternity, as well as by contesting maternity or paternity. Adopted child's surname may be changed according to the surname of one or both adopters. Child who has changed surname by adoption may take its surname after the termination of adoption by annulment (Article 349.)

Identity preservation is usually exercised through the right to a name and a citizenship and efficient completion of adoption of children without parental care. According to the Family Law, public shall be excluded from the adoption proceedings (Article 323.) Data from records on adoption, written evidence and other documents on the adoption shall represent the official secret. Only the adopter and the adoptee who turned 16 years of age shall be permitted an insight into these records and documents.

According to its basis, a family in the Republic of Serbia may be: marital, extra marital and adoptive. Relations between parents and children are legally equal, regardless of whether the children were born in wedlock or out of it. Pursuant to Family Law, the basic principle of relation between parents and children is parental right belonging to both mother and father. Parental right is exercised by parents together and by mutual agreement, and in case of their disagreement, the guardianship authority shall make decisions. The guardianship authority shall be in charge of offering assistance to parents in raising and upbringing their children, and is obliged to intervene in certain cases. Parents shall have the right and duty to take care of the child. Care of children includes: keeping, raising, upbringing, education, representation, support and managing and disposing the child's property. However, issues that are of major relevance for child development

¹¹ Official Gazette of RS 12/2011,

shall be decided on by both parents, even in cases when only one of them exercises parental right, provided that the other parent is also fulfilling their duties toward the child.

Institutions with expert services for support to parents in meeting their responsibilities in raising children are: preschool institutions, centres for social work, educational and health institutions. Specific measures adopted for children from family, single-parent family and children from the most vulnerable groups refer to benefits for exercising the rights to child-care allowance, as well as its increased amount. Local government unit is entitled to introduce specific measures of assistance to vulnerable categories of children, according to needs and possibilities.

The Republic of Serbia has already adopted the prohibition of placement of children aged 0-3 into institutions and is fully determined to enable all the children of up to three years of age to live in family environment.

The legal basis for organizing special protection of children without parental care exists in the Constitution of the Republic of Serbia, Family Law and the Law on Social Protection. According to provisions of the Family Law, a child without parental care is: a child without living parents, a child whose parents are unknown or their place of stay is unknown and a child whose parents are completely deprived of parental right, or working capability. The child without parental care is placed under guardianship, in accordance with provisions of the Family Law. Placing a child under guardianship is in the competence of the guardianship authority that is obliged to adopt a decision on placing under guardianship (Article 125. paragraph 1). This decision includes the plan of guardianship, it identifies the guardian and decides on accommodation of the protégé (Article 125, paragraphs 2 and 3), and it also includes the inventory and evaluation of the protégée's property, if they have property (Article 125 paragraph 5). Starting from the Constitution, the Family Law establishes the right of the child without parental care to special social protection and establishes the following as basic forms of family and legal protection: adoption, organized placement into another family and other forms of family accommodation. The state is obliged to provide appropriate care and protection for the children without parental care, through guardianship authorities. Whenever possible, care and protection shall be provided in a family environment (Article 6) and primarily in the family of relatives (Article 125.) For selection of appropriate form of protection of children without parental care, the Law stipulates a comprehensive consideration of each individual case, so that the solution for every child would be in accordance with its needs, and which could compensate for the loss of parents or parental care in the best possible manner.

An indicator of the Republic of Serbia efforts to govern the issues regarding protection of children's rights against violence and corporal punishment in an even more detailed manner is the development of Preliminary Draft of the Law on the Rights of the Child,¹² governing this matter in a contemporary and detailed manner. The Preliminary Draft was developed by the working group of the Ombudsman, and the Ombudsman will be the proponent to the National Assembly. Article 14 of the Preliminary Draft, Prohibition of Corporal Punishment and Restriction of the Child, prohibits the corporal punishment and humiliating acts toward the child for disciplining the child in all the environments, as well as the use of physical force against the child and corporal restriction of the child. As an exception, use of physical force and measure of corporal punishment of the child may be exercised for the shortest possible time and only to the extent necessary for protection of life and health of a child, another person or property of higher value, all in accordance with the Law and when necessary.

Competence of the Ministry of Education

- The Law on Fundamentals of Education System (LFES, Official Gazette of the RS, nos. 24/05, 72/09, 52/11 and 55/13)
- The Law on Preschool Education (Official Gazette of the RS no. 18/10)
- The Law on Primary Education (LPE, Official Gazette of RS, no. 55/13)

¹² <http://www.ombudsman.rs/attachments/Nactf%2009.11.11..doc>

- The Law on Secondary Education (LSE, Official Gazette of RS, no. 55/13)
 - Directions of development and promotion of quality of preschool, primary school, comprehensive secondary and artistic education 2010-2012 (National Educational Council, 2011)
 - Strategy for the Development of Education in Serbia 2020 (SDES Official Gazette of the RS no. 107/12)
 - Rulebook on protocol of conduct in an institution as a response to violence, abuse and neglect (Protocol, Official Gazette of the RS no. 30/10)
- Amendments to the LFES of 2011 stipulate the use of UISE in order to provide efficient and high-quality functioning of educational system, specify participation of minority groups in the educational process, and terms of learning according to IEP or with additional support.
 - Amendments to LFES of 2013 improve the access to education for vulnerable groups of students (general principles) and specify the educational objectives in accordance with the needs of the labour market and the society of knowledge, discuss the details of criteria for adoption of IEP, facilitate access to education for students not familiar with the teaching language and set the criteria for enrolment into school in a more flexible manner.
 - In accordance with provisions of LPE, the programme of protection against violence, abuse and neglect and programmes for prevention of other forms of risk behaviour are integral parts of school programme. Health and social protection of students, as well as the programme of cooperation with the local community and family, activities of student cooperative and student parliament and various free extracurricular activities are also integral parts of the school programme serving the function of exercising rights of children and youth to social, legal and economic protection.
 - Provisions of LSE of 2013 enable equal conditions for all the students wishing to continue schooling after the compulsory primary education, with special emphasis on students with difficulties in learning or belonging to minority groups. It is particularly obvious in topics related to use of language, religious classes, development plan and school programme, role of student parliament and student cooperative, additional and practice classes, rules of enrolment, evaluation and organization of final and matriculation exams.
 - SDES deals with pre-university education as a comprehensive system of mutually connected levels of education, including challenges and directions for development for each level (preschool, primary, secondary), with special emphasis on the quality of educational offer, strengthening fairness and coverage of education and inclusion of social partners into providing support in education to students needing that support the most.
 - The Rulebook includes a developed classification of forms, perpetrators, procedures, measures of prevention and protection, as well as activities of participants in the programme of protection against violence, abuse and neglect in an institution.

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

The bylaw of the Law on Social Protection - Rulebook on Prohibited Actions of Employees in Social Protection¹³ determines in more details what is considered as prohibited action of employees in social protection institutions, or of social protection service providers, in respect of the beneficiaries. Article 5 of the Rulebook defines the prohibited action - in the social protection institutions, or at premises of the provider of social protection services, an employee shall be prohibited from exercising any form of violence against a beneficiary, or physical, emotional and sexual abuse, exploitation of beneficiary, abuse of trust or power they have over the beneficiary,

¹³ Official Gazette of the RS, no. 8/2012

neglect of beneficiary and other treatments that are threatening to health, dignity and development of a beneficiary. This act stipulates in particular the actions considered physical abuse, emotional abuse, sexual abuse, exploitation, neglect, and with every of the aforementioned types of violence, there are separate provisions specifying how those relate to the child - beneficiary of services, particularly emphasising the *specific status of the child* and the need to protect it during the process of using of services. The obligation of reporting is separately defined, as well as check of safety of other beneficiaries, if violence occurs in homes for accommodation of beneficiaries or other service providers.

All the social protection institutions are obliged to inform the inspection of the Ministry of Labour, Employment and Social Policy, without delay verbally, and not later than 24 hours in written form as well.¹⁴ on each incident in the institution, including disappearance of beneficiary, unexpected death and death under unexplained circumstances, aggravated assault, threat, injury or abuse of a beneficiary by other beneficiaries or employees or persons outside the institution. Institutions have their own internal procedures for conduct in the aforementioned situations.

The Special Protocol on protection of children against abuse and neglect in institutions of social protection for children remains in force and applicable,¹⁵ and it was adopted in accordance with the General Protocol for protection of children against abuse and neglect¹⁶ in order to enable preventive activities and prevent possible inhuman treatment, abuse or torture in the institutions of social protection, according to which those institutions are obliged act in all the cases in which there are elements of inhuman treatment, abuse or torture of accommodated children.

In order to provide transparency of control of institutions for accommodation of beneficiaries with disability and transparent monitoring, in June 2011, the Ministry of Labour, Employment and Social Policy signed the Memorandum of Cooperation with Mental Disability Rights Initiative of Serbia MDRI-S (no.560-01-00685/2010 –20 of June 29,2011) in order to enable the Monitoring Institutions in Social Protection Reform Project implementation. Within monitoring, this organisation visited the following social protection institutions: Centre for Protection of Infants, Children and Youth in Belgrade, “Cradle” Home in Subotica, Home for Persons with Autism in Belgrade, “Veternik” Home in Novi Sad, “Sremcica” Home in Belgrade, “Stamnica” Home in Stamnica, and Home for Adults in Kulina.

The Novak Djokovic Foundation, UNICEF and the Ministry of Labour, Employment and Social Policy started cooperating on development of innovative services to reduce the risk of unnecessary separation of a family and institutionalization of children in 2013. Support to prompt identification of the risk and referral of families to support services will be provided; piloting of new and strengthening of existing services aimed at prevention of family separation when that is in the best interest of the child and strengthening the system of foster care in order to provide appropriate alternative protection of children of up to three years of age in the institutional accommodation.

Foster care has a long tradition in the Republic of Serbia, and over the past several years a great progress in the development of foster care has been made, as the number of children in foster care and foster families has significantly increased, and the number of children without parental care in the social protection institutions has been reduced. Decisions on guardianship, foster care, adoption and placement of a child into the social protection institution are made by the competent guardianship authority, considering the best interest of the child in each specific case.

Three centres for family accommodation and adoption were founded in 2011 by the Decree of the Government, and they: 1) perform preparation, evaluation and training of future foster and adoptive

¹⁴ Instruction of the Ministry no. 560-03-402/2011-20 of July 2011

¹⁵ adopted in 2006 by the Minister of Labour and Social Policy,

¹⁶ adopted in 2005 by the Government

parents; 2) provide support to foster parents and families providing the service of family accommodation and to adopters; 3) report to centre for social work on the work of foster parents and functioning of families providing the family accommodation service and propose measures to correct potential omissions; 4) perform other tasks in accordance with the law and another provision (Article 131 of the Law on Social Protection.) At the moment there are 5 centres for family accommodation and adoption in Serbia, and there is a plan to establish 3 more institutions like that to provide protection to children outside of institutions through specialized foster care, among other things.

Foster parents who are compensated for their work are also paid contributions for compulsory retirement and disability insurance for the amount of compensation for work, and based on the signed agreement on foster care, from the moment of placing a child into the foster family (Article 12 of the Law on Retirement and Disability Insurance.) Payment of contributions for RDI includes acquisition of the retirement service based on the agreement on foster care. Foster parents-relatives liable to support the child according to the Family Law (grandparents, brother and sister of a child in foster care) shall not be compensated for work.

Foster parents without health insurance based on another basis of higher priority (employees, pensioners, insured agricultural producers) are entitled to health insurance, and these are the unemployed foster parents or the ones who have been insured as family members. Contributions for compulsory health insurance shall be paid to foster parents, based on the agreement on foster care, from the moment the child is placed into their home.

Members of the foster parent family that the foster parent is obliged to support (including common-law partner they have been living together for at least two years) are entitled to compulsory health insurance as members of the foster parent's family, if they are not insured according to another basis of high priority. This right is exercised by foster parents who are unemployed or who have been ensured as family members (Article 17 of the Health Insurance Law.)

Compensation for leave from work for childcare (based on the Labour Law and the Law on Financial Support to Families with Children) is provided to foster parents for a child younger than 3 months of age up to 11 months of age, and for a child of up to 5 years of age for the duration of 8 months. If a child is ill, foster parents may be on leave until the child turns 5 years of age.

Although not all the rights related to employment relationship are acquired in the Republic of Serbia through foster care, individuals are encouraged to become foster parents in various other ways, among others through different types of material compensations like: increased compensation for a child with mild developmental disability or sentenced to correctional measure (increase of 50% of the amount of allowance for assistance and care of another person); increased compensation for a child with moderate, serious or severe developmental disabilities (increase of 100% of the amount of allowance for assistance and care of another person); increased compensation for a child with multiple disabilities or whose health has been compromised over a longer period of time, has the need for hospital treatment, etc. (increase may be up to 50% of the basic compensation for child support and for a shorter or a longer period, depending on the need of the child); payment of funds for personal needs of a child-allowance, for children older than 7 years of age, is paid together with compensation for child support (foster parent gives money to the child, and the child uses it to satisfy its own personal needs; the foster parent is obliged to teach the child how to handle money); right to outfit for accommodation into the foster family (clothes and shoes) is a one-time right and it is provided at the moment of placing the child into the foster family; right to expenses for textbooks and school supplies (the Ministry pays directly to the account of foster parents), and the exact amount is determined every year according to the age of children - payment is performed at the beginning of the school year right to expenses of celebration of graduation (state pays it to the account of foster parents in the amount of 30% of the average salary per employee in the Republic

of Serbia in April of the current year); right to reimbursement of expenses for vacation and recreation, excursions and field classes (paid to the account of tour operator in the amount of actual cost, based on submitted invoice); right to reimbursement of transport expenses for students attending a school outside of their place of living; right to child allowance is exercised according to census in accordance with the Law on Financial Support to Family. This right is exercised by a foster family with up to four children in the family, including their own children. The amount of the child allowance for a child in foster care is also increased with regards to the amount that foster parents obtain for biological children. Funds granted according to this are spent for improvement of living conditions of a child in foster care; right to reimbursement of preschool costs (the Republic provides funds to the preschool institution.) This right may be exercised only by a family entitled to child allowance if a child attends a regular group; if a child has developmental disability and attends the developmental group, then regardless of the family income, that child exercises the right to reimbursement of cost of attending the preschool institution; right to day care is exercised by the child with physical and mental disabilities, with autism, child with behavioural issues; right to assistance for training for work (the Ministry pays to organization in which a person is trained.)

Local government units may, by their own decisions, establish additional rights for children and foster parents in their own communities. For example, by its decision on rights in social protection of the City of Belgrade, the City of Belgrade stipulated the following rights of children in foster care: right to scholarship for students from Belgrade (in the amount of 50% of the minimum wage), right to textbooks and school supplies, right to reimbursement of cost of vacation and recreation, field classes and excursions (up to 50% of average salary in Belgrade), right to constant financial assistance to children who are becoming independent (from the date of termination of right to accommodation till the date of beginning of employment relationship, for not more than two years in the amount of 50% of average salary in the City), right to temporary housing upon termination of right to accommodation.

The City of Belgrade also provided subsidies for payment of utility products and services in the Unified Billing System through payment slips for the Infostan Company. Foster parents with permanent residence on the territory of the City of Belgrade are entitled to discount of 50% for utility services. Foster parents are also entitled to discount when paying the fee for urban construction land paid for construction of individual residential buildings or legalisation of facilities built without permit.

Competence of the Ministry of Education

- Draft Action Plans for Implementation of Strategy for the Development of Education in Serbia 2020 (AP SDES, MESTD, 2014)
- Violence Prevention Unit (VPU, MESTD, 2012, formed with professional and financial support by UNICEF)
- According to AP SDES, in the context of measures defined by Article 17 of the RESC, expansion of the coverage and capacity is planned for preschool education (PE) through implementation of the principle of fairness and stimulating selective measures at the local level, support to system of social care of children and PE at the local level, support to programmes of early development and comprehensive half-day and full-day programmes. Subsidised stay of certain categories of children is already applied and its governed by corresponding legislation. The optimisation of the school network is planned for the primary education in order to provide availability of education, as well as financial support to poor municipalities - transportation, accommodation of students, strengthening the educational role of school through cooperation with a broader community, encouraging appropriate extracurricular activities, establishing the standard of inclusive education. In the field of

secondary education, the optimisation of school network in accordance with needs of businesses is also very important, along with standardisation of exam for acquiring qualification, introduction of craft education, development of mechanisms for recognition of non-formal education as well as inclusion of employers in the process of programming, development and implementation of vocational education.

- VPU was founded within the MESTD at the beginning of 2012 in order to enable better planning, coordination and monitoring of response of MESTD and other partners to protection of children against violence within the educational system. VPU implements the School without Violence programme in cooperation with partner institutions in 242 primary and 9 secondary schools (16% of schools in Serbia) as well as the training programme for Teams for Crisis Interventions with German organization GIZ, and actively participated in the following projects: Stop the Digital Violence, Prevention of Gender Based Violence, Protection of Children Against Violence in South East Europe, and it is one of the initiators of introduction of SOS telephone line for reporting of violence at schools.

3) Please provide pertinent figures, statistics or any other relevant information, in particular on the number of public and private schools, their geographical distribution in urban and rural areas, average class sizes and the ratio teacher per pupil; figures on primary and secondary school enrolment; on the number of children in the care of the State, the number placed with foster families and in institutions, the number of children per unit in child welfare institutions; on the number and age of minors in pre-trial detention or imprisoned or placed in a disciplinary institution.

According to the Ministry data, in March 2013, right to financial social assistance was used by 261,201 individuals, out of which 92,139 children aged up to 18.

503,037 persons used services and rights in the centres for social work in 2012, out of which 140,622 children aged 0-17.

Share of children in the records of centres for social work (CSWs) in the total population of children in the Republic of Serbia is increasing (2011-12.82%, 2013-14,76%.)

The number of children on the records of CSWs in 2013 is increasing in comparison with the previous period and it is 186,424. In 2012, number of children on the records of CSWs increased for 9.37% compared to the number of children in 2011, and in 2013 for 5.22% compared to 2012.)

Children registered as socially and financially vulnerable children continuously represent the largest share of children on the records of CSWs. This group of children are beneficiaries of various types of material assistance funded by the Republic or local budget (financial social assistance - FSA and one-time financial assistance.)

In December 2013, there were 5125 children in family accommodation. There are about 700 children in homes for children, and most of them are children with developmental disabilities, as there are not many foster families ready to accommodate these children. Increase in the number of families for specialized foster care is one of priorities in the plans for the coming period.

According to data of the CSWs, on December 31, 2013, there were 8899 children under guardianship protection on the records, which is 7.57% less than in December 2012, and 5.54% less than at the end of 2011.

In the structure of children according to reasons for guardianship protection, neglected children and children of parents deprived of parental right dominate with more than 46%. Objective circumstances like death of parents, parents who have been deprived of working capability at an early age and parents who have not acquired working capability, have a share of slightly over 12%. This structure of reasons for guardianship protection may be considered as stable, as it is only slightly different than the structure from previous years.

In 2013, CSWs initiated 1301 procedure for protection of victims against domestic violence, which is 36% more than in 2012.

In 2013, CSWs recorded 412 cases of removal of a child due to domestic violence, which is 28% less than in 2012. In 89 cases, children were removed as both parents exerted violence against the child.

Number of families with children using the financial social assistance increased for 12% in 2013, compared to 2012, or for 17% compared to 2011.

RSD 7.2 billion was allocated to financial social assistance to families with children in 2013, which is 9% more than in 2012.

Share of children in the total number of social financial assistance beneficiaries has been stable since introduction of that right in 2011 (in 2013 it was 36.87%.)

In 2013, 17,457 single-parent families, or 16.9% of all the families entitled to financial social assistance exercised the right to this kind of financial benefits from the Serbian Budget. Out of the total number of single-parent families - about 368,000 according to Census from 2011, 5% are using the financial social assistance.

Article 7(3):

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

- The Law on the Fundamentals of the Education System (Official Gazette of the RS nos.72/09, 52/11, 55/13)
- The Law on Primary Education (Official Gazette of RS, no. 55/13)
- The Law on Secondary Education (Official Gazette of RS, no. 55/13)
- Amendments to LFES of 2011 and 2013 introduced gradual imposing of measures for unjustified absence, offering students the opportunity to correct their behaviour in time and return to regular attending of classes; reduction in dropout rate, particularly for persons from socially vulnerable categories of population and underdeveloped regions, persons with developmental disability and other persons with learning difficulties, as well as support to their re-inclusion into the system in accordance with the principles of inclusive education, they became the object of special attention in exercising principles of education; NEC was granted the power to monitor, analyse and provide recommendations for reduction of dropouts from the education system and define proposals of measures for continuation of their education.
- LPE offers a chance for continuation of schooling without repetition or grades by offering a full-time student who has not passed the repeated exam an option to pass it in the current

school year and complete the next grade as the part-time student. This measure indirectly reduces the education system dropout rate.

- SDES emphasises the high dropout percentage as an obstacle to efficient and effective education. There is a lack of relevant data on the regional and social and economic component of dropout rate, as well as the lack of a unified monitoring methodology; within measures for reduction of dropout rate the introduction of career guidance and counselling in schools is proposed, along with development of programmes of assistance for vulnerable groups because of implementation of inclusive principles, to introduce programmes of professional training for occupations that are in high demand at the labour market, but there is not much interest of students to enrol into these educational profiles at school.

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

- Draft Action Plan for implementation of Strategy for the Development of Education in Serbia 2020 (MESTD, 2014)
- Reduction of Early Dropout from School (CEP, 2013, report on the study visit to Netherlands, in cooperation with UNICEF)
- In the field of primary education AP SDES emphasises a higher dropout rate in vulnerable groups - national minorities, children with developmental disability and children with disability, children in rural areas; reasons for dropping out are school network, distance of schools from the place of living, level of development of the local government units, situation with the communal infrastructure - road network, social status of population, forms of developmental and physical disability, demographic movement of population, etc. In order to increase access to primary education and fairness in the coverage of children, measures of prevention were proposed: construction/adaptation of school premises, procurement of school busses for transport of teachers or students, training of teachers for work with children from vulnerable groups. In the field of vocational education, amendments to LFES providing the legal basis for adopting the act on career guidance and counselling were proposed, and the programme of assistance to vulnerable groups, development of methodology for monitoring and measuring of early dropping out of the education system, and development and implementation of special programmes of vocational education and training for required qualification, training of teachers for career guidance and counselling were stipulated. The objective is to reduce the dropout rate for 50%. The systematic statistical monitoring of this phenomenon through UISE is necessary.
- Experiences of countries in which significant results in dropout rate have been achieved, particularly in vocational education, are precious for domestic practice. Conclusions of representatives of relevant institution from their visit to Netherlands suggest the need for long-term political consensus; the need for a broad and intensive intersectorial cooperation between the competent ministry, local government units and schools; the approach should be based on reliable data.

3) Please provide pertinent figures, statistics or any other relevant information, in particular on the number of children failing to complete compulsory schooling dropping out of education without qualifications and on measures to combat absenteeism.

- number of children who do not complete mandatory schooling (primary education)

- number of youth who drop out from the education system without acquired qualifications (secondary vocational education(enclosed))

Article 19 – The right of migrant workers and their families to protection and assistance

Information to be submitted

Article 19§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, including the patterns of emigration and immigration between States party for employment purposes.

Article 19§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, including the patterns of emigration and immigration between States party for employment purposes.

Article 19§3

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, including the patterns of emigration and immigration between States party for employment purposes.

Article 19§4

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, in particular concerning the number of migrant workers, if possible, which have had access to subsidised housing.

Article 19§5

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

Article 19§6

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, in particular on the number of applications for family reunion, and the percentage of applications which were granted and turned down, respectively.

Article 19§7

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

Article 19§8

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, in particular on the number of migrant workers nationals of States party served with an expulsion order.

Article 19§9

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

Article 19§10

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

A unified answer to paragraphs 1-10.

The field of employment of foreign nationals is governed by the **Law on Requirements for Employing Foreign Nationals** (Official Journal of SFRY 11/78 and 64/89, Official Journal of FRY 42/92); In accordance with this Law, foreign nationals may enter into employment relationship if they have an approval for permanent residence, or for temporary residence in the Republic of Serbia, and if they obtain approval for entry into employment relationship. Foreign nationals may enter into employment relationship with an organization, or an employer, without the approval for entry into employment relationship and without public announcement, if they have an approval for temporary residence or permanent residence in the Republic of Serbia and if they enter into the employment relationship in order to perform expert tasks established by the agreement of business and technical cooperation, long-term production cooperation, technology transfer and foreign investment.

The new **Law on Employment of Foreign Nationals** will be adopted in the coming period. This Law will perform harmonisation with the Directive 2004/38 on the right of EU citizens and their family members to freely move and reside on the territory of the Member State and the Regulation 492/2011 on the freedom of movement for workers, including enabling free access to labour market in the Republic of Serbia to the Member State citizens. Measures harmonized with the Directive 2004/38 and Regulation 492/2011, and other relevant European Union provisions, will apply only to citizens of the EU Member States when the Republic of Serbia becomes a full member of the European Union. Harmonization with the corresponding ratified conventions of International Labour Organization number 97 on migration for employment (Official Gazette of SFRY - International Treaties and Other Agreements number 5/68), the Law on Ratification of Convention 143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, adopted at the 60th session of the General Conference of the International Labour Organisation (Official Gazette of SFRY - International Treaties number 12/80), as well as with the requirements of World Trade Organization on freedom of movement of workers in the field of employment will also be performed.

The Law on Employment and Unemployment Insurance (Official Gazette of the RS nos. 36/09 and 88/10) governs the employment affairs in the Republic of Serbia; In accordance with this Law, the agency affairs for overseas employment and provision of protection to persons in the process of overseas employment are performed by the National Employment Service and private employment agencies. The National Employment Service and private employment agencies provide information on options and terms for overseas employment, living and working conditions, rights and duties at work, forms and manner of protection in accordance with the agreement on overseas employment, as well as the rights upon return from working abroad, in accordance with the legislation.

Also, in accordance with Article 85 of the Law on Employment and Unemployment Insurance, a foreign national or a stateless person may be registered as an unemployed person if they have an approval for permanent or temporary residence. Foreign nationals or stateless persons on the

records of unemployed persons of the National Employment Service are equal to domestic citizens, in respect of rights and options for employment. One of the basic principles of the Law is the principle of free of charge affairs related to employment for unemployed persons, meaning that the services the National Service and the private employment agencies provide to unemployed persons are not charged for.

The Ministry of Labour, Employment, Veteran and Social Affairs, National Employment Service and employment agencies licensed by the ministry competent for employment affairs are in charge of the field of employment.

The affairs of migration and overseas employment within the Employment Sector of the Ministry of Labour, Employment, Veteran and Social Affairs, are handled by an employee working in an executive position for overseas employment and migrations and an employee working in an executive position for monitoring the activities of the National Employment Services and employment agencies. A certain number of employees of the Employment Sector, in charge of other affairs, is included in trainings on movement of workers.

National Employment Service Directorate, within Department for Implementation of Interstate Agreements and Remunerations, handles the affairs of protection of citizens employed abroad and employment of foreign nationals, and there are 5 employees tasked with those affairs. At branches of the National Employment Service, agency affairs in terms of employment abroad and employment of foreign nationals are handled by the employment advisors.

Migrant Service Centres started operating in June 2008, supported by the “Capacity Building, Information and Awareness Raising towards Promoting Orderly Migration in the Western Balkans” Project. The Project was implemented by the International Organization for Migration in cooperation with the ministry in charge of employment, National Employment Service, CSO Group 484 and the Institute of International Politics and Economics, with a view to provide assistance to potential migrants from Albania, Bosnia and Herzegovina, Croatia, FRY Macedonia, Montenegro, Serbia and Kosovo (under the UN Security Council Resolution 1244.) The first stage of the Project was completed in January 2010. The second stage of the Project, “Migration for Development in the Western Balkans”, started in February 2011 and ended in November 2012, and it included the expansion of Migrant Service Centre network in the Republic of Serbia. At the moment, there are 7 of them, located within the National Employment Service branches in Belgrade, Novi Sad, Bor, Nis, Kraljevo, Krusevac and Novi Pazar.

The basic objective of the Project and establishing of the Migrant Service Centres was: reduction of scope or irregular migrations towards, inside of and out of the Western Balkans and the EU countries and Switzerland; to increase the capacity for work migration management at the national level in the Western Balkans; improved understanding and knowledge on migration trends and potential in the Western Balkans and opportunities for work migrations of the citizens of the Western Balkans countries as well to ensure efficient dissemination of information and referral of migrants and potential migrants to appropriate services, in order to improve options for legal migration and prevent irregular migrations.

In their everyday work, the Migrant Service Centres deal with dissemination of information, counselling and referral of migrants and potential migrants, they offer individual assistance and counselling on both the risks of illegal migration and options and procedures on decent chances for employment within the framework of legal migration. Centres offer assistance to all categories of migrants, as well as immigrants, returnees as per readmission and asylum-seekers who need

assistance with integration, through referral to relevant local institutions where they may be assisted with exercising their rights.

There are 72 private employment agencies in the Republic of Serbia at present, the info on which is published on the web site of the ministry in charge of employment (<http://www.minrzs.gov.rs/>) and the National Employment Service (<http://www.nsz.gov.rs/>). Operating licence is issued to the employment agency by the ministry in charge of employment, based on written application, if the agency meets the terms regarding premises, equipment and professional capacities of employees. Operating licence is issued for the period of 5 years and may be extended. Employment affairs at the agency are performed by employees with professional capacities to do so, with at least secondary education and provided they passed the exam for working in the field of employment. The agency should have at least one employee with high education, handling the employment affairs. Taking the test is free of charge, and all the persons working on employment affairs in the agency, as well as at the National Service for Employment, are obliged to take the test. This enables a person dealing with the employment affairs to learn about legislation and other acts in the field of employment, be able to implement them in practice, and it also makes it possible for all the employees in this field to perform their work in a responsible and professional manner. The ministry in charge of employment also supervises the work of the National Employment Service and employment agencies.

In 2013, there were 2775 foreign nationals on the records of the National Employment Service. Most of them were from Rumania (150), then FYR Macedonia (149), Russian Federation (74), Montenegro (69), Bosnia and Herzegovina (55) and other countries.

Regarding the statistics of the Migrant Service Centres service beneficiaries, in 2011, 329 persons used services of the Migrant Service Centres, 696 persons in 2012, whereas 900 persons used the services in 2013. Beneficiaries of the Migrant Service Centres frequently obtain information on the phone, as well as on the Internet www.migrantservicecentres.org.

The Law on Employment and Unemployment Insurance (Official Gazette of the RS nos. 36/09 and 88/10) governs the affairs of overseas employment. In accordance with this Law, the agency affairs for overseas employment and provision of protection to persons in the process of overseas employment are performed by the National Employment Service and private employment agencies. The National Employment Service and private employment agencies provide information on options and terms for overseas employment, living and working conditions, rights and duties at work, forms and manner of protection in accordance with the agreement on overseas employment, as well as the rights upon return from working abroad, in accordance with the legislation.

In accordance with that Law, overseas employment is performed based on the notification on the need for overseas employment received by the ministry in charge of employment, National Employment Service or an employment agency. Protection of a person employed abroad includes at least equal treatment in terms of employment with the nationals of the country of employment. Protection of persons includes provision of: permits for work and stay abroad; cost of general, sanitary and specialist medical examinations and issuance of certificates on medical capability; transportation cost; informing on conditions of living and working abroad; informing on rights and duties at work; signing the employment contract prior to departure to another country and other contractual rights. National Employment Service and agencies are obliged to submit notice on persons employed abroad to the Ministry, along with the number and structure of persons and other data relating to overseas employment, prior to departure abroad. A person being employed abroad and the employer also need to sign the contract prior to departure of that person to work abroad.

One of the forms of protection of migrants and their family members is signing the **bilateral agreement on employment and work of migrant workers abroad**, as that is how they may be employed in an organized manner, based on established terms of employment, work and stay

abroad, and it also contributes to prevention of illegal employment of migrants and each type of migrant exploitation and discrimination by employer. The Republic of Serbia signed two bilateral agreements on temporary employment of migrant workers in the Republic of Belarus and Bosnia and Herzegovina. Negotiations with the Russian Federation on conclusion of Agreement between Government of the Republic of Serbia and Government of the Russian Federation on temporary employment and work of the Republic of Serbia nationals in the Russian Federation, and the Russian Federation nationals in the Republic of Serbia are ongoing. The Agreement on Agency and Temporary Employment of the Republic of Serbia nationals in the Federal Republic of Germany was signed by the Employment Services of Serbia and Germany.

The Ministry of Labour, Employment, Veteran and Social Affairs, National Employment Service and employment agencies licensed by the ministry competent for employment affairs are in charge of the field of employment.

The affairs of migration and overseas employment within the Employment Sector of the Ministry of Labour, Employment, Veteran and Social Affairs, are handled by an employee working in an executive position for overseas employment and migrations and an employee working in an executive position for monitoring the activities of the National Employment Services and employment agencies. A certain number of employees of the Employment Sector, in charge of other affairs, is included in trainings on movement of workers.

National Employment Service Directorate, within Department for Implementation of Interstate Agreements and Remunerations, handles the affairs of protection of citizens employed abroad and employment of foreign nationals, and there are 5 employees tasked with those affairs. At branches of the National Employment Service, agency affairs in terms of employment abroad and employment of foreign nationals are handled by the employment advisors.

In their everyday work, the seven Migrant Service Centres located within National Employment Service branches in Belgrade, Novi Sad, Bor, Nis, Kraljevo, Krusevac and Novi Pazar, deal with dissemination of information, counselling and referral of migrants and potential migrants, they offer individual assistance and counselling on both the risks of illegal migration and options and procedures on decent chances for employment within the framework of legal migration.

There are 72 private employment agencies in the Republic of Serbia at present, the info on which is published on the web site of the ministry in charge of employment. Operating licence is issued to the employment agency by the ministry in charge of employment, based on written application, if the agency meets the terms regarding premises, equipment and professional capacities of employees. Operating licence is issued for the period of 5 years and may be extended. Employment affairs at the agency are performed by employees with professional capacities to do so, with at least secondary education and provided they passed the exam for working in the field of employment. The agency should have at least one employee with high education, handling the employment affairs. Taking the test is free of charge, and all the persons working on employment affairs in the agency, as well as at the National Service for Employment, are obliged to take the test. This enables a person dealing with the employment affairs to learn about legislation and other acts in the field of employment, be able to implement them in practice, and it also makes it possible for all the employees in this field to perform their work in a responsible and professional manner. The ministry in charge of employment also supervises the work of the National Employment Service and employment agencies.

In 2013, the National Employment Service provided agency services for overseas employment of 77 persons (Germany, Uganda, Japan, Libya.)

Also, based on the reports of employment agencies, 466 persons were employed abroad, with international employers (Nigeria-10, Montenegro-2, Uruguay-5, Libya-40, Australia-40, USA-169, Greece-92, Macedonia-31, Bosnia and Herzegovina-1, Germany-1, UAE-7, Turkey-8, Hungary-60).

Article 6 of the Law on Social Protection defines that beneficiaries of social protection are the Republic of Serbia citizens, but that beneficiaries may also be foreign nationals and stateless persons, in accordance with legislation and international agreements. The principle of timeliness of social protection should be particularly emphasized (Article 29 of the Law).

Article 41 of the Law on Social Protection defines that the beneficiary of social protection rights or services is an individual, and/or a family facing obstacles in meeting their needs, because of which they are not able to achieve or maintain the quality of life or an individual and/or a family without sufficient funds to meet the basic life needs, and who are not able to achieve that through their work, income from property or from other sources.

A minor (child) and an adult of up to 26 years of age (young person, young people or youth) are beneficiaries in case their health, safety and life are threatened by family and other life circumstances, and/or if it is certain that without the social protection system support they may not achieve the optimum level of development, particularly if:

- 1) they are without parental care or at risk of losing parental care;
- 2) their parents, guardians or other persons taking direct care of them are not able to care for them without the social protection system support, due to health reasons, mental illness, intellectual issues or unfavourable socio-economic circumstances;
- 3) they have developmental issues (physical, intellectual, mental, sensory, socio-emotional, multiple, with speech and language), and their needs for care and financial security exceed the capacities of a family;
- 4) they are in conflict with parents, guardians and community and if their behaviour poses a threat to themselves and their environment;
- 5) they face difficulties because of abuse of alcohol, drugs or other intoxicants;
- 6) there is a danger that they will become victim, or if they are victim, of abuse, neglect, violence and exploitation, and/or if their physical, mental or emotional welfare are threatened by acts or omissions of parents, guardians or other persons taking direct care of them;
- 7) they are victim of human trafficking;
- 8) they are foreign citizens or stateless persons, without escort;
- 9) their parents are in dispute over the manner of exercising parental right;
- 10) they have other needs requiring social protection.

Persons aged from 26 to 65 and adults older than 65 are beneficiaries when their wellbeing, safety and productive lives in the society are threatened by risks due to old age, disability, illness, family and other circumstances of life, and particularly if:

- 1) they have physical, intellectual, sensory or mental disabilities or difficulties in communication and when, due to social or other obstacles, they face functional limitations in one or more areas of life;
- 2) there is a danger that they will become, or they are, victim of self-neglect, neglect, abuse, exploitation and domestic violence;
- 3) they face difficulties because of disturbed family relations, abuse of alcohol, drugs or other intoxicants, or other forms of socially unacceptable behaviour and other causes;
- 4) they are victim of human trafficking;
- 5) they are foreign citizens or stateless persons in need of social protection;

6) they have the need for placement in home care or other needs requiring social protection.

The Law on Social Protection stipulates that beneficiaries are entitled to availability of services, thus Article 56 indicates that the social protection services may be provided as urgent interventions in order to secure safety in situation threatening to life, health and development of beneficiaries and they shall be provided 24 hours a day. Urgent intervention services shall be provided by the social welfare centre with mandatory cooperation with competent authorities and services. Urgent intervention services are provided by the Republic of Serbia, and/or autonomous province.

In order to implement the legislative framework, in terms of providing equal treatment to domestic and foreign workers, the Republic of Serbia signed **28 Agreements on Social Insurance** with other countries (Austria, Belgium, Bulgaria, Czech Republic, Slovakia, Denmark, France, Italy, Luxembourg, Hungary, Netherlands, Norway, Poland, Germany, Sweden, Switzerland, Great Britain and Ireland, Libya, Panama, Romania, Macedonia, Croatia, Bosnia and Herzegovina, Montenegro and Slovenia), and in 20 of those the procedure for confirming the period of insurance and exercise of right to financial compensation due to unemployment was established.

All branches of the National Employment Service include expert departments dealing with insurance in case of unemployment. When deciding on the rights regarding insurance in case of unemployment through application of international agreements on social insurance, the insurance period from the Republic of Serbia and the insurance period from another contracting state are summed up if needed for exercise of rights. Also, within the National Employment Service Directorate, there is a Sector for Insurance in Case of Unemployment, coordinating the work of branches, providing instructions and recommendations for actions and making decisions in the proceedings of second instance.

The Law on Social Protection stipulates one-time assistance provided to persons who suddenly or at the moment find themselves in the status of social need, and the assistance may be financial or in-kind. Local government units are in charge of providing one-time assistance.

Beneficiaries of social protection are the Republic of Serbia citizens, but they may also be foreign nationals and stateless persons, in accordance with legislation and international agreements.

Child allowance as a measure of social policy may be granted to one of the parents, foster parents, caretakers of the child who take direct care of the child, who are citizens of the Republic of Serbia, have residence at the territory of the Republic of Serbia and are entitled to health protection through the Republic Institute for Health Insurance, for the first, second, third and fourth child according to order of birth in a family, from the date of submission of application. Foreign nationals may be granted the right to child allowance in accordance with the terms stipulated by the international agreement.

Child allowance as a measure of social policy may not be exercised in case all the terms and conditions stipulated by the Law on Financial Support to Family with Children are not met.

The field of employment of foreign nationals is governed by the Law on Requirements for Employing Foreign Nationals (Official Journal of SFRY nos.11/78 and 64/89, Official Journal of FRY no.42/92); Foreign nationals may enter into employment relationship if they have an approval for permanent residence, or for temporary residence in the Republic of Serbia, and if they obtain approval for entry into employment relationship. Approval for entry into employment relationship to a foreign citizen is issued by the National Employment Service that also keeps special records on issued work permits.

The new Law on Employment of Foreign Nationals will be adopted in the coming period. This Law will perform harmonisation with the Directive 2004/38 on the right of EU citizens and their family members to freely move and reside on the territory of the Member State and the Regulation

492/2011 on the freedom of movement for workers, including enabling free access to labour market in the Republic of Serbia to the Member State citizens. Measures harmonized with the Directive 2004/38 and Regulation 492/2011, and other relevant European Union provisions, will apply only to citizens of the EU Member States when the Republic of Serbia becomes a full member of the European Union. Harmonization with the corresponding ratified conventions of International Labour Organization number 97 on migration for employment (Official Gazette of SFRY - International Treaties and Other Agreements number 5/68), the Law on Ratification of Convention 143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, adopted at the 60th session of the General Conference of the International Labour Organisation (Official Gazette of SFRY - International Treaties number 12/80), as well as with the requirements of World Trade Organization on freedom of movement of workers in the field of employment will also be performed. According to the Draft Law, a foreign national being employed in the Republic in accordance with this Law, is entitled to equal rights and duties in terms of work, employment and self-employment as the citizens of the Republic, provided the terms are met in accordance with the Law.

The Law on Employment and Unemployment Insurance (Official Gazette of the RS nos. 36/09 and 88/10) governs the employment affairs in the Republic of Serbia; In accordance with Article 85 of the Law, a foreign national or a stateless person may be registered as an unemployed person if they have an approval for permanent or temporary residence. Foreign nationals or stateless persons on the records of unemployed persons of the National Employment Service are equal to domestic citizens, in respect of rights and options for employment. One of the basic principles of the Law is the principle of free of charge affairs related to employment for unemployed persons, meaning that the services the National Service and the private employment agencies provide to unemployed persons are not charged for.

The Law also stipulates that the National Employment Service has a status of an organization for mandatory social insurance, in charge of exercise of rights to insurance in case of unemployment. A foreign national who was insured for the case of unemployment on the territory of the Republic of Serbia and who was registered into the National Employment Service records upon expiration of insurance, is entitled to financial compensation in the same manner and under the same terms and conditions as the domestic national.

The field of employment of foreign nationals is governed by the **Law on Requirements for Employing Foreign Nationals** (Official Journal of SFRY nos.11/78 and 64/89, Official Journal of FR Yugoslavia no.42/92); Foreign nationals may enter into employment relationship if they have an approval for permanent residence, or for temporary residence in the Republic of Serbia, and if they obtain approval for entry into employment relationship. Approval for entry into employment relationship to a foreign citizen is issued by the National Employment Service that also keeps special records on issued work permits. Therefore, foreign nationals with the approved permanent residence, submit the application for approval to establish the employment relation to the competent branch of the National Service. On the other hand, application for approval to establish employment relation of a foreign national with the approved temporary residence is submitted by the employer, along with statement of the reasons for the need to employ a foreign national. Issuance of approval for establishing the employment relation is charged in accordance with the Law.

Adoption of the **new Law on Employing Foreign Nationals** is planned for the coming period, as it will provide harmonisation of domestic legislation with the relevant European Union directives, International Labour Organisation conventions and World Trade Organisation requirements in terms of freedom of movement of workers in the field of employment. According to the Draft Law, a foreign national being employed in the Republic in accordance with this Law, is entitled to equal rights and duties in terms of work, employment and self-employment as the citizens of the Republic, provided the conditions are met in accordance with the Law. The cost of issuance of work

permit for a foreign national shall be borne by the employer and they may not be assigned to the employee.

In accordance with Article 85 of the **Law on Employment and Unemployment Insurance** (Official Gazette of the RS nos. 36/09 and 88/10), foreign nationals or stateless persons on the records of unemployed persons of the National Employment Service are equal to domestic citizens, in respect of rights and options for employment. Also, one of the basic principles of the Law is the principle of free of charge affairs related to employment for unemployed persons, meaning that the services the National Service and the private employment agencies provide to unemployed persons are not charged for.

The Ministry of Labour, Employment, Veteran and Social Affairs, National Employment Service and employment agencies licensed by the ministry competent for employment affairs are in charge of the field of employment.

The affairs of migration and overseas employment within the Employment Sector of the Ministry of Labour, Employment, Veteran and Social Affairs, are handled by an employee working in an executive position for overseas employment and migrations and an employee working in an executive position for monitoring the activities of the National Employment Services and employment agencies. A certain number of employees of the Employment Sector, in charge of other affairs, is included in trainings on movement of workers.

National Employment Service Directorate, within Department for Implementation of Interstate Agreements and Remunerations, handles the affairs of protection of citizens employed abroad and employment of foreign nationals, and there are 5 employees tasked with those affairs. At branches of the National Employment Service, agency affairs in terms of employment abroad and employment of foreign nationals are handled by the employment advisors.

Regarding data on the work permits issued to foreign citizens, 2542 work permits were issued in 2010, 2573 work permits were issued in 2011, 2904 work permits were issued in 2012, and 2856 work permits were issued in 2013.

In 2013, there were 2775 foreign nationals on the records of the National Employment Service. Most of them were from Rumania (150), then FYR Macedonia (149), Russian Federation (74), Montenegro (69), Bosnia and Herzegovina (55) and other countries.

Maintenance of personal relations of children with parents may be limited, or temporary prohibited only for protection of health and other important interests of children. The interest of the child is stipulated as the primary one by the Law on solving the conflict of law with legislation of other countries in certain relations that also governs the entrusting of children to care, upbringing, support and maintenance of personal relations and contacts and stipulates the applicable law. This issue is also solved through bilateral agreements our country signed with other countries (area of recognition and execution of foreign court and other decisions, or the specific mentioned area) as well as the Convention on Civil Aspects of International Child Abduction of October 6, 1980.

Rights of the child and parents who are domestic nationals to leave the country and return to it again, in order to preserve family ties - family reunion, is governed by the Law on Travel Documents, and rights of the child and parents who are foreigners, stateless persons or refugees are governed by the Law on Movement and Stay of Foreigners. Freedom of movement and settlement

and the right to leave the territory of our country, for either domestic nationals, refugees, stateless persons or foreigners, is subject to statutory limitations only (Article 31 paragraph 2 of the Chapter on Human and Minority Rights and Civil Freedoms and Article 17 of Constitution of the Republic of Serbia.) These rights may be limited only if it is necessary: for conduct of criminal proceedings, protection of public order and peace, prevention of spreading of diseases or for protection of the country.