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EUROPEAN SOCIAL CHARTER

12th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF SERBIA

Articles 7, 8, 16, 17, and 19

for the period 01/01/2018 – 31/12/2021

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CYCLE 2023

Revised European Social Charter

Questions on Group 4

Children, families and migrants (Articles 7, 8, 16, 17 and 19)

REPORT OF THE REPUBLIC OF SERBIA

The reference period for reporting is from 1 January 2018 to 30 June 2022.

Article 7

The right of children and young persons to protection

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

1. to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;

a) Please provide information on the measures taken by the authorities (e.g. Labour Inspectorates and social services) to detect child labour, including children working in the informal economy. In this regard, please provide information on the number of children actually working (either from existing statistics on this issue or from surveys to be conducted to obtain such information), as well as on measures taken to identify and monitor sectors where it is strongly suspected that children are working illegally.

2018:

In 2018, labour inspectors found that 39 children between the ages of 15 and 18 were engaged in work contrary to the Labour Law in catering, car washes, maintenance of motor vehicles, production and sale of bread and pastries, construction, retail trade, personal services - hairdressing, liquid fuel trading, clothing manufacturing, fruit sales, cutting, shaping and stone processing, as well as in the citizens' association.

On the basis of the established factual situation, the labour inspectors issued 16 decisions, which ordered that the caught persons stop working, as well as to obtain the written consent of the parents and the findings of the competent health authority, and to submit an application for mandatory social insurance.

Also, the labour inspectors submitted 14 requests for the initiation of misdemeanour proceedings, 1 criminal complaint to the Basic Public Prosecutor's Office due to suspicion of human trafficking, and the Centre for Social Work was also informed of the established situation.

2019:

In 2019, a total of 33 minors were found working, of which 32 were aged between 15 and 18 and 1 was under 15. The persons were found at a total of 25 different employers.

A total of 20 persons were found "moonlighting" without a concluded employment contract or other contract in accordance with the Labour Law, that is, without submitting an application for mandatory social insurance. The persons were caught working undeclared in the printing industry, in the catering industry, in the production of sanitary materials, in construction, in agriculture, in the processing of fruits and vegetables, in trade and in the production of bread, fresh pastries and cakes.

A person under the age of 15 was found working in a bakery in the production of bread and pastries. The labour inspector immediately issued a decision prohibiting the employment of the mentioned person until the legal requirements are met.

With a total of 3 employed persons, one of whom is 16 years old working as an auxiliary worker in a catering establishment, and 2 aged 17 each working as an assistant cook and making plastic packaging, the employers concluded employment contracts. For 2 of the mentioned persons, the employers submitted applications for compulsory social insurance, while for 1 person the employer did not submit an application for compulsory social insurance. For all three persons, the employers did not provide the written consent of the parents, adoptive parents or guardians, as well as the finding of the competent health authority, which establishes that the persons are capable of performing the work for which they are working and that such work is not harmful to their health.

With a total of 11 persons between the ages of 15 and 18, the employers concluded contracts on performing temporary and occasional jobs through youth cooperatives. The mentioned persons were found working on the jobs of packing and transferring crates and sorting fruit in the cold store, in the activity of fruit and vegetable processing, then on the jobs of working in a coffee shop, on the jobs of an auxiliary worker in the kitchen, on the jobs of a seller and on the jobs of a waiter. For 8 persons, the written consent of the parents, adoptive parents or guardians was provided, and for 2 persons, a finding from the competent health authority, which establishes that the persons are capable of performing the work for which they have established an employment relationship and that such work is not harmful to their health.

With 1 person aged 17, who was found working as a cash register worker in trade, the employer concluded a contract on performing temporary and casual work, but did not submit an application for mandatory social security and did not provide the written consent of parents, adoptive parents or guardians, as nor the finding of the competent health authority, which establishes that the person is capable of performing the tasks for which the employment relationship is established and that such tasks are not harmful to his health.

Based on the established factual situation, the labour inspectors issued 7 decisions ordering the submission of applications for mandatory social insurance, obtaining the written consent

of parents, adoptive parents or guardians, and the findings of the competent health authority, which determines that the persons are capable of performing the tasks for which they establish an employment relationship and that such jobs are not harmful to their health.

6 decisions were made on the prohibition of the employment of arrested persons until the legal requirements are met. 1 decision with orders to eliminate identified deficiencies in the field of safety and health at work was also adopted. 13 requests for the initiation of misdemeanour proceedings were submitted.

2020:

In the period January 1 - December 31, 2020, a total of 20 minors aged between 15 and 18 were found at work (3 persons aged 15, 2 persons aged 16 and 15 persons aged 17). The persons were found at a total of 19 different employers.

A total of 10 persons were found to be working "on the black" without a concluded employment contract or other contract in accordance with the Labour Law, i.e. without submitting an application for mandatory social insurance. Minors were caught working "illegally" in the agricultural industry - fruit and vegetable processing (1 person), in the catering industry (3 people), in the production of other parts for motor vehicles (1 person), in the construction industry (1 person), in the activity of production of bread, fresh pastries and cakes (3 persons), in the activity of cleaning services (1 person).

Out of 10 employed minors with whom employers concluded an employment contract or other contract in accordance with the Labour Law and who registered for mandatory social insurance, 6 persons established an employment relationship, that is, they were employed with the written consent of their parents, adoptive parents or guardian and on the basis of the findings of the competent health authority, which determined that they are capable of performing the jobs for which they are working and that such jobs are not harmful to their health.

On the basis of the established factual situation, the labour inspectors issued 12 orders to the minutes, which ordered employers to submit applications for mandatory social insurance, obtain the written consent of parents, adoptive parents or guardians, and the findings of the competent health authority, which determines that minors are capable of performing work for which establish an employment relationship and that such jobs are not harmful to their health, as well as that the student stops further professional practice until the conclusion of the contract between the educational institution and the entrepreneur.

2 decisions were made on the termination of work engagement of the caught persons until the legal requirements are met, as well as 1 decision ordering the employer to determine the schedule of employees' working hours during the working week and to make a decision on the schedule of using rest during the day's work. Also, 1 decision was made with orders to eliminate identified deficiencies in the field of safety and health at work.

10 requests were submitted for the initiation of misdemeanour proceedings due to the fact that employers did not conclude an employment contract or other contract in accordance with the Labour Law with the minor who was found before starting work, due to the failure to

submit an application for mandatory social insurance, as well as the fact that the employer established an employment relationship with a minor without first obtaining the written consent of the parents or obtaining a finding from the competent health authority that the minor is capable of performing the tasks for which the employment relationship was established.

2021:

In the period from January 1 to December 31, 2021, during the 13 performed inspections, the labour inspection found a total of 18 minors at work, of which 4 were 16 years old and 14 were 17 years old. Minors were found with a total of 13 different employers.

No persons under the age of 15 were found during the inspections carried out in the mentioned period.

Only 2 minors were engaged in accordance with the regulations, i.e. with 1 minor a contract was concluded on performing temporary and occasional jobs through the youth cooperative, while with the other person a work contract was concluded and the employers obtained written parental consent for both minors. as well as the finding of the competent health authority, which establishes that the minor is capable of performing the tasks for which he establishes an employment relationship and that such tasks are not harmful to his health. Of the 2 minors mentioned, one 16-year-old person was found working as a helper in the retail trade, while the other 17-year-old person was found working as an auxiliary construction worker.

Also, with 1 minor aged 17, who was found on auxiliary jobs in the construction industry, the employer concluded an employment contract, submitted an application for compulsory social insurance and obtained the consent of the parents, but did not obtain a finding from the competent health authority that the minor a person capable of performing the tasks he is working on and that this work is not harmful to his health.

With 1 minor aged 17, who was found working as a trader, a contract was concluded on performing temporary and occasional jobs through a youth cooperative, but the employer did not obtain the written consent of the parents, adoptive parents or guardians, nor the finding of the competent health authority that establishes that a minor capable of performing the work for which he establishes an employment relationship and that such work is not harmful to his health, while with 1 minor aged 16, who was found working as a waiter-bartender, a contract was concluded on the performance of temporary and casual work through the youth cooperative, but the employer did not obtain a finding from the competent health authority, which establishes that the minor is capable of performing the work for which he is establishing an employment relationship and that such work is not harmful to his health.

A total of 13 persons were found working "on the black" without a concluded employment contract or other contract in accordance with the Labour Law and without submitting an application for mandatory social insurance. The persons were caught working "under the hood" in catering, retail trade, fruit and vegetable processing, and wood processing.

Based on the established factual situation, the labour inspectors issued 15 orders on the minutes, which related to the conclusion of a contract with a minor in accordance with the Labour Law, submitting an application for mandatory social insurance, obtaining the written consent of parents, adoptive parents or guardians, and the findings of the competent authority. of the health authority, which determines that minors are capable of performing the jobs for which they have established an employment relationship and that such jobs are not harmful to their health. Also, 1 decision was made on banning work by assigning a minor to work, because he is not trained for safe and healthy work at the workplace of a waiter-bartender.

A total of 11 requests for initiation of misdemeanour proceedings in the field of labour relations and occupational safety and health were submitted, of which 9 requests for initiation of misdemeanour proceedings in the field of labour relations were submitted because the employers did not conclude an employment contract with the minor who was found before his employment. nor another contract in accordance with the Labour Law, due to the failure to submit an application for mandatory social insurance, as well as the fact that the employer established an employment relationship with a minor without first obtaining the written consent of the parents or obtaining a finding from the competent health authority that the minor is a person capable of performing the tasks for which he established an employment relationship. 2 requests were submitted to initiate misdemeanour proceedings in the field of safety and health at work, because the employer did not train the employed minors for safe and healthy work.

January-November 2022:

In the period from January 1 to November 30, 2022, the labour inspection found a total of 9 minors at work, of which 4 were 17 years old, 2 were 16 years old, and 1 was 15 years old, as and 2 persons aged 14 years. Minors were found with a total of 8 different employers.

Persons under the age of 15 were found working as hairdresser's assistants and sales assistants in a bakery, and the labour inspectors ordered the termination of the work of those persons, and they filed requests to initiate misdemeanour proceedings against the employers, because they hired minors contrary to the Labour Law. Since the day of the inspection, the mentioned persons are no longer regularly employed by the employers where they were found to be working.

Out of 9 minors caught, one person aged 15 was caught working as a worker in the production of bread, pastries and fresh cakes, one person aged 16 was caught working as an assistant worker in the retail trade, 1 person aged 16 was caught in the hospitality industry working as a waiter, two persons aged 17 were found working as assistant cooks, 1 person aged 17 was found working as an auxiliary worker in the production of food products, 1 person aged 17 was found working as a hairdresser, while one person aged 14 found working as a hairdresser's assistant, and the second working as a sales assistant.

With 1 minor aged 16, a contract was concluded on the performance of temporary and casual work through the youth cooperative, the employer obtained the written consent of the parents

and obtained a report from the competent health authority, which determines that the minor is capable of performing the work for which he is establishing an employment relationship and that such jobs are not harmful to his health.

With 2 minors aged 17, who were found with 2 employers, contracts were concluded on the performance of temporary and occasional jobs through the youth cooperative, the employers obtained written consent from the parents, but did not obtain a finding from the competent health authority that determines that the minor is capable to perform the tasks for which he establishes an employment relationship and that such tasks are not harmful to his health.

With 4 found minors aged 15, 16 and 17, no employment contracts or other contracts were concluded in accordance with the Labour Law, the employers did not obtain parents' written consent and the findings of the competent health authority, which establish that minors are capable of performing the jobs for which they establish an employment relationship and that such jobs are not harmful to his health.

On the basis of the established factual situation, labour inspectors submitted a total of 9 requests for the initiation of misdemeanour proceedings against employers and made orders on the minutes, which refer to the termination of employment of a person under the age of 15, as well as the establishment of an employment relationship with a person under the age of 18 (which has at least 15 years of life), in accordance with the Labour Law.

In the past period, the Government of the Republic of Serbia had intensive cooperation with the International Labour Organization (ILO) to reduce the occurrence of abuse of child labour, as a kind of violence against children. The product of that cooperation is the document - **Roadmap for eliminating the abuse of child labour in Serbia, including the worst forms of child labour for the period 2018-2022**, which includes activities aimed at more effective prevention and elimination of the consequences of the abuse of child labour.

The Regulation on determining hazardous work for children was adopted, which is a list of jobs that children should never do. The implementation of the Regulation began on January 1, 2018, and it is implemented by all competent inspections. **The Protocol on the conduct of the labour inspection as well as the Instruction on the conduct of centres for social work in protecting children from the abuse of child labour were adopted (2017)**. The Republic Institute for Social Protection has prepared a form for filling in a questionnaire on child victims of child labour abuse, which is forwarded to all centres for social work (based on the Instruction) and the data is submitted to the competent ministry (number of children, school and educational status, protection measures taken, types dangerous activities in which children worked, who are the perpetrators of abuse of child labour, etc.) The Council for Children's Rights of the Government of the Republic of Serbia included in the Council's Decision on Education (2018) as its task to, among other things, "monitor the situation in the area of the protection of children's rights in the street situation and coordinates the monitoring of the implementation of national regulations for the prevention of abuse of child labour."

As part of the implementation of the **Country Decent Work Program**, the ILO is implementing the **Project** "Measuring, raising awareness and engaging politicians to improve the fight against the abuse of child labour and forced labour (MAP 16)". As part of this project, the Republic Institute of Statistics created the "Child Labour" Questionnaire, which will be used as part of the Labour Force Survey to regularly collect data on the abuse of child labour in the territory of the RS, thereby improving records and monitoring. Implementation began in March 2021. The results were presented at the Republic Institute of Statistics in May 2022. The second component of this project aims to improve the normative framework, i.e. to amend the Labour Law, the Law on Public Order and Peace (in the part related to child begging), the Regulation on determining hazardous work for children, the creation of the List of Light Work for Children, etc. The third component refers to the role of the social protection system, within which the indicators for identifying the abuse of child labour are defined (with the accompanying **Guide for the application of the indicators**). Also, the **Expert Methodological Guide for the actions of the Centre for Social Work in preventing the abuse of child labour EMG** (for professionals in the social protection system and explains and guides professionals through the process of child support - from identification and assessment to support) was prepared. Based on Indicators and EMG, a new one was created **Instruction on the operations of social protection institutions and social protection organizations for the provision of social protection services to children in protection against abuse of child labour (2021)**, replacing the Instruction adopted in 2017. Trainings were also held for professionals in the system for the implementation of the Instruction. Within the fourth component, trainings are conducted for representatives of the Union of Serbian Employers and representative trade unions, labour inspection, police, centres for social work and the Republic Public Prosecutor's Office to recognize and prevent the abuse of child labour, including its worst forms. The fifth component of the project is "Communicating project results and achievements to the general public".

In Serbia, there are a total of 7 licensed providers of temporary accommodation services for children who live and work on the street - 4 shelters and 3 shelters. In Belgrade at the beginning of 2019. opened a new **Shelter for children and youth** as an independent institution of social protection under the jurisdiction of the local self-government unit. The spatial capacity of the Reception Centre (1700sqm) contains 16 bedrooms for children, separate rooms for the living room, workshop work, individual treatments and more. The space has a sufficient number of bathrooms, a separate medical block and a block for receiving new users. The capacity of the shelter is 48 children. In addition to the shelter, in a separate part of the building there is a space for a drop-in service with facilities that will change the functioning of children who have an inadequate lifestyle. The capacity of the day-care centre is 30 children.

The data collected from the centres for social work (CSW) for 2021 show that there were a total of 39 child victims of child labour on the records of the CSW, 25 boys and 14 girls, dominantly 61.5% are of primary school age. Most of them are Roma children, 30 children or 76.9%. Out of a total of 39 children, 35 were involved in begging. Perpetrators of abuse are mostly parents (26) and relatives (10).

Data on child victims of child labour abuse is also collected from the Centre for the Protection of Victims of Human Trafficking and in 2021, the Centre had 6 children on its records - one boy aged 15-17 and five girls, two aged 6-14 and three aged 15-17 years.

The new Instruction from 2021 expanded the range of social protection service providers from whom the Social Protection Agency could request data on child victims of child labour abuse, as a result of which centres for family placement and adoption were included in the data collection process for the first time in 2021. According to their records, in 2021 there were no child victims of child labour abuse.

Otherwise, the new General Protocol for the Protection of Children from Violence (adopted in 2022) recognizes child victims of child marriage as well as child victims of child labour abuse as child victims of violence.

Questions of the European Committee of Social Rights

The Committee asked previously whether the prohibition of employment under the age of 15 applies to all economic sectors, including agriculture, family enterprises and private households (Conclusions 2015). Since the report does not reply to this question, the Committee reiterates it.

The Law on Simplified Employment in Seasonal Jobs in Certain Activities (Official Gazette of the RS No. 50/18), in Article 3, Paragraph 3) stipulates that no person under the age of 15 can be employed in seasonal jobs in agriculture.

In its previous conclusion, the Committee asked whether there were exceptions to the rule prohibiting children under the age of 15 to enter into labour relations. It also asked whether, in practice, children under the age of 15 were involved in light work such as artistic performances, sports, advertising and in what conditions.

In cooperation with the ILO, the Regulation on light work for children is currently being prepared.

This regulation will determine light jobs and the conditions under which children can be employed in those jobs in the sense of Article 7. paragraphs 1 and 2 and art. 8. ILO Convention No. 138 and EU Directive No. 94/33 on the protection of young people at work.

The purpose of this regulation is to ensure the protection of children in cases where their work is permitted in accordance with the regulations in the field of work, safety and health at work, children's rights and their education and training, this regulation and other regulations.

The Committee asks that the next report provide information on the findings and measures taken by the Labour Inspectorate and social services to detect child labour in all areas, including in the agriculture, forestry, fishery and in the informal economy. The Committee asks whether the authorities monitor home working and domestic work performed by children and which are their findings in this respect.

When controlling child labour, labour inspectors control the implementation of the provisions of the Labour Act and the Occupational Safety and Health Act related to child labour. Also, labour inspectors control the implementation of the Regulation on determining hazardous work for children ("Official Gazette of the RS", number 53/17) and the Rulebook on preventive measures for safe and healthy work of young people ("Official Gazette of the RS", number 102/16).

During inspections, labour inspectors apply the Special Protocol for Labour Inspections, the revised Checklist for Inspection Supervision in the Field of Child Labour, as well as the Form for the Field of Child Labour, which is used during extraordinary inspection inspections. The focus of labour inspectors when controlling child labour is determining indicators for identifying child victims of child labour abuse.

A special protocol for labour inspection, a revised Checklist for inspection supervision in the field of child labour, as well as a Form for the field of child labour were adopted within the first phase of the project "Engagement and support at the national level to reduce the occurrence of child labour", as well as in to the second phase of the project "Measuring, raising awareness and engaging politicians to improve the fight against the abuse of child labour and forced labour" in Serbia (MAP 16 Project).

The Committee asked previously what kind of jobs/tasks are performed in practice by children who are still subject to compulsory education (Conclusions 2015). The report does not address this question. The Committee reiterates its question and asks whether children who are still subject to compulsory education are allowed to perform light work. It also asks whether children who are still subject to compulsory education participate in artistic performances and what are the legal provisions applicable on this matter (e.g. legal requirements, working time, other safeguards).

As already stated in the previous report of the Republic of Serbia, Law on basic education and upbringing ("Official Gazette of RS", no. 55/2013-3, 101/2017-11, 27/2018-3 (other law), 10/2019-3, 129/2021-8, 129/2021-9 (other law)), stipulates in Article 30, Duration of primary education and upbringing, that primary education and upbringing is carried out for a duration of eight years. A student who has reached 15 years of age is no longer obliged to attend school at the end of that school year. The school is obliged to provide a student who has reached the age of 15 and has not received basic education until the age of 17, if requested by the student or his parent or other legal representative.

Also, the Law on the Basics of the Education and Training System ("Official Gazette of RS", No. 88/2017-3, 27/2018-3 (other law), 27/2018-22 (other law), 10/2019- 5, 6/2020-20,

129/2021-9) stipulates in Article 22, responsibility for enrolment and regular attendance of classes, according to which the parent or other legal representative is responsible for enrolling the child in school, for regular attendance of classes and performing other school duties.

In addition, according to the laws that regulate the education system, a student who has reached the age of 15 and has not received basic education and upbringing can continue to acquire education under the program of functional basic education for adults.

In the past period, the Government of the Republic of Serbia had intensive cooperation with the International Labour Organization (ILO) to reduce the occurrence of abuse of child labour, as a kind of violence against children. The product of that cooperation is the document - ***Roadmap for eliminating the abuse of child labour in Serbia, including the worst forms of child labour for the period 2018-2022***, which includes activities aimed at more effective prevention and elimination of the consequences of the abuse of child labour.

The ***Regulation on determining hazardous work for children*** was adopted, which is a list of jobs that children should never do. The implementation of the Regulation began on January 1, 2018, and it is implemented by all competent inspections. ***The Protocol on the conduct of the labour inspection as well as the Instruction on the conduct of centres for social work in protecting children from the abuse of child labour were adopted (2017)***. The Republic Institute for Social Protection has prepared a form for filling in a questionnaire on child victims of child labour abuse, which is forwarded to all centres for social work (based on the Instruction) and the data is submitted to the competent ministry (number of children, school and educational status, protection measures taken, types dangerous activities in which children worked, who are the perpetrators of abuse of child labour, etc.) The Council for Children's Rights of the Government of the Republic of Serbia included in the Council's Decision on Education (2018) as its task to, among other things, "monitor the situation in the area of the protection of children's rights in a street situation and coordinates the monitoring of the implementation of national regulations for the prevention of abuse of child labour."

As part of the implementation of ***the Country Decent Work Programme*** the ILO is implementing the project "Measuring, raising awareness and engaging politicians to improve the fight against the abuse of child labour and forced labour (MAP 16)". As part of this project, the Republic Institute of Statistics created the "Child Labour" Questionnaire, which will be used as part of the Labour Force Survey to regularly collect data on the abuse of child labour in the territory of the RS, thereby improving records and monitoring. Implementation began in March 2021. The results were presented at the Republic Institute of Statistics in May 2022. The second component of this project is aimed at improving the normative framework, i.e. amending the Labour Law, the Law on Public Order and Peace (in the part related to child begging), the Regulation on determining hazardous work for children, creating ***the List of Light Work for Children***, etc.

The third component refers to the role of the social protection system, within which the indicators for identifying the abuse of child labour are defined (with the accompanying ***Guide for the application of the indicators***). Also, the ***Expert Methodological Guide for the actions of the Centre for Social Work in preventing the abuse of child labour EMG***

(for professionals in the social protection system and explains and guides professionals through the process of child support - from identification and assessment to support) was prepared. Based on Indicators and EMG, a new one was created **Instruction on the operations of social protection institutions and social protection organizations for the provision of social protection services to children in protection against abuse of child labour (2021), replacing** the Instruction adopted in 2017. Trainings were also held for professionals in the system for the implementation of the Instruction. Within the fourth component, trainings are conducted for representatives of the Union of Serbian Employers and representative trade unions, labour inspection, police, centres for social work and the Republic Public Prosecutor's Office to recognize and prevent the abuse of child labour, including its worst forms. The fifth component of the project is "Communicating project results and achievements to the general public".

In Serbia, there are a total of 7 licensed providers of temporary accommodation services for children who live and work on the street - 4 shelters and 3 shelters. In Belgrade at the beginning of 2019, opened a **new Shelter for children and youth** as an independent institution of social protection under the jurisdiction of the local self-government unit. The spatial capacity of the Reception Centre (1700m²) contains 16 bedrooms for children, separate rooms for the living room, workshop work, individual treatments and more. The space has a sufficient number of bathrooms, a separate medical block and a block for receiving new users. The capacity of the shelter is 48 children. In addition to the shelter, in a separate part of the building there is a space for a **drop-in service** with facilities that will change the functioning of children who have an inadequate lifestyle. The capacity of the day-care centre is 30 children.

The data collected from the centres for social work (CSW) for 2021 show that there were a total of 39 child victims of child labour on the records of the CSW, 25 boys and 14 girls, dominantly 61.5% are of primary school age. Most of them are Roma children, 30 children or 76.9%. Out of a total of 39 children, 35 were involved in begging. Perpetrators of abuse are mostly parents (26) and relatives (10).

Data on child victims of child labour abuse is also collected from the Centre for the Protection of Victims of Human Trafficking and in 2021, the Centre had 6 children on its records - one boy aged 15-17 and five girls, two aged 6-14 and three aged 15-17 years.

The new Instruction from 2021 expanded the range of social protection service providers from whom the Social Protection Agency could request data on child victims of child labour abuse, as a result of which centres for family placement and adoption were included in the data collection process for the first time in 2021. According to their records, in 2021 there were no child victims of child labour abuse.

Otherwise, the new General Protocol for the Protection of Children from Violence (adopted in 2022) recognizes child victims of child marriage as well as child victims of child labour abuse as child victims of violence. This protocol also introduces some new forms of violence against children, such as digital violence, institutional violence, child marriage, violence against children in a sports context, gender-based violence, social exploitation of children, peer violence, child witnessing domestic violence, etc.

In its previous conclusion, the Committee asked if children who are still in compulsory education benefit of two consecutive weeks free from any work during

the summer holidays (Conclusions 2015). The report does not provide the requested information. The Committee reiterates its question.

The Committee asks that the next report provide information on the findings and measures taken by the authorities (the Labour Inspectorate, social services, schools) to detect any type of child labour performed by children who are still subject to compulsory education (in all areas, including in the agriculture, forestry, fishery and the informal economy).

When controlling child labour, labour inspectors control the implementation of the provisions of the Labour Act and the Occupational Safety and Health Act related to child labour. Also, labour inspectors control the implementation of the Regulation on determining hazardous work for children ("Official Gazette of the RS", number 53/17) and the Rulebook on preventive measures for safe and healthy work of young people ("Official Gazette of the RS", number 102/16).

During inspections, labour inspectors apply the Special Protocol for Labour Inspections, the revised Checklist for Inspection Supervision in the Field of Child Labour, as well as the Form for the Field of Child Labour, which is used during extraordinary inspection inspections. The focus of labour inspectors when controlling child labour is determining indicators for identifying child victims of child labour abuse.

A special protocol for labour inspection, a revised Checklist for inspection supervision in the field of child labour, as well as a Form for the field of child labour were adopted within the first phase of the project "Engagement and support at the national level to reduce the occurrence of child labour", as well as in to the second phase of the project "Measuring, raising awareness and engaging politicians to improve the fight against the abuse of child labour and forced labour" in Serbia (MAP 16 Project).

Specific data are given in the answer to the question for Article 7, paragraph 1, point a.

In accordance with the Instruction on the actions of centres for social work (CSW) in protecting children from abuse of child labour (No. 021-02-00159/2017-01), the Republic Institute for Social Protection has been collecting data on child victims of abuse of child labour since 2018. years.

From 2018 to 2020, these reports were semi-annual. With the adoption of the new *Instruction on the operations of social protection institutions and social protection organizations for the provision of social protection services to children in the protection of children from the abuse of child labour* (No. 560-00-00492/2021-01), the report on child victims of child labour for the year 2021 is in the form of an annual report.

The data collected from the CSW for 2021 show that there were a total of 39 child victims of child labour on the CSW records, 25 boys and 14 girls, the majority, i.e. 61.5%, are of primary school age. Most of them are Roma children, 30 children or 76.9%. Out of a total of 39 children, 35 were involved in begging. Perpetrators of abuse are mostly parents (26) and relatives (10).

Data on child victims of child labour abuse is also collected from the *Centre for the Protection of Victims of Human Trafficking* and in 2021, the Centre had 6 children on its records - one boy aged 15-17 and five girls, two aged 6-14 and three aged 15-17 years.

The new Instruction from 2021 expanded the range of social protection service providers from whom the Republic Institute for Social Protection (RZSZ) could request data on child victims of child labour abuse, as a result of which the data collection process for the first time in 2021 included centres for foster care and adoption. According to their records, in 2021 they did not have a single child victim of child labour abuse.

Age of child victims:

- 0-2 years, 2 boys and 1 girl
- 3-5 years, 1 boy and 1 girl
- 6-14 years, 16 boys and 8 girls
- 15-17 years old, 6 boys and 4 girls

Only one girl does not have a fully regulated civil legal status (she does not have an identity card and a regulated health card), and all the other children have a fully resolved status issue, which implies that the children have regulated personal documents (registered in the birth register and have regulated citizenship, have regulated place of residence/place of residence, have a health card).

Most of these children (28) are under parental care. In the case of two children, proceedings were initiated to deprive the parents of their parental rights, and 9 children are children without parental care. As far as the family status of the child victims is concerned, 19 children come from complete families, 18 children from single-parent families and two children from consanguineous families.

Of the 11 children who currently live outside their biological families, three live in a relative's family, two in a foster family (of which one child came to the family from a shelter) and 6 children are housed in a social welfare institution.

Regarding the inclusion of children in the educational process, 8 children aged 0 to 5 do not attend the preschool education program, 10 children are of primary school age but do not attend primary school, 12 children regularly attend primary school, 5 children are of secondary school age but do not attend school and 4 children attend high school.

Most of the children come from urban areas (28), 6 children come from rural areas, and there is no data for 5 children. Out of the total number of children, the largest number comes from families whose parents have a very low level of education, especially mothers (19 mothers and 15 fathers with incomplete elementary school. The families of 20 children are on the records of centres for social work as beneficiaries of various monetary social benefits.

According to the type of damage, the children (28) were mostly exposed to unfavourable climatic or microclimatic factors (high or low temperature, high humidity, etc.) and 2 children worked with heavy mental and physical efforts. 2 children were exposed to chemical hazards. According to the type of dangerous circumstances, 7 children worked outside their place of residence, and 9 children worked in non-physiological positions.

Social work centres were also requested to provide information on child victims of child labour abuse who work on the street. Out of a total of 39 identified child victims, 35 children were begging, 4 children were collecting secondary raw materials, 3 were selling various small products (handkerchiefs, flowers, etc.), one child was registered for washing car windows on the road.

The applicants in social work centres are the police (in 25 cases), in 2 cases an educational institution, in one case the health service, in 2 cases parents, in 7 cases the application comes from friends/neighbours, and one application is anonymous.

As many as 36 children are the beneficiaries of some material benefits that are used through the centre for social work, 3 children are treated as victims of domestic violence, 7 children are perpetrators of some criminal act, 11 children are on the centre's records for vagrancy, 9 for begging, 8 children were reported by the school for not attending classes.

During the work with the child and the family, the centre for social work cooperated in the largest number of relevant institutions with the police (in the case of 25 children), with the school in 9 cases, with the institution for housing children in the cases of 10 children, with health institutions for 6 children, with another centre for social work for 8 children and with a centre for family accommodation and adoption.

Regarding the level of priority after the report on the abuse of child labour, the centres for social work implemented immediate intervention in 18 cases (the centre reacted within 24 hours), urgent action was also implemented in 18 cases (the initial assessment was started within 72 hours), and regular procedure was applied in three cases. Determination of the degree of "urgent" and "urgent" in 36 cases indicates that the risk to the safety of these children was high, as well as the severity of the circumstances in which the children were, and it was necessary to react quickly and ensure their safety.

In order to better understand how children who are victims of child labour abuse are protected, social work centres were asked to list the measures of family legal protection that they used to protect these children. The most represented is preventive supervision (in 24 cases), in 3 cases the centre initiated proceedings to deprive mothers of their parental rights, criminal proceedings were initiated in 2 cases, child protection measures against domestic violence in 2 cases. Although it does not fall under the measure of family legal protection, the centres state that they cared for 16 children outside the biological family during the immediate intervention, which speaks of the high degree of their vulnerability and the need to ensure the safety of children.

During the work on child protection, 6 children were displaced from their families. One child is placed in a foster family, one is in a relative family, 3 children are placed in social protection institutions and one child is in a shelter.

The Centre for the Protection of Victims of Human Trafficking identified 6 victims of human trafficking who were exploited for work, 5 girls and one boy. All the victim's children were under parental care. 4 identified children were exploited by begging, one child was employed in the field of crop cultivation and one child in animal breeding activities. Applications were sent to the Centre for the Protection of Victims of Human Trafficking by the police for 2 children, the school for 3 children and the competent centre for social work for one child. The persons responsible for child abuse are the parents in the case of 3 children, the partner of one of the parents for 2 children and an acquaintance in the case of one child. The most common activities of this institution are cooperation with the police and the prosecutor's office (for all 6 children), support for the child to return to the educational process (for 4 children) and, for one child, help with exercising the right to health care. In the exercise of their public authority, the centres for social work - guardianship authorities take measures for the family-legal protection of children in a street situation in every case when it is necessary to protect the personality, rights and interests of children. Centres for social work provide support and assistance to children and families (material support, counselling, etc.), in accordance with the Family Law, and in compliance with the

recommendations from the Commentary of the UN Committee no. 21. on children in a street situation. Only in the case of domestic violence, gross neglect and abuse of children by parents, the guardianship authority applies the measures of moving children from the family and their guardianship protection.

In its previous conclusion, the Committee noted that according to labour legislation young persons under 16 are allowed to work for eight hours per day, which is contrary to the Charter. The Committee considered that the situation was not in conformity with Article 7§4 of the Charter on the ground that the duration working time for young workers under the age of 16 is excessive (Conclusions 2015).

The report indicates that according to Article 87 of the Labour Law, full time working hours for persons under the age of 18 shall not exceed 35 hours per week or eight hours per day. Overtime and re-distribution of working hours shall not be allowed for employees under the age of 18.

The Committee notes that according to the information provided in the report, the situation has not changed and therefore reiterates its conclusion of non-conformity on this point.

The average daily working time of an employee under the age of 18 (if employed full-time) is 7 hours a day, 5 working days in a working week. In the Republic of Serbia, compulsory primary education ends at the age of 15, and further education (secondary education), according to the Constitution of the Republic of Serbia, is not compulsory. Therefore, minors who have reached the age of 15 acquire the ability to work, that is, they are enabled to be economically independent if they do not want to continue further education after completing primary education.

Despite the fact that the Labour Law prescribes a high level of protection for employees under the age of 18, the Republic of Serbia will work on further improving the position and protection of young people in the process of harmonizing the Labour Law with international standards.

The Committee recalls that the situation in practice should be regularly monitored. It asks that the next report provide data on the concrete actions, violations identified and sanctions imposed on employers in relation to working time for young persons under the age of 18 who are no longer subject to compulsory school attendance (e.g. violation of Article 87 of the Labour Law), including in the field of agriculture and in dual education system.

During the inspections, the labour inspectors did not find any cases of violation of the provisions of the Labour Law regulating the working hours of employees under the age of 18.

5. to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;

a) Please provide updated information on net minimum wages and allowances payable to persons under 18 years of age. Please provide information on measures taken to ensure that fair remuneration is guaranteed to young workers:

- i) In atypical jobs (part-time work, temporary work, fixed-term work, casual and seasonal work, self-employed people, independent workers and homeworkers.)*
- ii) in the gig or platform economy and*
- iii) having zero hours contracts.*

The Government of the Republic of Serbia, based on Article 112, paragraph 2 of the Labour Law ("Official Gazette of the RS", no. 24/05, 61/05, 54/09, 32/13, 75/14, 13/17-US, 113/17 and 95/18 - official interpreter) and Article 17, paragraph 1 and Art 43, paragraph 1 of the Law on Government ("Official Gazette of RS", no. 55/05, 71/05-corrected, 101/07, 65/08, 16/11, 68/12-US, 72/12, 7/ 14-US, 44/14 and 30/18- other law), passed the Decision on the amount of ***the minimum wage for the period January - December 2022***, which was published in the Official Gazette of the RS, no. 87/2021. With this Decision, it was established that the minimum wages, without taxes and contributions, for the period January - December 2022, amounts to 201.22 dinars ("net") per working hour.

In 2022, the minimum wage for the average working hours fund is 35,012 dinars without taxes and contributions for mandatory social insurance ("net").

Also, the Government of the Republic of Serbia adopted the Decision on the amount of the minimum wage for the period January - December 2023, which was published in the Official Gazette of the RS, no. 105/2022 of 14.09.2022. year, which increased the minimum price of work and will be applied from January 1, 2023, so that the minimum price of work without taxes and contributions, for the period January - December 2023, will amount to 230.00 dinars ("net") per working hour, and the minimum wage for the average fund of working hours in 2023 will amount to 40,020 dinars without taxes and contributions for mandatory social insurance ("net").

A young worker cannot be paid a wage that is lower than the minimum wage for standard performance and time spent at work (this provision is of a protective nature and cannot be seen as a rule, but as an exception that has a protective nature, so as to ensure a minimum below which salary cannot be paid to the employee).

In accordance with Article 109 of the Labour Law, a trainee (probation employee) has the right to earn at least 80% of the basic salary for the jobs for which he concluded the employment contract, as well as to reimbursement of expenses and other income, in accordance with the general act and the contract on work in.

Therefore, in accordance with the Labour Law, a trainee on probation's salary can be determined at a higher percentage than 80% of the basic salary for jobs for which he concluded an employment contract. This provision is also of a protective nature, in order to prevent the employer from contracting and paying a wage significantly lower than wages

paid for performing the duties of the workplace for which that person concluded an employment contract. In accordance with Article 47, paragraphs 3 and 4 of the Labour Law, **a probationary work can last no longer than one year, and during the internship, the intern has the right to a salary and all other rights from the employment relationship, in accordance with the law, the general act and employment contract.**

The Labour Law prescribes special conditions regarding the employment relationship for the performance of work outside the employer's premises (remote work and work from home), thus the employment contract with an employee who performs work outside the employer's premises, in addition to the general mandatory elements that every employment contract must to contain, must also contain additional elements, which in terms of reimbursement of expenses, in accordance with Article 43, paragraph 3, points 4) and 5) of the Labour Law, imply the mandatory determination of reimbursement of expenses for the use of funds for the employee's work, as well as reimbursement of other labour costs and the method of determining them. Also, Article 43, paragraph 4 of the Labour Law stipulates that **the basic salary of an employee who has established an employment relationship for the performance of work outside the employer's premises (remote work and work from home) cannot be determined in a lower amount than the basic salary of an employee who works on the same jobs in the employer's premises.**

b) Please provide information on measures taken to ensure that this right is effectively enforced (e.g., through Labour Inspectorates and similar enforcement authorities, trade unions).

When controlling child labour, labour inspectors control the implementation of the provisions of the Labour Act and the Occupational Safety and Health Act related to child labour. Also, labour inspectors control the implementation of the Regulation on determining hazardous work for children ("Official Gazette of the RS", number 53/17) and the Rulebook on preventive measures for safe and healthy work of young people ("Official Gazette of the RS", number 102/16).

During inspections, labour inspectors apply the Special Protocol for Labour Inspections, the revised Checklist for Inspection Supervision in the Field of Child Labour, as well as the Form for the Field of Child Labour, which is used during extraordinary inspection inspections. The focus of labour inspectors when controlling child labour is determining indicators for identifying child victims of child labour abuse.

A special protocol for labour inspection, a revised Checklist for inspection supervision in the field of child labour, as well as a Form for the field of child labour were adopted within the first phase of the project "Engagement and support at the national level to reduce the occurrence of child labour", as well as in to the second phase of the project "Measuring, raising awareness and engaging politicians to improve the fight against the abuse of child labour and forced labour" in Serbia (MAP 16 Project).

The Committee requests information on the starting wages or minimum wages of adult workers as well as on the average wage for the relevant reference period. The Committee underlines that it requests information on the net values, that is, after deduction of taxes and social security contributions. Net calculations should be made for the case of a single person.

The entry salary and minimum wages of wage-earners are not available with the Republic Statistics Office. Also, the information on the average salary refers to the salary of an employee and there is no information available on whether one is single or not.

Average earnings without taxes and contributions (net), September					Dinars
	2018	2019	2020	2021	2022
Total Republic of Serbia	47920	53698	59698	65218	74981
15-17 years	34971	39320	43072
15-18 years	37055	40218	46936
19 and over	47878	53678	59636	65213	74951

Source: Earnings Survey

The data is not available. Until 2020, data on average earnings are available only according to certain age intervals, five-year age groups (15-19, 20-24, etc.), not by individual years of age.

The Committee also previously requested information on the monitoring activity and findings of the Labour Inspectorate in relation to the inclusion of time spent on vocational training in the normal working time for young workers.

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

The Committee requests that in the next report information is provided on the findings of the education and labour inspectorate.

When controlling child labour, labour inspectors control the implementation of the provisions of the Labour Act and the Occupational Safety and Health Act related to child labour. Also, labour inspectors control the implementation of the Regulation on determining hazardous work for children ("Official Gazette of the RS", number 53/17) and the Rulebook on preventive measures for safe and healthy work of young people ("Official Gazette of the RS", number 102/16).

2018:

In 2018, labour inspectors found that 39 children between the ages of 15 and 18 were engaged in work contrary to the Labour Law in catering, car washes, maintenance of motor vehicles, production and sale of bread and pastries, construction, retail trade, personal services -

hairdressing, liquid fuel trading, clothing manufacturing, fruit sales, cutting, shaping and stone processing, as well as in the citizens' association.

Based on the established factual situation, the labour inspectors issued 16 decisions, which ordered that the caught persons stop working, as well as to obtain the written consent of the parents and the findings of the competent health authority, and to submit an application for mandatory social insurance.

Also, the labour inspectors submitted 14 requests for the initiation of misdemeanour proceedings, 1 criminal complaint to the Basic Public Prosecutor's Office due to suspicion of human trafficking, and the Centre for Social Work was also informed of the established situation.

2019:

In 2019, a total of 33 minors were caught at work, of which 32 were aged between 15 and 18 and 1 was under 15. The persons were found at a total of 25 different employers.

A total of 20 persons were found working "on the black" without a concluded employment contract or other contract in accordance with the Labour Law, that is, without submitting an application for mandatory social insurance. The persons were caught working "under the hood" in the printing industry, in the catering industry, in the production of sanitary materials, in construction, in agriculture, in the processing of fruits and vegetables, in trade and in the production of bread, fresh pastries and cakes.

A person under the age of 15 was found working in a bakery in the production of bread and pastries. The labour inspector immediately issued a decision prohibiting the employment of the mentioned person until the legal requirements are met.

With a total of 3 employed persons, one of whom is 16 years old working as an auxiliary worker in a catering establishment, and 2 aged 17 each working as an assistant cook and making plastic packaging, the employers concluded employment contracts. For 2 of the mentioned persons, the employers submitted applications for compulsory social insurance, while for 1 person the employer did not submit an application for compulsory social insurance. For all three persons, the employers did not provide the written consent of the parents, adoptive parents or guardians, as well as the finding of the competent health authority, which establishes that the persons are capable of performing the tasks for which they are establishing an employment relationship and that such tasks are not harmful to their health.

With a total of 11 persons between the ages of 15 and 18, the employers concluded contracts on performing temporary and occasional jobs through youth cooperatives. The mentioned persons were found working on the jobs of packing and transferring crates and sorting fruit in the cold store, in the activity of fruit and vegetable processing, then on the jobs of working in a coffee shop, on the jobs of an auxiliary worker in the kitchen, on the jobs of a seller and on the jobs of a waiter. For 8 persons, the written consent of the parents, adoptive parents or guardians was provided, and for 2 persons, a finding of the competent health authority, which determines that the persons are capable of performing the work for which they are working and that such work is not harmful to their health.

With 1 person aged 17, who was found working as a cash register worker in trade, the employer concluded a contract on performing temporary and casual work, but did not submit an application for mandatory social security and did not provide the written consent of parents, adoptive parents or guardians, as nor the finding of the competent health authority, which establishes that the person is capable of performing the tasks for which he establishes the employment relationship and that such tasks are not harmful to his health.

Based on the established factual situation, the labour inspectors issued 7 decisions ordering the submission of applications for mandatory social insurance, obtaining the written consent of parents, adoptive parents or guardians, and the findings of the competent health authority, which determines that the persons are capable of performing the tasks for which they establish an employment relationship and that such jobs are not harmful to their health.

6 decisions were made on the prohibition of the employment of arrested persons until the legal requirements are met. 1 decision with orders to eliminate identified deficiencies in the field of safety and health at work was also adopted. 13 requests for the initiation of misdemeanour proceedings were submitted.

During 2019, 35 labour inspectors were engaged in the process of supervising the implementation of occupational safety and health measures by employers in the territory of the Republic of Serbia, for a total of 14 educational profiles in the dual education accreditation process.

Labour inspectors carried out a total of 187 inspections of the implementation of safety and health measures at work by employers who submitted requests to the Serbian Chamber of Commerce to verify the fulfilment of the conditions for performing learning through work.

In the case of 153 employers, during the supervision, it was determined that the prescribed safety and health measures at work were fulfilled and they went through the accreditation process.

In 5 economic entities, during the supervision, it was determined that safety and health measures at work were not met by the employer and they did not pass the accreditation process.

Another 29 accreditation procedures were started in 2019, but they were not completed as of December 31, 2019.

2020:

In the period January 1 - December 31, 2020, a total of 20 minors aged between 15 and 18 were found at work (3 persons aged 15, 2 persons aged 16 and 15 persons aged 17). The persons were found at a total of 19 different employers.

A total of 10 persons were found to be working "on the black" without a concluded employment contract or other contract in accordance with the Labour Law, i.e. without submitting an application for mandatory social insurance. Minors were caught working "illegally" in the agricultural industry - fruit and vegetable processing (1 person), in the catering industry (3 people), in the production of other parts for motor vehicles (1 person), in the construction industry (1 person), in the activity of production of bread, fresh pastries and cakes (3 persons), in the activity of cleaning services (1 person).

Out of 10 employed minors with whom employers concluded an employment contract or other contract in accordance with the Labour Law and who registered for mandatory social insurance, 6 persons established an employment relationship, that is, they were employed with the written consent of their parents, adoptive parents or guardian and on the basis of the findings of the competent health authority, which determined that they are capable of performing the jobs for which they are working and that such jobs are not harmful to their health.

On the basis of the established factual situation, the labour inspectors issued 12 orders to the minutes, which ordered employers to submit applications for mandatory social insurance, obtain the written consent of parents, adoptive parents or guardians, and the findings of the competent health authority, which determines that minors are capable of performing work for which establish an employment relationship and that such jobs are not harmful to their health, as well as that the student stops further professional practice until the conclusion of the contract between the educational institution and the entrepreneur.

2 decisions were made on the termination of work engagement of the caught persons until the legal requirements are met, as well as 1 decision ordering the employer to determine the schedule of employees' working hours during the working week and to make a decision on the schedule of using rest during the day's work. Also, 1 decision was made with orders to eliminate identified deficiencies in the field of safety and health at work.

10 requests were submitted for the initiation of misdemeanour proceedings due to the fact that employers did not conclude an employment contract or other contract in accordance with the Labour Law with the minor who was found before starting work, due to the failure to submit an application for mandatory social insurance, as well as the fact that the employer established an employment relationship with a minor without first obtaining the written consent of the parents or obtaining a finding from the competent health authority that the minor is capable of performing the tasks for which the employment relationship was established.

During 2020, 33 labour inspectors were engaged in the process of supervising the implementation of occupational safety and health measures by employers in the territory of the Republic of Serbia, for a total of 25 educational profiles in the process of accreditation for dual education

Labour inspectors carried out a total of 150 inspections of the implementation of safety and health measures at work by employers who submitted requests to the Serbian Chamber of Commerce to verify the fulfilment of the conditions for conducting learning through work.

In the case of 140 employers, during the supervision, it was determined that the prescribed safety and health measures at work were fulfilled and they went through the accreditation process.

In 10 economic entities, during the supervision, it was determined that safety and health measures at work were not met by the employer and they did not pass the accreditation process.

Another 70 accreditation procedures were started in 2020, but they were not completed as of December 31, 2020.

2021:

In the period from January 1 to December 31, 2021, during the 13 performed inspections, the labour inspection found a total of 18 minors at work, of which 4 were 16 years old and 14 were 17 years old. Minors were found with a total of 13 different employers.

No persons under the age of 15 were found during the inspections carried out in the mentioned period.

Only 2 minors were engaged in accordance with the regulations, i.e. with 1 minor a contract was concluded on performing temporary and occasional jobs through the youth cooperative, while with the other person a work contract was concluded and the employers obtained written parental consent for both minors. as well as the finding of the competent health authority, which establishes that the minor is capable of performing the tasks for which he establishes an employment relationship and that such tasks are not harmful to his health. Of the 2 minors mentioned, one 16-year-old person was found working as a helper in the retail trade, while the other 17-year-old person was found working as an auxiliary construction worker.

Also, with 1 minor aged 17, who was found on auxiliary jobs in the construction industry, the employer concluded an employment contract, submitted an application for compulsory social insurance and obtained the consent of the parents, but did not obtain a finding from the competent health authority that the minor is a person capable of performing the tasks he is working on and that this work is not harmful to his health.

With 1 minor aged 17, who was found working as a trader, a contract was concluded on performing temporary and occasional jobs through a youth cooperative, but the employer did not obtain the written consent of the parents, adoptive parents or guardians, nor the finding of the competent health authority that establishes that a minor capable of performing the work for which he establishes an employment relationship and that such work is not harmful to his health, while with 1 minor aged 16, who was found working as a waiter-bartender, a contract was concluded on the performance of temporary and casual work through the youth cooperative, but the employer did not obtain a finding from the competent health authority, which establishes that the minor is capable of performing the work for which he is establishing an employment relationship and that such work is not harmful to his health.

A total of 13 persons were found working undeclared without a concluded employment contract or other contract in accordance with the Labour Law and without submitting an application for mandatory social insurance. The persons were caught working undeclared in catering, retail trade, fruit and vegetable processing, and wood processing.

Based on the established factual situation, the labour inspectors issued 15 orders on the minutes, which related to the conclusion of a contract with a minor in accordance with the Labour Law, submitting an application for mandatory social insurance, obtaining the written consent of parents, adoptive parents or guardians, and the findings of the competent authority. of the health authority, which determines that minors are capable of performing the jobs for which they have established an employment relationship and that such jobs are not harmful to their health. Also, 1 decision was made on the prohibition of work by assigning a minor to work, because he is not qualified for safe and healthy work at the workplace of a waiter-bartender.

A total of 11 requests for initiation of misdemeanour proceedings in the field of labour relations and occupational safety and health were submitted, of which 9 requests for initiation

of misdemeanour proceedings in the field of labour relations were submitted because the employers did not conclude an employment contract with the minor who was found before his employment. nor another contract in accordance with the Labour Law, due to the failure to submit an application for mandatory social insurance, as well as the fact that the employer established an employment relationship with a minor without first obtaining the written consent of the parents or obtaining a finding from the competent health authority that the minor is a person capable of performing the tasks for which he established an employment relationship. 2 requests were submitted to initiate misdemeanour proceedings in the field of safety and health at work, because the employer did not train the employed minors for safe and healthy work.

In the course of 2021, 32 labour inspectors were engaged in the process of supervising the implementation of occupational safety and health measures by employers on the territory of the Republic of Serbia in the process of accreditation of business entities for dual education.

Labour inspectors carried out a total of 204 inspections of the implementation of safety and health measures at work by employers who submitted requests to the Serbian Chamber of Commerce to verify the fulfilment of the conditions for conducting learning through work.

In the case of 141 employers, during the supervision, it was determined that the prescribed safety and health measures at work were fulfilled and they went through the accreditation process.

In the case of 4 economic entities, during the supervision, it was determined that the safety and health measures at work were not met by the employer and they did not go through the accreditation process.

Another 79 accreditation procedures were started in 2021, but they were not completed as of December 31, 2021.

January-November 2022:

In the period from January 1 to November 30, 2022, the labour inspection found a total of 9 minors at work, of which 4 were 17 years old, 2 were 16 years old, and 1 was 15 years old, as and 2 persons aged 14 years. Minors were found with a total of 8 different employers.

Persons under the age of 15 were found working as hairdresser's assistants and sales assistants in a bakery, and the labour inspectors ordered the termination of the work of those persons, and they filed requests to initiate misdemeanour proceedings against the employers, because they hired minors contrary to the Labour Law. Since the day of the inspection, the mentioned persons are no longer regularly employed by the employers where they were found to be working.

Out of 9 minors caught, one person aged 15 was caught working as a worker in the production of bread, pastries and fresh cakes, one person aged 16 was caught working as an assistant worker in the retail trade, 1 person aged 16 was caught in the hospitality industry working as waiters, two persons aged 17 were found working as assistant cooks, 1 person aged 17 was found working as an assistant worker in the production of food products (cleaning peppers for further processing), 1 person aged 17 was found at hairdressing jobs, while one 14-year-old person was found working as a hairdresser's assistant, and the other was working as a sales assistant.

With 1 minor aged 16, a contract was concluded on the performance of temporary and casual work through the youth cooperative, the employer obtained the written consent of the parents and obtained a report from the competent health authority, which determines that the minor is capable of performing the work for which he is establishing an employment relationship and that such jobs are not harmful to his health.

With 2 minors aged 17, who were found with 2 employers, contracts were concluded on the performance of temporary and occasional jobs through the youth cooperative, the employers obtained written consent from the parents, but did not obtain a finding from the competent health authority that determines that the minor is capable to perform the tasks for which he establishes an employment relationship and that such tasks are not harmful to his health.

With 4 found minors aged 15, 16 and 17, no employment contracts or other contracts were concluded in accordance with the Labour Law, the employers did not obtain written parental consent and the findings of the competent health authority establishing that the minors are capable of performing work for which they establish an employment relationship and that such jobs are not harmful to his health.

On the basis of the established factual situation, labour inspectors submitted a total of 9 requests for the initiation of misdemeanour proceedings against employers and made orders on the minutes, which refer to the termination of employment of a person under the age of 15, as well as the establishment of an employment relationship with a person under the age of 18 (which has at least 15 years of life), in accordance with the Labour Law.

In the period January - November 2022, labour inspectors were engaged in the process of supervising the implementation of occupational safety and health measures by employers in the territory of the Republic of Serbia in the process of accreditation of business entities for dual education.

Labour inspectors carried out a total of 145 inspections of the implementation of safety and health measures at work by employers who submitted requests to the Serbian Chamber of Commerce to verify the fulfilment of the conditions for performing learning through work.

In the case of 141 employers, during the supervision, it was determined that the prescribed safety and health measures at work were fulfilled and they passed the accreditation process.

In the case of 4 economic entities, during the supervision, it was determined that the safety and health measures at work were not met by the employer and they were not accredited.

The Serbian Chamber of Commerce has issued 237 Certificates of fulfilment of the conditions for performing learning through work. Another 131 economic entities are in the process of accreditation.

The Committee recalls that the satisfactory application of Article 7 cannot be ensured solely by the operation of legislation, if this is not effectively applied and rigorously supervised. Having noted that the Labour Inspectorate did not find any violations, the Committee asks that the next report contains information on the activities of the Labour Inspectorate in relation to the paid annual holidays of young workers under

18 and on whether staffing levels and qualifications of Labour Inspectors are sufficient.

During the inspections, the labour inspectors did not find any cases of violation of the provisions of the Labour Law, which regulate the duration and payment of annual leave to employees under the age of 18.

The Committee asked previously whether the prohibition of employment under the age of 15 applies to all economic sectors, including agriculture, family enterprises and private households (Conclusions 2015). Since the report does not reply to this question, the Committee reiterates it.

The limitation in terms of years of life in the Labour Law applies to all economic sectors, including activities in the agriculture, forestry and fishing sectors.

The Law on Simplified Employment in Seasonal Jobs in Certain Industries (Official Gazette of the RS No. 50/18) stipulates that no one under the age of 15 can be employed in seasonal jobs in agriculture.

The Committee asks that the next report contains information on the activities of the Labour Inspectorate in relation to the prohibition of night work of young workers under 18 and on whether staffing levels and qualifications of Labour Inspectors are sufficient.

During the performed inspections, the labour inspectors did not find any cases of violation of the provisions of the regulations regarding the prohibition of night work for employees under the age of 18.

8. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;

According to the Rulebook on preventive measures for the safe and healthy work of young people (Official Gazette of the RS, No. 102/16), a youth, in the sense of this rulebook, is any person of at least 15 years of age and no more than 18 years of age (Article 2, paragraph 2). Article 3 of the Rulebook prescribes:

The employer is obliged to carry out an assessment of the risk of injury and damage to health for all workplaces in the working environment, where young people work, before starting work, as well as to partially amend and supplement the act on risk assessment if there has been a change in the performance of work, i.e. the emergence of new dangers and harms, taking into account:

- 1) adjustment and organization of work at the workplace;
- 2) the nature, degree and duration of exposure to physical, biological and chemical hazards;
- 3) the manner, scope and use of work equipment, machines, devices and tools, and the manner in which they are operated;
- 4) determination of appropriate work processes and operations and the way in which they are combined (work organization);
- 5) the level of training for safe and healthy work and written instructions and instructions that young people receive.

If in the risk assessment procedure, it is determined that there is a risk for the safety, physical or mental health or development of young people, the employer is obliged to provide financial resources for monitoring the health condition of young people, which are carried out in the manner, according to the procedure and within the deadlines, as well as previous and periodic medical examinations of employees at workplaces with increased risk.

The Committee in its previous conclusion asked what it is understood by "night work" in the national legislation. The Committee reiterates its questions and asked for the answer to be provided in the next report.

Night work in the Labour Law is considered any work in the period from 10:00 p.m. to 6:00 a.m. the following day, regardless of the duration of the specific work.

9. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;

The Committee requests that the specific sanctions and violations detected by the Labour Inspectorate are included in the next report for breach of the regulations with regard to the regular medical examination of young workers under 18 of the subsequent reference periods.

Answered in previous questions.

Additionally, the Committee asks how the medical examinations are performed in practice, whether young workers under 18 years of age are guaranteed regular medical check-ups during employment until they reach the age of 18 and which is the interval between the check-ups and how the medical examinations are performed in practice.

Young workers, up to the age of 18, perform regular, legally prescribed periodic examinations and, according to the doctor's opinion and if necessary, extraordinary, targeted periodic examinations. The interval between two examinations is determined by a doctor, a specialist in occupational medicine, if there is a need to shorten the interval between two examinations. If there are no indications that the examination should be performed earlier, it will be performed at the legally prescribed interval (according to the job description).

When it comes to medical examinations of workers under the age of 18, we also inform you that the Rulebook on the scope and content of the right to health care from compulsory health insurance and on participation in 2022 ("Official Gazette of the RS, no. 24/22,81/22,127/22,137/22), and according to the Nomenclature of health services according to age, provided health services that are provided at the expense of mandatory health insurance funds.

If, due to the nature of the work, additional examinations of employees (both up to 18 years old and older) are required, they will be carried out and the costs of these examinations will be borne by the employer, in accordance with the relevant regulations.

10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

The Ministry of Education, in cooperation with the Office of the Council of Europe in Belgrade, as part of the project "Prevention and fight against human trafficking" ("Horizontal Facility for the Western Balkans and Turkey", phase 2) in 2021 and 2022 formed a Working Group for the revision of indicators for preliminary identification of victims of human trafficking in order to strengthen the capacity of the education system for early detection and identification of victims of human trafficking and to contribute to the prevention and protection of children and students from human trafficking with joint forces, experience and knowledge. The result of the work of the working group was the revised "List of indicators for the preliminary identification of students who are potential victims of risk". In addition to the revised indicators for human trafficking, for the education system, the Ministry also, with the support of the Council of Europe Office in Belgrade, developed a "Guide for the application of the revised indicators" for the preliminary identification of students who are potential victims of human trafficking". In July 2022, the list and guide were delivered to all primary and secondary schools. In addition to the above, the Ministry conducted trainings for employees in the education system in 2022 with the aim of introducing and implementing the revised lists of indicators for 20 educational advisors from 17 school administrations (organizational units of the Ministry of Education) throughout our country. Then, two two-day trainings were held for 50 advisors of external collaborators for protection against violence and discrimination from 17 school administrations. The Ministry of Education will continue in the future with the implementation of employee training e in the education system in order to combat human trafficking.

In this period, the Centre for the Protection of Victims of Human Trafficking identified the following number of child victims of human trafficking:

- 2018 – 32 (17 sexually exploited children)
- 2019 – 25 (15 sexually exploited children)
- 2020 - 24 (7 sexually exploited children)
- 2021 - 17 (6 sexually exploited children)
- First 6 months of 2022 - 7 (four sexually exploited children)

During this period, great efforts were made in the prevention, early detection and protection of child victims of human trafficking, especially among the migrant population:

- Indicators for identifying cases of human trafficking among migrant children have been developed.
- trainings were held for professionals who are in contact with migrant children

- the indicators for the preliminary identification of victims of human trafficking for the education system were revised
- an instruction was issued by the Ministry of Education for responding to cases of human trafficking
- the Standard Operating Procedures for dealing with victims of human trafficking were adopted, in which all actors from all relevant systems are given precise instructions on how to react in situations of suspected human trafficking
- Trainings were held for over 400 professional workers from the social protection system on the topic of detecting cases of human trafficking (with a special segment on the protection of child victims).
- trainings were held for representatives of school administrations on the preliminary detection of human trafficking
- over 50 expert meetings and forums were held on the topic of protecting children from human trafficking
- a manual on communication with child victims of human trafficking and children at risk was prepared, which was distributed to all centres for social work in Serbia
- the Reception Centre for victims of human trafficking, which accepts women over the age of 16 and their children became operational.

a) Please provide information on the impact of the Covid-19 pandemic on the monitoring of the exploitation and abuse of children, as well as measures taken to strengthen monitoring mechanisms.

The Centre for the Protection of Victims of Human Trafficking, with the support of GIZ, implemented the project "Mental health of victims of human trafficking during the COVID-19 pandemic", in the framework of which we held workshops for victims of human trafficking in 10 cities in Serbia, created educational and preventive material for victims of human trafficking people and experts who work with them and distributed it in 15 cities, as well as via the Internet and held 2 trainings for 50 professional workers in the field of social protection, on working with victims of human trafficking during the pandemic, with a special emphasis on supporting child victims and children at risk.

b) Please provide information on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming).

On the basis of the Regulation on the safety and protection of children when using information and communication technologies (Official Gazette of the RS, No. 61 of July 7, 2016), the National Contact Centre for the Safety of Children on the Internet was established, which is a unique place for providing advice regarding safety children on the Internet, as well as forwarding reports about harmful, inappropriate or illegal content and behaviour on the

Internet. Based on each application, a case is formed, which is filed in the Centre or forwarded to the competent institutions.

The Live 2.0 application, which was implemented for the Centre by Asseco See doo, is connected to contacts in all institutions with which it cooperates

Ministry of Interior;

Prosecutor's Office for high-tech crime;

Ministry of Science, Education and Technological Development;

Ministry of Labour, Employment, Veteran and Social Affairs;

Ministry of Health

In the period designated for the preparation of the Report on the Implementation of the Revised European Social Charter in the Republic of Serbia for 2022, the National Contact Centre for Child Safety on the Internet created and referred a total of 293 cases to further jurisdiction, namely:

- **To the Ministry of Interior -Department for High-tech Crime** 105 and that for the suspicion that a crime has been committed - paedophilia 17 (17.85%), blackmail and threats 52 (54.6%) recruitment 30 (31.5%), profile abuse 4 (4.2%) cyberbullying 2(2.1%)

- **To the special prosecutor's office for high-tech crime** 90 cases: pornography 22 (19.8%), sexting 1 (0.9), blackmail and threats 30 (27%), cyberbullying 01 (0.9), misuse of profiles 11 (9.9 %)

- **Basic Public Prosecutor's Office** 11 cases: pornography 01 (0.11%), blackmail and threats 4 (0.44%), recruitment 3 (0.33), profile abuse 3 (0.33)

- 80 cases for **the Ministry of Education:**

Cyberbullying 80(100%)

- **Centres for social work, 7 cases:**

Recruitment 4(0.28%)

Misuse of photos 3(0.21%)

The National Contact Centre for the Safety of Children on the Internet, which began its work in February 2017, functions as a centre for reports of online endangerment of children, which also has an advisory role when it comes to the proper and safe handling of ICT technology, with a special emphasis on security children and young people on the Internet. In this sense, the educators of the National Contact Centre implement their program for safe use of the Internet through lectures intended for students, parents and teachers of primary and secondary schools from the entire territory of the Republic of Serbia.

The National Contact Centre cooperates with all other institutions of the Republic of Serbia, and the non-governmental sector, which within their competences have a legally prescribed obligation to care for young people, which is related to the Centre's activities.

In the period 01.01.2018 - 06.30.2022. year, the total number of realized presentations held by the educators of the National Centre for Child Safety on the Internet is 365 (schools, sports camps, webinars), attended by 12,377 students.

All citizens of the Republic of Serbia can call the free and anonymous number 19833, through which they can report suspicions of any form of digital violence or endangering the integrity and safety of children and young people under the age of 18. The National Contact Centre also receives reports of digital violence through the website www.pametnoibebedno.rs is updated almost daily with current content with informative and educational material on the correct and safe use of digital technologies, manuals, quizzes, questionnaires, brochures and presentations for children and parents.

Under the project "**Let's stop the sexual exploitation of children on the Internet in Europe**" implemented by the child rights department of the Council of Europe, the Republic of Serbia is present as a focus country, and the National Contact Centre for the Safety of Children on the Internet provides information and examples of good practice to the pilot countries of this project.

The National Contact Centre for Children's Safety on the Internet is part of the SIC plus Program project as part of the INSAFE and INHOPE activities, so the way we work and act is published on the unique portal www.betterinternetforkids.eu, through which centres for safe internet from a large number of countries cooperate, exchange resources and best practices

The education system of the Republic of Serbia has built-in mechanisms to protect children and students from all forms of violence and discrimination. The legal regulation in this area is specially regulated and prescribes clear procedures and steps in the prevention and response to violence, abuse and neglect in educational institutions. The Ministry of Education counts among its most important priorities the continuous improvement of the capacity of education and training institutions to create a safe and stimulating school environment. In addition to regulated procedures for dealing with situations of violence, we pay special attention to prevention and the development of **digital skills** among students. Through the education system, students in Serbia are introduced to the basics of digital literacy from the first grade. Students acquire computer literacy through the subjects "Digital World" in the first and second grades, and from the fifth to the eighth grade in the subject "Informatics and Computing". As one of the cross-curricular competences that all teachers are obliged to develop in students, regardless of the content of the subjects they teach, digital competence is also included. In order to make the approach to this issue even more inclusive, and the cooperation between sectors even stronger, the National Platform "I'm watching you" was launched. The platform has an informative and educational function and in an accessible way ensures the availability of content that is specially adapted for parents, students and employees in education. The education system has a special role in improving the content of the platform, which has both an educational and informative part and where parents, education employees and students can be informed about the safe use of digital technologies <https://cuvamte.gov.rs/>. The Ministry, in cooperation with various partners, has developed preventive resources that are available on the Ministry's website

<https://mpn.gov.rs/kategorija/publikacije/page/2/>,<https://mpn.gov.rs/kategorija/publikacije/page/3/>.

Since every institution is obliged to draw up an annual program of protection against violence, abuse and neglect, the aforementioned resources are available to schools in planning all preventive activities in working with students, parents and staff.

as a growing problem. This year, the Centre for the Protection of Victims of Human Trafficking began a special analysis of cases of human trafficking with misuse of information technology, which will be presented as part of the final statistical report for 2022.

In cooperation with the Ministry of Education and the Council of Europe, we started work on the inclusion of the education system in the prevention and protection of children from human trafficking, and as part of the revision of the list of indicators for this system, special attention was paid to online abuse.

Online abuse was one of the topics at the following forums and trainings:

- Forum "You are not alone" in Valjevo for 250 students from different schools
- Forum for residents of the Children's Village in Sremska Kamenica.
- Training for managers of all youth offices in Serbia
- Training for 30 child volunteers in youth offices at the "Youth Convention" in Valjevo
- Training for young volunteers of the Centre for Social Work Leskovac on the occasion of the World Day against Human Trafficking.

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Questions of the European Committee for Social Rights

The report indicates that as of 2013, sexual offences against children in Serbia are no longer be subject to the statute of limitations (Article 108 of the Criminal Code of the Republic of Serbia).

The Committee recalls that in order to guarantee the right provided by Article 7§10, Parties must take specific measures to prohibit and combat all forms of sexual exploitation of children, in particular children's involvement in the sex industry. This prohibition must be accompanied by an adequate supervisory mechanism and sanctions. It therefore requests that the next report provide information on the functioning of a monitoring mechanism on sexual exploitation of children and a mechanism for collecting statistical data on sexual exploitation of children.

The system for identifying victims of human trafficking is set up so that all actors, including the systems of social protection, police, justice, health, education, the non-governmental sector and all others, are obliged to report any suspicion of human trafficking to the Centre for the Protection of Victims of Human Trafficking, which is in charge for formal identification and coordination of victim protection. This allows us to have a unique, orderly and uniform system of child protection and data collection on this problem. The centre maintains official statistics of presumed and identified victims of human trafficking, which it publishes regularly on its website on a monthly basis. Also, in 2021, a new application was created on the website, which provides a statistical overview with a regional component. At the end of each year, a comprehensive statistical analysis is presented. In 2022, a special software was developed in which all professional tasks are performed and which will significantly improve the management of statistics and the creation of professional analyses.

With the aim of a comprehensive and continuous response of society to the problem of human trafficking in the Republic of Serbia, the Government adopted the Strategy for the prevention and suppression of human trafficking, especially women and children, and the protection of

victims for the period from 2017 to 2022, at its session on August 4, 2017. accompanying Action Plan for the period 2017-2018.

Based on Article 38, Paragraph 1 of the Law on the Planning System of the Republic of Serbia, at the Government session held on July 11, 2019, the second Action Plan for 2019 and 2020 was adopted for the implementation of the Strategy for the Prevention and Suppression of Trafficking in Human Beings, especially women and children and protection of victims.

The strategy envisages five special goals that strengthen the partnership in the response to human trafficking, improve prevention, improve the proactive system for detecting cases of human trafficking, improve the identification and support of victims of human trafficking, and protect children from human trafficking and exploitation in pornography and prostitution.

The strategy recognizes special goal 5, which refers to children and reads "***Children are protected from human trafficking and exploitation in pornography and prostitution and their consequences, by special participatory programs that are implemented in their best interest***", which provides that the improvement of prevention and the reduced impact of the causes of human trafficking, exploitation in pornography and prostitution on children should be ensured, among other things, by the constant implementation of training programs for those civil servants who may come into contact with child victims, by improving the teaching content of higher education institutions where experts who work with children are trained , by the constant implementation of participatory preventive programs that are in line with trends such as child migration (voluntary and forced) and misuse of communication and information technologies for child trafficking and exploitation in pornography and prostitution.

At the Government session of October 12, 2017, a Decision was made on the formation of the Council for the fight against human trafficking and the appointment of its members. The Minister of Interior was appointed as the President of the Council, and the Minister of Education, Science and Technological Development, the Minister of Finance, the Minister of Labour, Employment, Veteran and Social Affairs, the Minister of Health and the Minister of Justice were appointed as members.

At the 40th session of the Government on March 18, 2021, a new Decision was adopted on the dismissal and appointment of the president and members of the Council for the fight against human trafficking.

The council held two sessions, where, among other things, the following were adopted:

- Standard operating procedures for dealing with victims of human trafficking, which aim to improve the identification, assistance and protection of victims of human trafficking, through the partnership of all relevant entities at the local, national, regional and international level. The procedures contain an overview of activities related to the identification, referral, support and protection of victims of human trafficking, including assistance and support to victims of human trafficking in criminal proceedings and the realization of a property claim, i.e. in providing assistance in civil proceedings for compensation for damages, as well as the voluntary return of victims and the activities that are carried out, as well as specific indicators

for the preliminary identification of victims of human trafficking (police, social protection system, education).

- Recommendations for the improvement of a proactive system for detecting cases of human trafficking, efficient processing of natural and legal persons and legal protection of victims of human trafficking.

An important part of the national mechanism for combating human trafficking is the Centre for the Protection of Victims of Human Trafficking, which was established by the decision of the Government of the Republic of Serbia in 2012 as a state institution in the social protection system in Belgrade. The centre assesses the condition, needs, strengths and risks of victims of human trafficking, performs identification tasks and provides adequate assistance and support to victims of human trafficking, with the aim of their recovery and reintegration. On February 3, 2019, the Centre for the Protection of Victims of Human Trafficking opened a shelter for emergency accommodation of victims of human trafficking, which is available 24 hours a day, with a capacity of up to 6 users (from the age of 16).

On December 16, 2019, the Agreement between the Government of the Republic of Serbia and the Government of the Republic of North Macedonia on cooperation in the field of combating human trafficking was signed, which is the first such agreement signed by the Republic of Serbia. The signed agreement was confirmed by the National Assembly of the Republic of Serbia at the session held on February 25, 2021 with the adoption of the Law on Confirmation of the Agreement between the Government of the Republic of Serbia and the Government of the Republic of North Macedonia on cooperation in the fight against human trafficking.

On January 6, 2020, a Memorandum of Cooperation was signed between the Ministry of Interior, NGO ATHINA and NGO ASTRA on cooperation in the field of combating human trafficking. In a memorandum, the signatories agreed on cooperation in establishing an efficient system in the fight against human trafficking, identification and protection of victims of human trafficking and other forms of exploitation. The memorandum represents the basis for creating a joint partnership relationship and providing mutual support during the activities undertaken for this purpose.

Also, on November 15, 2021, the Minister of the Interior issued an Instruction on how employees of the Ministry of the Interior should act in cases of human trafficking with indicators for preliminary identification of victims of human trafficking for the police and written information on the rights of victims of human trafficking and available types of support. The instruction regulates in more detail the way employees of the Ministry of Interior act, when in the performance of their duties, using indicators for the preliminary identification of victims of human trafficking, they come to know about the victims and perpetrators of the crime of Human Trafficking from Art. 388 of the Criminal Code.

In accordance with the Professional Training Program for Police Officers of the Ministry of Interior, a mandatory theoretical course entitled "Concept, recognition and response of the police to the criminal offense of Human Trafficking", which was conducted through a distance learning model (e-classroom of the Ministry) was implemented during 2019. attended by a total of 26,129 police officers, while in 2020 a total of 30,308 police officers

from different lines of work attended, which, in accordance with the Police Intelligence Model, should contribute to the improvement of proactive investigations.

Within the twinning projects "Fight against human trafficking" from the IPA 2014 program, during 2019-2020. A total of 47 trainings/workshops were held in which a total of 681 participants were present, from various state bodies and organizations, as well as civil society organizations. Out of the total number of trainings, 4 trainings were conducted "online" in accordance with the measures to prevent the spread of the infectious disease COVID 19, of which the two-day workshop entitled "Training for Trainers" for 24 participants, of which 18 are members Ministry of Interior. The aim of the workshop was to train representatives of the police, other state bodies and the non-governmental sector to independently teach courses and training on the topic of combating human trafficking, to learn about the importance of protecting victims of human trafficking, as well as to develop their own way of organizing and conducting training. Also, 4 trainings related to different forms of human trafficking were realized through the recording of video material that will be used on distance learning platforms (police, social workers and health workers), which will achieve the sustainability of the goals of the twinning project.

During the second half of 2021, the Ministry of Interior established a free telephone line for reporting suspected human trafficking (0800 100 388). In October, a training session was held for 10 members of the Ministry of Interior who will answer the phone. The goal of the training was to sensitize police officers to talking with victims and potential victims of human trafficking, to familiarize them with some of the techniques of active listening and a checklist of questions that will be used to conduct a conversation with this category of persons.

In the period January - December 2019, police officers of the Ministry of Interior brought 21 charges for the criminal offense of Human Trafficking under Article 388 of the Criminal Code, against **42 perpetrators**. Criminal charges were filed against 33 victims of human trafficking, all citizens of the Republic of Serbia (21 females - 11 minors and 10 adults, 12 males - 2 minors and 10 adults). The most common is sexual exploitation through prostitution (16), followed by labour exploitation (10), begging (3) and multiple exploitation - coercion into marriage, sexual or labour (3) and in one case there was no exploitation.

In the period January-December 2020, police officers of the Ministry of Internal Affairs filed 23 criminal reports for the criminal offense of Human Trafficking under Article 388 of the Criminal Code of the RS, which included 50 perpetrators and 38 injured persons - victims of human trafficking (34 citizens of the Republic of Serbia, 1 citizen of the Republic of Croatia, 1 citizen of North Macedonia, 1 citizen of Bosnia and Herzegovina and 1 person of unknown nationality). Of the total number of injured persons in 2020, 27 persons are female, 11 are male, 13 are minors and 25 are adults. Out of the total number of injured minors - victims of human trafficking, 9 minors are female and 4 minors are male.

In 2021, police officers of the Ministry of Internal Affairs filed 23 criminal reports for the criminal offense of human trafficking under Article 388 of the RS CC, which included 43 perpetrators and 46 injured persons - victims of human trafficking. Out of the total number of injured persons, 38 persons are female, 8 are male, while 10 persons are minors.

In the period January-November 2022, police officers of the Ministry of Internal Affairs filed 17 criminal reports for the criminal offense of Trafficking in Human Beings from Article 388 of the CC RS, which included 31 perpetrators and 23 injured persons - victims of human trafficking. Of the total number of injured persons, seven persons are minors.

On May 21, 2020, the Government adopted the Strategy for the Prevention and Protection of Children from Violence for the period from 2020 to 2023 with an accompanying action plan, which, among other things, foresees activities in the field of prevention of child trafficking (October is the month of the fight against human trafficking, activities to increase the capacity of professionals to recognize and identify child victims of human trafficking).

Also, based on the Protocol on Cooperation between the Ministry of Internal Affairs and the Ministry of Education, Science and Technological Development, the "Basics of Child Safety" Program was implemented, which is intended to educate students about security risks and threats to which they are exposed, methods of prevention and the skills of achieving security protection, with the aim of developing their safety culture. Teaching was carried out in all elementary schools in the Republic of Serbia, for students of the fourth and sixth grades of elementary education and upbringing.

As part of the Program, the topic "Prevention and protection of children from human trafficking" was covered. During the 2018/2019 school year, a total of 6,745 lectures were held, attended by 112,017 students. In addition, the electronic application "Basics of Child Safety" for mobile phones intended for children, parents, teachers and professionals was developed and presented. Also, 50,000 "Basics of Child Safety" manuals were printed and distributed to children and educators.

For the purposes of electronic teaching, as a result of the declared epidemic of the COVID-19 virus within the "Fundamentals of Child Safety" Program, a report was also recorded on the topic of the fight against human trafficking, which is broadcast on TV channels RTS-3 and RTS-Planeta.

Also, during 2019 and 2020, the program of the National Contact Centre for Child Safety on the Internet of the Ministry of Trade, Tourism and Telecommunications was implemented in 31 elementary schools throughout Serbia, within which a total of 77 presentations were held, specially created for children and parents, through which 3,372 students and 1,115 parents and teachers were trained in the safe use of the Internet and how to recognize and report all abuse of children via the Internet.

The "Program to combat human trafficking" of the Red Cross of Serbia was also implemented, during which during 2019-2020 In 2008, the network of peer educators and trainers held 1,695 informative workshops in cities and municipalities throughout the Republic of Serbia, which included 63,770 children, namely: 41,677 primary school students, 21,655 secondary school students and 438 children without parental care, who received a preventive message on how to recognize risks from human trafficking.

Also, during the recovery program for children from socially disadvantaged families in eight shifts of the Red Cross Summer School organized at the Red Cross facility of Serbia in Baošići (Montenegro), 500 children aged seven to 14 attended ten-day workshops and

received a preventive message in order to raising awareness about the need for protection against human trafficking.

All programs aimed at educating children about security risks: Program "Basics of Child Safety" of the Ministry of Internal Affairs and the Ministry of Education, Science and Technological Development; The program of the National Contact Centre for the Safety of Children on the Internet of the Ministry of Trade, Tourism and Telecommunications and the "Program for Combating Trafficking in Human Beings" of the Red Cross of Serbia include the area of safe use of the Internet and how to recognize and report all abuse of children via the Internet

Centres for social work (CSW) are services that play an important role in the process of protection against violence. The role of CSW is primarily based on the role of the guardianship body and responsibility in protecting the best interests of children, adults and the elderly who are victims of various forms of violence, as well as on their competences, which are defined by the Law on Social Protection, the Family Law, the Criminal Law, the Law on the Prevention of Violence in the family. The Centre for Social Work provides its users with professional assistance and protection, initiates proceedings before the court, provides advisory support, material and legal assistance and refers to the use of services provided by other institutions. All information about available support services and legal measures for victims of violence can be obtained from centres for social work, and this network covers the entire territory of the Republic. In areas where the population of national minorities lives, information can also be obtained in the languages of those minorities.

For their part, the Republic and Provincial Institute for Social Protection continuously provide support to case managers and supervisors in the CSW in the form of consultative meetings in individual cases of violence and case conferences at the request of the CSW. Professional workers of social protection institutions are continuously educated to work with victims of violence as well as with perpetrators of violence, and education for working with child victims of violence is especially important. Education is conducted through accredited training programs, and the register of all accredited programs, as well as data on the number of participants of these trainings, are located in the Republic Institute for Social Welfare.

In 2020, the Government of the Republic of Serbia adopted **Strategy for the prevention and protection of children from violence for the period from 2020 to 2023**, which defines sexual exploitation and human trafficking as forms of violence against children.

Strategy for the prevention and protection of children from violence 2020-2023. she defined:

Child abuse in child trafficking, prostitution and pornography¹ – Child trafficking includes grooming, transporting, transferring, hiding or receiving a person under the age of 18 with the threat or use of force or other forms of coercion, kidnapping or deception, fraud, abuse of power or a state of vulnerability, giving or receiving money or privileges for obtaining the consent of a person who has control over the child, with the aim

¹ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000).).

of exploiting him.² Enticing, transporting, transferring, harbouring or accepting a child for the purpose of exploitation is considered "trafficking in human beings" even if it does not involve the aforementioned means.³

Exploitation of a child for prostitution - Represents hiring a child to engage in prostitution or inducing a child to participate in prostitution, forcing a child into prostitution or making money from some other form of exploitation of a child for such purposes.⁴

Exploitation of a child for pornography - Includes producing, offering or making available, distributing or transmitting, obtaining, brokering child pornography, or knowingly obtaining access through information or communication technology to child pornography. Recruiting a child to participate, leading or forcing a child to participate in pornographic performances, or making money or any other form of exploiting a child for such purposes, as well as knowingly attending pornographic performances in which children participate constitutes sexual violence against a child.⁵

Child trafficking for the purpose of adoption - It is recognized as the taking away of a person who has not reached the age of sixteen for the purpose of his adoption contrary to the applicable regulations, the adoption of such a person or mediation in such an adoption, as well as buying, selling, handing over, transporting, providing accommodation or hiding.⁶

The number of reports of domestic violence for children (as victims of violence) during the year according to the dominant type of violence and gender of the child in 2021.

Prevalent type of violence	Children		Total
	Girls	Boys	
Physical violence	1,008	989	1,997
Emotional violence	1,847	1,681	3,528
Sexual violence	193	46	239
Neglect or negligent treatment	1,186	1,173	2,359
Child exploitation	14	9	23
In total	4,248	3,898	8,146

Source: Republic Institute for Social Welfare

In November 2022. The conference "**National Dialogue on the Protection of Children from Sexual Exploitation and Abuse**" was held in the House of the National Assembly. The conference was organized by the Network of Organizations for Children of

² United Nations Protocol on Preventing, Suppressing and Punishing Trafficking in Human Beings, Especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime ("Official Gazette of the FRY - International Treaties", No. 6/01)

³ Council of Europe Convention on Combating Trafficking in Human Beings, Article 4. Terms ("Official Gazette of RS - International Treaties", number 19/09)

⁴ Ibid.

⁵ Ibid.

⁶ Article 389 of the Criminal Code - the criminal offense of trafficking minors for the purpose of adoption

Serbia (MODS) and the Protector of Citizens, and was attended by representatives of parliamentary groups and committees in the National Assembly of the Republic of Serbia, representatives of relevant ministries, state and provincial institutions, city administrations, courts, professional associations, the civil sector, independent state institutions and international organizations. This meeting was an opportunity for the relevant actors in the field of child protection to get acquainted with the results of the first global assessment of the commitment of states in the fight against sexual exploitation and abuse of children and the findings of the report "Coming out of the Shadows" Index 2022 and where Serbia is in relation to other countries according to the global index in 2022 (Serbia is in 26th place).

The Committee also notes from the ILO Direct Request (CEACR) – adopted in 2017 and published at the 107th ILC session (2018) – the absence of information on the application of Article 185 of the Criminal Code regarding the use of children in pornography. The Committee requests that the next report provide information on the implementation of Article 185 of the Criminal Code with regard to children under 18 years of age, including the number of investigations, prosecutions, convictions and sentences applied.

In the annex to the report, we submit examples of judgments related to the application of Art. 185 of the Criminal Code.

The Committee also notes from the ILO Direct Request (CEACR) motioned above that, according to the indication provided by the Government, despite the various shelters and accommodation available, there are no specialised shelters for child victims of trafficking, and that they are often placed in one of the institutions of social protection, usually an institution for children without parental care.

It requests that the next report provide information on the measures adopted to identify and assist child victims of trafficking.

- Indicators for identifying cases of human trafficking among migrant children have been developed.
- indicators for the preliminary identification of child victims of human trafficking for the social protection system were developed
- Indicators for the preliminary identification of victims of human trafficking have been developed for the police system with a special focus on children
- indicators for the formal identification of victims of human trafficking were developed for the needs of the Centre, which include separate lists of indicators for child victims for each form of exploitation
- trainings were held for professionals who are in contact with migrant children
- the indicators for the preliminary identification of victims of human trafficking for the education system were revised
- an instruction was issued by the Ministry of Education for responding to cases of human trafficking
- the Standard Operating Procedures for dealing with victims of human trafficking were adopted, in which all actors from all relevant systems are given precise instructions on how to react in situations of suspected human trafficking

- Trainings were held for over 400 professional workers from the social protection system on the topic of detecting cases of human trafficking (with a special segment on the protection of child victims).
- trainings were held for representatives of school administrations on the preliminary detection of human trafficking
- over 50 expert meetings and forums were held on the topic of protecting children from human trafficking
- a manual on communication with child victims of human trafficking and children at risk was prepared, which was distributed to all centres for social work in Serbia
- the Reception Centre for victims of human trafficking, which accepts women over the age of 16 and their children, is open
- several panels and training sessions were held for children and young people:
 - Tribune "You are not alone" in Valjevo for 250 students from different schools
 - Tribune for residents of the Children's Village in Sremska Kamenica.
 - Training for managers of all youth offices in Serbia
 - Training for 30 child volunteers in youth offices at the "Youth Convention" in Valjevo
 - Training for young volunteers of the Centre for Social Work Leskovac on the occasion of the World Day against Human Trafficking
- continued sharing of the educational film "Watchers", which aims to increase children's awareness of the problem of human trafficking, which has been viewed by over 474,000 people on YouTube so far.

The Committee requests that the next report provide information on the adoption and implementation of the law on electronic communications and of the Strategy for the prevention and protection of children from violence, including the abuse on Internet.

According to the Law on Electronic Communications ("Official Gazette of RS", No. 44 of June 30, 2010, 60 of July 10, 2013 - US, 62 of June 13, 2014, 95 of December 8, 2018), the then Ministry of Trade, Tourism and of telecommunications, now the Ministry of Information and Telecommunications, the Draft Law provided for a provision obliging the operator to provide a parental control service at the request of the subscriber. This provision of the law was not adopted.

In Articles 117, 118, and 119 of the Law on Electronic Communications, the legislator provided for the following solutions related to the set request for the submission of an answer

The operator is obliged to enable the subscriber, in a simple way and free of charge, to stop automatic call forwarding, which was carried out by a third party, to the subscriber's terminal equipment.

The use of systems for automatic calling and communication without human intervention, fax machines, electronic mail or other types of electronic messages, for the purpose of direct advertising, is permitted only with the prior consent of the user, that is, the subscriber (recipient).

If a natural or legal person, during the sale of his products or services, obtained directly from the recipient his contact data and consent to the use of such data for the purposes of direct advertising, he has the right to use them for the purpose of direct advertising of his similar products or services, provided that the recipient provide the possibility to object to such use of contact data, in a simple way and without compensation.

Direct advertising that inaccurately displays or conceals the identity of the sender of e-mail or other types of electronic messages is prohibited, as well as direct advertising that does not contain a specified electronic address or telephone number, through which the recipient can request the prevention of further sending of advertising messages without compensation.

The operator is obliged to provide the subscriber with filtering of unsolicited and harmful electronic messages, as well as a simple way to set or turn off the filter.

The operator is obliged to publicly announce the electronic address for reporting unsolicited and harmful electronic messages.

Upon receipt of evidence of unsolicited and harmful messages sent by its subscribers, the operator is obliged to determine the factual situation and, depending on the degree of misuse, warn the subscriber or temporarily prevent him from using the service and notify him without delay.

The operator has the right, in case of repeated abuse, to permanently disable the use of services by the subscriber, that is, to terminate the contract on the use of services.

The Committee further asks whether the legislation allows for the prosecution of child victims of sexual exploitation and children involved in prostitution, whether the acts are or are not related to trafficking.

The Criminal Code in Serbia does not allow criminal prosecution of child victims of human trafficking for an act committed in the context of exploitation. Prostitution in Serbia is not a criminal offense. Serbia has ratified the UN Convention on Combating Transnational Organized Crime and the European Convention on Combating Trafficking in Human Beings, according to which victims of human trafficking are not liable for acts committed in that context.

The Committee notes from the Committee on the Rights of the Child Concluding observations on the combined second and third periodic reports of Serbia (CRC/C/SRB/CO/2-3, 2017) that, as a result of the limited resources, the identification of victims of sexual exploitation remains a challenge in Serbia, particularly among asylum seeking and refugee children.

At the Second Session of the Council for Combating Human Trafficking, which was held on January 25, 2019, the Standard Operating Procedures for Dealing with Victims of Human Trafficking were adopted, which aim to improve the identification, assistance and protection of victims of human trafficking, through the partnership of all relevant entities. at local, national, regional and international levels. The standard operating procedures contain an overview of activities related to the identification, referral, support and protection of victims

of human trafficking, including assistance and support to victims of human trafficking in criminal proceedings and the realization of a property claim, i.e. in providing assistance in civil proceedings for compensation of damages, as well as voluntary return of victims and actions by which these activities are carried out, as well as specific indicators for the preliminary identification of victims of human trafficking (police, social protection system, education).

The Committee recalls that Internet services providers should be under an obligation to remove or prevent accessibility to illegal material to which they have knowledge and internet safety hotlines should be set up through which illegal material could be reported.

It therefore reiterates its question as to whether legislation or codes of conduct for Internet service providers contains such an obligation.

In 2020, the Government of the RS adopted *the Decree on the Safety and Protection of Children in the Use of Information and Communication Technologies (Official Gazette of the RS No. 13/2020)*, which regulated measures for the safety and protection of children on the Internet as activities of public interest through education and information of children, parents and other legal representatives and teachers about the advantages, risks and ways of safe use of the Internet, as well as actions in case of violation or endangerment of children's safety on the Internet. The goal of this regulation is to raise the level of knowledge and awareness about the advantages and risks of using the Internet and ways to use the Internet safely, to improve the digital competence of children, that is, students, parents and other legal representatives and teachers, and to improve interdepartmental cooperation in the area of safety and child protection. on the Internet. The regulation specifically defines the actions of the centre for social work, and the employees of the centres are obliged to familiarize themselves with the risks and harmful consequences that may arise for children from the use of and modern technologies, and are trained on ways of providing assistance to children in the event of harmful consequences.

In July 2018, the Council of Europe adopted Recommendation SM/Rec (2018)7 of the Committee of Ministers to member states on guidelines for respect, protection and exercise of children's rights in the digital environment. Bearing in mind the importance of protecting children in the digital environment and the Recommendation adopted by the Council of Europe, the Ministry of Labour, Employment, Veteran and Social Affairs translated the text of the aforementioned recommendation into Serbian and submitted the translation to the Council of Europe - the secretariat of the Ad Hoc Committee of the CoE on the Rights of the Child (CAHENF) who praised the engagement in the translation, because we were among the first member states to translate the mentioned recommendation into their native language. The recommendation has also been posted on the website of the Council for Children's Rights of the Government of the RS (in Serbian and English) with the aim of its most effective application in the Republic of Serbia and its availability to experts and the general public.

The General Protocol for the Protection of Children from Violence (adopted in 2022) also introduces some new forms of violence against children such as digital violence, institutional violence, child marriage, violence against children in a sports context, gender-based violence, social exploitation of children, peer violence, child witnessing domestic violence, etc.

The website "Smart and Safe" is functioning in the framework of the National Contact Centre for Child Safety on the Internet. The site contains all the necessary information about children's safety on the Internet for schools, parenting and children themselves. The telephone number to which any illegal material can be reported is 19833 and the call is free.

The Committee requests that the next report provide information on the implementation on the strategy and plan and on their impact on protecting children against exploitation.

On the initiative of the Council for Children's Rights of the Government of the RS and in cooperation and with the support of UNICEF, in 2020 the Government adopted the *Strategy for the Prevention and Protection of Children from Violence 2020-2023*. year with the accompanying Action Plan for the implementation of the Strategy. The vision of the Strategy is that all children in Serbia grow up in a safe and supportive environment in which the child's right to protection from all forms of violence is fully respected. The general goal is to ensure a continuous comprehensive response of society to violence against children, in accordance with the dynamics of challenges, risks and threats, through an improved system of prevention, protection and support. The strategy is fully in line with international human rights documents ratified by the Republic of Serbia.

The implementation of the previous strategy and plan led to the following results:

1) ***Better alignment of interventions with relevant policies*** - These include: policies to combat poverty and social exclusion, both general and those specifically aimed at improving the inclusion of specific groups (Roma, people with disabilities, children in street situations and LGBTI children), as well as strategies that determine the development of certain areas (for example, rural development) or certain sectors (for example, social protection, employment, education, public health).

2) **Strengthening the role of the Council for the Rights of the Child** as a key mechanism for coordination, monitoring and evaluation of measures and activities for the prevention and protection of children from violence.

3) **Strengthening inter-sectoral cooperation** – Inter-sectoral cooperation and the establishment of partnerships is one of the prerequisites for the effective functioning of the system of prevention and protection of children from violence. We are working on the adoption of protocols that regulate inter-sectoral cooperation in which areas of cooperation are defined, cooperation procedures are prescribed, the roles and responsibilities of all sectors relevant to the protection of children from violence and the development of a methodology for the systematic monitoring of the application of such protocols.

4) **Improving the efficiency of the monitoring system** - Strengthening the system of monitoring the implementation of protocols, the efficiency of inter-sectoral teams in local communities and the functioning of each individual part of the system of prevention and protection of children from violence, as well as the systematic development and implementation of an early warning system with clear indicators and warning mechanisms.

5) **Improvement of the local level of the protection system** - Some local action plans have been developed.

6) **Continuous work on raising awareness and changing social norms, values and attitudes** - Campaigns of zero tolerance towards violence, encouraging non-violent communication, banning violent disciplining of children and encouraging gender equality and non-discrimination were implemented.

7) **Improving the skills of employees in institutions that deal with children** - Employees underwent a training program for the implementation of strategies, action plans and protocols related to the protection of children from violence, as well as a training program for the provision of services related to the prevention and protection of children from violence for holders of judicial positions, civil servants, as well as representatives of public services and civil society organizations.

8) **Support for families in the development of parental skills** - Development of support for families, which included a number of different measures and services that enabled prevention, early detection and response, including the services of a family associate: early intervention system through paediatric and outpatient services; development counselling centres; monitoring in the education system; prevention programs that will strengthen parenting skills; rehabilitation programs for perpetrators of violence.

9) **Development of prevention, direct support and protection services for children from vulnerable groups** - These include: children with disabilities and developmental disabilities, children in conflict with the law, children exposed to child labour, child, early and forced marriage, children from Roma settlements, children who are migrants and refugees, especially unaccompanied children. It is recommended to develop a system of identification and early warning in these areas, as well as to expand and massify and ensure sustainable financing of existing services (e.g. shelters for children in street situations or children in conflict with the law, as well as intensive treatment programs for children in conflict with the law, which by law should be provided and financed by local self-government units, which in practice is not always the case).

10) **Accelerating deinstitutionalization, but at the same time strengthening supervision over institutions for the placement of children** - Until the end of the deinstitutionalization process, more regular and effective supervision over institutions was established, as well as regular supervision related to violence against children in foster families and the development of specialized foster care for children with developmental disabilities and children with behavioural problems, as well as the establishment of a system and standards for examining whether a child in foster care is exposed. In the process of achieving the desired changes, and in order to combat violence against children as effectively

as possible, the cooperation of all interested parties and competent institutions was established, as well as their connection in an integrated response to violence, and above all:

- **Parliamentary Committee on the Rights of the Child**, bearing in mind that the Committee for Children's Rights was formed in the National Assembly as a permanent working body; the chairman of the Committee is the chairman of the National Assembly. In addition to the President of the National Assembly, the Board consists of the Vice Presidents of the National Assembly, MPs and the President of the Committee on Labour, Social Affairs, Social Inclusion and Poverty Reduction;

- **The Council for the Rights of the Child as an advisory body of the Government**, with the tasks of: initiating measures to harmonize the Government's policy in areas related to children and youth (health, education, culture, social issues); initiates measures to build a comprehensive and coherent policy towards children and young people; defines recommendations for achieving important social indicators in the field of child care and proposes policies for the realization of children's rights in accordance with the UN Convention on the Rights of the Child; analyses the effects of measures taken by competent authorities on children, young people, families with children and the birth rate; as well as to monitor the realization and protection of children's rights in the Republic of Serbia;

- **Council for Monitoring the Implementation of Recommendations of UN Human Rights Mechanisms**, which is the Government tasked with monitoring the implementation of all recommendations that the Republic of Serbia receives from the UN Human Rights Council within the cycle of universal periodic review and UN human rights treaty bodies;

- **The Council for Monitoring and Improving the Work of Criminal Procedure Authorities and the Execution of Criminal Sanctions against Minors**, established at the proposal of the Ministry of Justice, in accordance with the Law on Minor Offenders and the Criminal Protection of Minors with the task of monitoring the implementation of the provisions of the law and other by-laws and giving initiatives for their modification;

- **Council for the fight against human trafficking** established by Government **Decision** for the purpose of coordinating national and international activities to fight against human trafficking, considering the reports of relevant bodies of the international community on human trafficking, taking positions and proposing measures for the implementation of recommendations by international bodies in the fight against human trafficking, monitoring and evaluating progress in the implementation of the Strategy for the Prevention and Suppression of Trafficking in Human Beings, Especially Women and Children, and the Protection of Victims 2017-2022. and the Action Plan for its implementation, as well as for the purpose of harmonizing the actions of the competent state authorities and other organizations and institutions that are important for the fight against human trafficking and proposing measures to solve the observed problems and the engagement of the necessary resources:

- **local self-government unit;**

- **public institutions in the field of social and health protection, education, special administration and agencies;**

- **The Ombudsman**, an independent state body that protects and promotes the exercise of citizens' rights by controlling whether the bodies and organizations that exercise public authority do their work legally and properly. One of the deputy protectors of citizens is the deputy for children's rights and gender equality.

- **The Equality Commissioner**, as an independent and autonomous state body, which, in accordance with the provisions of the Law on Prohibition of Discrimination, was formed as a body specialized in preventing all forms and cases of discrimination, protecting equality in all areas, as well as promoting the realization and protection of equality.

- **line ministries** for the field of labour and social protection, health, education and upbringing, internal affairs, justice, information society, local self-government and youth and sports.

- **judicial authorities**, which have competences in the protection of minors from abuse and neglect, criminal proceedings against minor perpetrators of criminal acts, family law and other matters.

It requests that the next report provide information on the measures adopted to identify and assist child victims of trafficking.

The system for identifying victims of human trafficking is set up so that all actors, including the systems of social protection, police, justice, health, education, the non-governmental sector and all others, are obliged to report any suspicion of human trafficking to the Centre for the Protection of Victims of Human Trafficking, which is in charge for formal identification and coordination of victim protection. This allows us to have a unique, orderly and uniform system of child protection and data collection on this problem. The centre maintains official statistics of presumed and identified victims of human trafficking, which it publishes regularly on its website on a monthly basis. Also, in 2021, a new application was created on the website, which provides a statistical overview with a regional component. At the end of each year, a comprehensive statistical analysis is presented. In 2022, a special software was developed in which all professional tasks are performed and which will significantly improve the management of statistics and the preparation of professional analyses.

The Committee requests that information on the implementation of the Road Map and on any measures taken to protect and assist children in vulnerable situations, with particular attention to children in street situations and children at risk of child labour, including those in rural areas.

The Regulation on determining hazardous work for children was adopted, which is a list of jobs that children should never do. The implementation of the Regulation began on January 1, 2018, and it is implemented by all competent inspections. The Protocol on the conduct of the labour inspection as well as the Instruction on the conduct of centres for social work in protecting children from the abuse of child labour were adopted (2017). The Republic Institute for Social Protection has prepared a form for filling in a questionnaire

about child victims of child labour abuse, which is forwarded to all centres for social work (based on the Instruction) and the data is submitted to the competent ministry (number of children, school and educational status, protection measures taken, type dangerous activities in which children worked, who are the perpetrators of abuse of child labour, etc. On average, the number of children per year is around 10.

The Council for the Rights of the Child included in the Council's Decision on Education (2018) as its task to, among other things, "monitor the situation in the area of the protection of the rights of children in street situations and coordinate the monitoring of the implementation of national provisions to prevent the abuse of child labour."

As part of the implementation of the decent work program for the Republic of Serbia, the International Labour Organization in Serbia (ILO) is implementing the project "Measuring, raising awareness and engaging politicians to improve the fight against the abuse of child labour and forced labour (MAP 16)". As part of this project, the Republic Institute of Statistics created the "Child Labour" Questionnaire, which, as part of the Labour Force Survey, collects data on the abuse of child labour in the territory of the Republic of Serbia, thereby improving records and monitoring. Implementation began in March 2021. The presentation of the results was in May 2022. The second component of this project is aimed at improving the normative framework, i.e. amending the Labour Law, the Law on Public Order and Peace (in the part related to child begging), the Regulation on determining hazardous work for children, creating the List of Light Work for Children, etc. The third component refers to the role of the social protection system, within which the indicators for identifying the abuse of child labour are defined (with the accompanying Guide for the application of the indicators). Also, the Expert Methodological Guide for the actions of the Centre for Social Work in preventing the abuse of child labour - EMG (for professionals in the social protection system and explains and guides professionals through the process of child support - from identification and assessment to support) was prepared. On the basis of Indicators and EMG, a new Instruction on the way of work of social protection institutions and social protection organizations for providing social protection services to children in protection against abuse of child labour (2021) was prepared, which replaced the Instruction adopted in 2017. Trainings were also held for professionals in the system for the implementation of the Instruction. Within the fourth component, trainings are conducted for representatives of the Union of Serbian Employers and representative trade unions, labour inspection, police, centres for social work and the Republic Public Prosecutor's Office to recognize and prevent the abuse of child labour, including its worst forms. The fifth component of the project is "Communicating project results and achievements to the general public".

In Serbia, there are a total of 7 licensed providers of temporary accommodation services for children who live and work on the street - 4 shelters and 3 shelters. In Belgrade at the beginning of 2019. opened a new Shelter for children and youth as an independent institution of social protection under the jurisdiction of the local self-government unit. The spatial capacity of the Reception Centre (1700m²) contains 16 bedrooms for children, separate rooms for the living room, workshop work, individual treatments and more. The space has a sufficient number of bathrooms, a separate medical block and a block for receiving new users. The capacity of the shelter is 48 children. In addition to the shelter, in a separate part of the building there is a space for a drop-in service with facilities that will change the functioning of children who have an inadequate lifestyle. The capacity of the day-care centre is 30 children.

On the occasion of the International Day of Children in Street Situations, the NGO Centre for Youth Integration is on April 12, 2022. within the project "Protection of the rights of children in street situations in the Republic of Serbia" organized the presentation of research results on the application of General Comment No. 21 on children in street situations. The event was attended by representatives of several ministries, a representative of the EU delegation in Serbia, a representative of the Protector of Citizens, a representative of the Council for Children's Rights of the Government of the Republic of Serbia and a large number of civil sector representatives.

In order to apply General Comment no. 21 on children in the street situation of the Committee for Children's Rights, the Ministry of Internal Affairs at the end of 2021. formed a working group for the development of the Plan for the Protection of Children in Street Situations in the Republic of Serbia from Violence, Neglect and Exploitation. The plan was jointly signed in May 2022. by the Minister of Internal Affairs, the Minister of Labour, Employment, Veteran and Social Affairs, the Minister of Family Care and Demography, the Republic Public Prosecutor and the Deputy Mayor of the City of Belgrade. This plan was adopted in accordance with the provisions of the Family Law, the Code of Criminal Procedure, the Law on Misdemeanours, the Law on the Police, the Law on Juvenile Offenders and Criminal Legal Protection of Minors and the Law on Prevention of Domestic Violence, as well as the General Protocol for the Protection of Children from violence.

Article 8

The right of employed women to protection of maternity

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

1. to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks;

a) Please provide information whether the Covid-19 crisis had an impact of on the right to paid maternity leave (in particular whether all employed women concerned – in the private as in the public sector - continue to receive at least 70% of their salary during the whole length of the compulsory maternity leave during the Covid-19 crisis).

Wage compensation during the exercising of the right to maternity leave and leave from work for child care, as well as the amount of compensation for that salary, is a right arising from the Labour Law ("Official Gazette of the RS", no. 24/05, 61/05, 54/ 09, 32/13, 75/14, 13/17 - US, 113/17, 95/18 - other regulations), and therefore is not under the jurisdiction of the Ministry of Health.

Regarding the issue of child poverty, in the Law on Health Insurance ("Official Gazette of the RS", No. 25/19, hereinafter: the Law), children are insured as family members as a

priority. However, a person who does not meet the criteria to be insured as a family member, in accordance with Article 16 of the Law, is considered insured within the meaning of this Law, namely children up to the age of 18, and school children and students until the end of their prescribed education, and no later than the age of 26.

Also, the health care of children, as a particularly sensitive category, is recognized in the Law on exercising the right to health care for children, pregnant women and mothers ("Official Gazette of RS", no. 104/13), which regulates the right to health care and compensation for transportation costs in connection with the use of health care for children, pregnant women and mothers in labour, if they cannot exercise these rights on the basis of mandatory health insurance based on the Law.

Questions of the European Committee of Social Rights

In its previous conclusion, the Committee also asked whether the same provisions applied to all categories of women employees, both in the private and the public sectors. As the report fails to answer the question, the Committee asks again if the same rules apply to all women whether employed in the private or the public sectors. It points out that, should the necessary information not be provided in the next report, nothing will enable the Committee to establish that the situation in Serbia is in conformity with Article 8§1 of the Charter in this respect.

The Labour Law, as a general regulation in the field of work, which stipulates the right of employees to maternity leave and leave from work for child care, applies to all employees who have established an employment relationship, regardless of whether they are employed in the private or public sector. This means that all rules related to the duration of maternity leave and leave from work for child care and the protection of pregnant women and mothers during that leave apply equally to all employers in the public and private sectors.

In its previous conclusion, the Committee also requested relevant information, in particular statistical data, on the percentage of women receiving less than 70% of their previous salary as maternity benefits. The report fails to answer this question, so the Committee repeats it.

Wage compensation during pregnancy sick leave is calculated on the basis of the average salary earned by the employee in the previous 12 months, before the month in which the sick leave began. For the months in which the employee was not employed, and which are included in the basis for salary compensation, the minimum salary is taken.

Salary compensation for entrepreneurs, public notaries / public executors and independent artists is calculated on the basis of the average monthly basis on which the contribution was paid determined in the 12 months before going on maternity leave. If you were insured for a shorter period of time in those 12 months, the basis for salary compensation is the basis on which the contribution for mandatory health insurance was paid, determined according to the period in which you were insured. For the months in which you did not perform an activity,

which are included in the base for salary compensation, the lowest monthly contribution base is taken.

During pregnancy sick leave, the amount of salary compensation is provided in the amount of 100% of the basis for salary compensation.

Even if the employment contract expires during pregnancy sick leave, maternity leave, leave from work for child care and leave from work for special child care, the EMPLOYER IS OBLIGED TO EXTEND THE DURATION OF THE CONTRACT UNTIL THE RIGHT TO LEAVE EXPIRES.

2. to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;

a) *Please provide information:*

i) *whether the Covid-19 crisis had an impact on the possibility of dismissing pregnant employees and employees on maternity leave and*

During the crisis caused by Covid-19, the provisions of the Labour Law on maternity protection were not suspended, nor the provisions on protection against dismissal during maternity, nor the provisions of any other regulation related to maternity protection.

ii) *whether there were any exceptions to the prohibition of dismissal during pregnancy and maternity leave during the pandemic*

No, there were no exceptions to the ban on dismissal during pregnancy and maternity leave during the Covid-19 pandemic.

The Committee asked whether the same rules applied to all employed women, in the private as in the public sector. The report does not answer the question. Therefore, the Committee reiterates it.

The Labour Law, as a general regulation in the field of work, which prescribes the prohibition of terminating the employment of an employee during pregnancy, maternity leave, leave from work for child care and leave from work for special child care, applies to all employees who have established an employment relationship, regardless of whether they are employed in the private or public sector. This means that the aforementioned ban on termination of employment applies equally to all employers, both in the public and private sectors.

The Committee notes that there is a ceiling on the compensation that may be awarded. The Committee recalls that compensation for unlawful dismissal must be both proportionate to the loss suffered by the victim and sufficiently dissuasive for employers. Any ceiling on compensation that may preclude damages from being commensurate with the loss suffered and sufficiently dissuasive are proscribed. If there is such a ceiling on compensation for pecuniary damage, the victim must be able to seek compensation for non-pecuniary damage through other legal avenues (e.g. anti-discrimination legislation), and the courts competent for awarding compensation for pecuniary and non-pecuniary damage must decide within a reasonable time (Conclusions 2011, Statement of interpretation of Article 8§2). It asks anew for tangible examples of compensation awarded in cases of unlawful dismissal of employees who were pregnant or on maternity leave. In the meantime it reserves its position on this point.

The Labour Law (Art. 191) prescribes the legal consequences of illegal termination of employment, which stipulates that if the court determines during the procedure that the employee's employment was terminated without legal grounds, at the request of the employee, it will decide that the employee return to work, that he compensation for damage and payment of the corresponding contributions for mandatory social insurance for the period in which the employee did not work is paid.

Compensation for damages due to illegal termination of employment is determined in the amount of lost earnings, which includes the corresponding tax and contributions in accordance with the law.

Question of the European Committee for Social Rights

In its previous conclusion (Conclusions 2015), the Committee concluded that the situation was in conformity with Article 8§4 of the Charter and asked whether there were any exceptions to the rules on night work in respect of certain categories of employees, in particular, whether the same rules applied to women employed in the private and in the public sector. It also asked whether women who performed night work when they were pregnant, had recently given birth or were nursing their infant underwent regular medical checks, whether they were entitled to be transferred to daytime work and what rules applied if such transfer was not possible.

The Committee also refers to its conclusion on Article 2§7 (Conclusions 2018) that the situation was not in conformity with the Charter on the ground that there was no provision in the legislation for compulsory medical examinations prior to employment on night work or for regular check-ups thereafter.

The Labour Law, as a general regulation in the field of work, which stipulates the right of employees to maternity leave and leave from work for child care, applies to all employees who have established an employment relationship, regardless of whether they are employed in the private or public sector. This means that all rules related to the duration of maternity leave and leave from work for child care and the protection of pregnant women and mothers during that leave apply equally to all employers in the public and private sectors.

The Labour Law stipulates that an employee during pregnancy and an employee who is breastfeeding cannot work overtime and at night if such work would be harmful to her health and the health of the child based on the findings of the competent health authority.

The Labour Law stipulates that the employer is obliged to provide work during the day to all employees who work at night for at least 3 hours every working day or a third of the full working time during one working week, if such work, in the opinion of the competent health authority, would lead to the deterioration of his health condition.

Night work or night work is any form of work that is performed between 10 pm and 6 am the next day.

Night work is specifically regulated by legal regulations, including our Labour Law, due to the impact it has on the human body. This type of work in humans causes the so-called biological dysrhythmia, i.e. disruption of the normal biological clock by external causes (in this case, changes in the day-night cycle, or light-dark) and is one of the important factors in the appearance of fatigue in professions that involve night work, as an integral part of shift work (pilots, doctors, police officers).

For this reason, legal regulations provide special protection for workers who work at night. Rulebook on previous and periodic medical examinations of employees at workplaces with increased risk ("Official Gazette of RS", no. 120/07, 93/08 and 53/17), point 5.3. from the table prescribes the performance of a preliminary and periodic medical examination every 18 months.

The employer is the bearer of all obligations and responsibilities in establishing safe working conditions and protecting the health of employees, from which comes his responsibility for a safe and healthy working environment for his employees. In this sense, the employer's general obligation is to provide the employee with work at the workplace and in conditions where safety and health protection measures have been implemented.

Risk assessment is the employer's most important obligation regarding occupational safety and health. It is performed before the start of work, during work, as well as in any case where, due to changes in working conditions, a new risk may appear or a change in the degree of established risk may occur. Risk assessment as a preventive activity is significant because it is performed for each workplace based on the hazards identified at the workplace and in the working environment and the possible impact on the employee at that workplace. The employer is obliged to issue a special act on risk assessment in written form, which contains data on the actual situation (work process, hazards and employees), the estimated risk and the anticipated protection measures.

The Committee refers to its Statement of Interpretation on Articles 8§4 and 8§5 (Conclusions 2019) and asks the next report to confirm that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave; it furthermore asks the next report to confirm that

the women concerned retain the right to return to their previous employment at the end of the protected period.

According to Article 33 of the Law on Gender Equality ("Official Gazette of the Republic of Serbia" No. 52/2001), the employer is obliged, upon returning from work leave due to pregnancy, maternity leave, leave for child care, leave for special child care, adoption, foster care, guardianship, return to the same or other equivalent jobs.

The transfer of employees referred to in paragraph 1 of this article or referral to work with another employer is prohibited.

Absence from work due to pregnancy, maternity leave, leave for child care and leave for special child care, i.e. paternity and maternity (parenthood), adoption, foster care, guardianship, cannot be a reason for denying the right to:

- 1) professional development and additional education;
- 2) advancement and acquisition of a higher title, that is, transfer to an immediately higher executive position, based on the acquired conditions, in accordance with the law;
- 3) use of all improvements in working conditions provided during the leave.

The time during which the employee was absent from work due to pregnancy, maternity leave, leave for child care and leave for special child care will not be counted when assessing work performance in the total time period in which work performance is calculated.

In the field of employment and work, equal opportunities are guaranteed and the application of general and special measures is ensured in order to realize the right to work for women and men in terms of the availability of executive jobs and positions; conditions for access to employment, self-employment or occupation, including selection criteria and recruitment conditions, regardless of the branch of activity and at all levels of the professional hierarchy, including career advancement, all forms of paid employment; deployment and promotion; working hours; flexible working hours due to harmonizing family and work obligations of men and women, absence from work; payments; working conditions; professional development and additional education, including practical work experience, daily, weekly and annual leave; termination of employment and employment; collective bargaining; information; social insurance; absences due to pregnancy, maternity leave, duration of maternity leave and benefits during maternity leave; leave for child care and special care of a disabled child; protection of the right to work and in connection with work.

Data on unpaid domestic work, which are collected and recorded by producers of official statistics, are published publicly in accordance with the five-year statistical program and annual applicable plans of the republic authority responsible for statistics.

The value of unpaid work in absolute terms, as well as the share of the value of unpaid work in the gross domestic product, is calculated based on the data of the main producer of official

statistical data, and the methodology for calculation is determined by the ministry in charge of gender equality.

A person who is not health insured on any other basis, acquires the right to health insurance on the basis of unpaid work at home (housekeeping, taking care of raising children, taking care of other family members), unpaid work on an agricultural estate, etc.

5. According to the provisions of the Labour Law ("Official Gazette of the RS", no. 24/2005, 61/2005, 54/2009, 32/2013, 75/2014, 13/2017 - decision of the US, 113/2017 and 95/2018 - authentic interpretation), an employed woman has the right to leave from work due to pregnancy and childbirth (hereinafter: maternity leave), as well as leave from work to care for a child, for a total duration of 365 days. An employed woman has the right to start maternity leave based on the findings of the competent health authority at the earliest 45 days, and necessarily 28 days before the time set for childbirth. Maternity leave lasts up to three months from the day of childbirth

A working woman, after the expiration of her maternity leave, has the right to take leave from work to take care of the child until the expiration of 365 days from the date of commencement of the maternity leave referred to in paragraph 2 of this article.

The child's father can use the right from paragraph 3 of this article in the event that the mother abandons the child, dies or is prevented from using that right for other justified reasons (serving a prison sentence, serious illness, etc.). The father of the child has this right even when the mother is not employed. The child's father can use the right from paragraph 4 of this article. **During maternity leave and leave from work to take care of a child, an employed woman, or father of a child, has the right to compensation, in accordance with the law.**

5. to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining and all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature and to take appropriate measures to protect the employment rights of these women.

a) Please provide updated information to confirm that no loss of pay results from the changes in the working conditions or reassignment to a different post and that the women concerned retain the right to return to their previous employment at the end of the protected period.

We confirm that there is still no loss of salary due to changes in working conditions or transfer to another workplace and that the women concerned retain the right to return to their previous employment at the end of the protected period - see previous answer.

Question of the European Committee for Social Rights

The Committee deferred its previous conclusion (Conclusions 2015) and asked what rules applied to pregnant women, women who had recently given birth or who were

nursing their infants as regards underground mining and other activities involving exposure to known hazards. It also asked whether the women concerned could be temporarily transferred to another post or, if no transfer was possible, whether they were entitled to paid leave. It asked what rules applied as regards their level of pay and whether they retained the right to return to their previous position at the end of the protected period. It asked whether the same rules applied to the private and the public sectors. It pointed out that, should the next report fail to provide information on these aspects, there would be nothing to establish that the situation was in conformity with Article 8§5 of the Charter in this respect.

According to the Labour Law (Articles 89 and 90), an employed woman during pregnancy and an employed woman who is breastfeeding cannot work in jobs that, according to the findings of the competent health authority, are harmful to her health and the health of the child, especially in jobs that requiring lifting of loads or where there is harmful radiation or exposure to extreme temperatures and vibrations. The employer is obliged to provide the employee with other suitable jobs, and if there are no such jobs, to send her on paid leave. Also, an employee during pregnancy and an employee who is breastfeeding a child cannot work overtime and at night, if such work would be harmful to her health and the health of the child, based on the findings of the competent health authority. An employee during pregnancy has the right to a paid leave from work during the day in order to perform health examinations related to pregnancy, determined by the selected doctor in accordance with the law, about which she is obliged to inform the employer in a timely manner.

These provisions of the Labour Law apply to all employees who have established an employment relationship, regardless of whether they are employed in the private or public sector.

The right to salary compensation, i.e. salary compensation during maternity leave, leave from work for child care and leave from work for special child care, as well as the amount of compensation, is regulated by the Law on Financial Support for Families with Children.

Article 16

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

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

a) Please provide updated information on measures taken to reduce all forms of domestic violence against women including information on incidence and conviction rates.

National strategy for preventing and combating gender-based violence against women and domestic violence 2021-2025. was adopted in April 2021. This strategic document improves the strategic framework in this area, strengthening the capacities of institutions and organizations that provide services to women who have survived violence, improving the coordination of key actors and raising the level of awareness of citizens and decision makers about the unacceptability of violence.

The content of the strategy is related to the strategies related to the key areas defined by the Convention on preventing and combating violence against women and domestic violence, which are the backbone of the strategy: justice and protection of rights, prevention of violence against women and domestic violence, security, social and health care. The substantive connection of this strategy with other sectoral strategies stems from the need for multisectoral activities against gender-based violence, numerous actors participating in the prevention, prevention and protection of women victims of gender-based violence and domestic violence, as well as sanctioning the perpetrators of violence. In addition, bearing in mind that persons who belong to vulnerable groups (persons with disabilities, Roma population, children, victims of human trafficking, etc.) and suffer gender-based violence and domestic violence, are in a particularly difficult position, the Strategy is also connected with strategies related to vulnerable groups.

The strategy sets 4 specific objectives and 15 measures to achieve the general strategic goal: Effective prevention and protection against all forms of gender-based violence against women and domestic violence and a developed gender-responsive system of support services for victims of violence.

Special objective 1: Improved action of all actors in the prevention of gender-based violence against women and domestic violence.

Special objective 2: Ensuring efficiency and effective protection of victims and establishing available and adequate general and specialized support services for victims of violence.

Special goal 3: Criminalize all forms of violence against women and domestic violence, in accordance with international standards, provide conditions for adequate prosecution and punishment of perpetrators, improve the position of victims and witnesses, and exercise the victims' right to compensation.

Special objective 4: Integrated public policies and established comprehensive and functional system of data collection and analysis on violence against women and domestic violence.

Centres for social work (CSW) are services that play an important role in the process of protection against violence. The role of CSW is primarily based on the role of the guardianship body and responsibility in protecting the best interests of children, adults and the elderly who are victims of various forms of violence, as well as on their competences, which are defined by the Law on Social Protection, the Family Law, the Criminal Law, the Law on the Prevention of Violence in the family. The Centre for Social Work provides its users with professional assistance and protection, initiates proceedings before the court, provides advisory support, material and legal assistance and refers to the use of services provided by other institutions. All information about available support services and legal measures for victims of violence can be obtained from centres for social work, of which there

are 141 in Serbia and this network covers the entire territory of the Republic. In areas where the population of national minorities lives, information can also be obtained in the languages of those minorities.

With the Law on Prevention of Domestic Violence, the role of CSW has been expanded to include recognition of domestic violence and the danger of violence in regular work. Instructions on the realization of the obligation of centres for social work in the implementation of this Law were adopted, and a special order was issued to all centres on the standards of procedure and work in responding to the occurrence of domestic violence and organizing the protection of victims.

Centres for social work are obliged to provide support and assistance to women and children who are at risk of experiencing domestic violence or other types of violence, abuse, neglect and exploitation, because according to the Law on Social Protection (LSP) they have the status of a particularly vulnerable group. The LSP establishes a number of support measures, which include counselling, safe accommodation, the initiation of court proceedings, the provision of financial support, as well as legal and psychological counselling.

The Republic and Provincial Institute for Social Protection continuously provide support to case managers and supervisors in the CSW in the form of consultative meetings in individual cases of domestic violence and **case conferences** at the request of the CSW. Professional workers of social protection institutions are continuously educated to work with victims of violence as well as with perpetrators of violence in the family and partner relationships, and education for working with child victims of violence is especially important. Education is conducted through accredited training programs, and the register of all accredited programs, as well as data on the number of participants of these trainings, are located in the Republic Institute for Social Welfare.

The number of support services in Serbia is still insufficient, which especially refers to specialized services. They are also characterized by inadequate geographical distribution. Most social services are financed from local budgets. The quality of the response of social services to individual cases of violence is affected by the lack of a sufficient number of employees and other resources, as well as the large number of jobs and tasks performed by CSW workers. The number of responsibilities of CSW employees increased, especially after the adoption of the Law on Prevention of Domestic Violence.

The republic level supports the improvement of services in the community through the mechanism of dedicated transfers that are allocated to local self-government units, which direct funds to service providers in their territory. Currently, **7 licensed service providers of shelters for victims of violence and 10 licensed SOS telephone service providers for women victims of violence are operating in the Republic of Serbia.** Among the licensed service providers is the SOS telephone line for support of women who have experienced violence, established by the Republic of Serbia, under the auspices of the Ministry. On this phone that has been working since 2018. the service is provided 24 hours a day, 7 days a week. 8 licensed professional workers, 1 coordinator of professional supervision and 1 supervisor work on providing the service. The service is established for the entire territory of the Republic of Serbia at the number 0800 222 003. Calls are free.

In 2021, the Ministry of Family Care and Demography began the process of adopting the Draft Law on Amendments to the Family Law, which was interrupted due to the complexity of the procedure and the impossibility of completing the process before the elections scheduled and held in April 2022. After the formation of the new Government, the Ministry of Family Care and Demography continued the process of adopting the Draft, and the Ex ante and Ex post analysis was done. In the part of the Family Law that refers to the prevention of domestic violence, the preliminary draft contains the introduction of new forms of domestic violence (stalking, digital violence, etc.), the introduction of new measures to protect against domestic violence (referring abusers to treatment for alcoholism and referring abusers for treatment due to the intake of psychoactive substances), the introduction of the obligation of the court and guardianship authorities to monitor the execution of the measures of protection against domestic violence imposed by the court, the introduction of a ban on the implementation of reconciliation and settlement if one of the spouses is a victim of violence. In centres for social work - guardianship bodies, teams for the prevention of violence function. These institutions also have a person in charge of contact with other subjects (police and prosecutor's office) who work to prevent domestic violence.

The right to child allowance prescribed by the Law on Financial Support for Families with Children ("Official Gazette of RS", No. 113/17, 50/18, 46/21-US, 51/21-US, 53/21-US, 66/21 and 130/21) can be achieved by one of the parents who directly takes care of the child, who is a citizen of the Republic of Serbia and resides in the territory of the Republic of Serbia or is a foreign citizen and has the status of a permanent resident of the Republic of Serbia for the first, second, third and the fourth child in order of birth in the family, from the date of the submitted request, under the conditions stipulated by this law.

Children's allowance belongs to children who live, study and regularly attend classes in the territory of the Republic of Serbia until the end of secondary school education, and at the latest until they reach the age of 20, if they are attending school as a regular student.

Children's allowance also belongs to a child who, for justified reasons, does not start school, that is, who starts school later or stops school as a regular student, for the entire duration of the suspension, until the end of high school education, and up to the age of 21 at the latest.

The competent authority is obliged, in cooperation with the appropriate school, during the school year, at the end of each trimester, to check the regularity of attendance of the child for whom the right is exercised.

The right to child allowance is realized based on the material conditions of the family.

Income and assets that the members of the joint household earn or own in the country and abroad have an impact on the exercise of rights.

The right to child allowance is realized if the total monthly income, minus taxes and contributions, per family member achieved in the three months preceding the month in which the request is submitted does not exceed the prescribed threshold.

The right to child allowance without resubmitting proof of the family's financial condition is exercised by the beneficiary of financial social assistance whose children regularly attend school, and regardless of the financial conditions of the family, the beneficiary whose child receives allowance for the help and care of another person.

The census is increased by 20% for single-parent families, guardians and parents of a child with developmental disabilities and a child with a disability for whom the opinion of the interdepartmental commission was issued and who was not placed in a residential institution. The census is increased by 30% for single-parent families where there is no other parent (he has died and no family pension has been received or is unknown) or the other parent is unable to earn money.

The census for exercising the right to child allowance is adjusted on January 1 and July 1 of the current year, based on statistical data, with the movement of the consumer price index on the territory of the Republic in the previous six months.

The regular census from July 1, 2022 is 10,707.90 dinars per family member.

The amount of the child allowance for single-parent families and guardians is increased by 30%, and for the parents of a child with mental and physical disabilities, for which the opinion of the interdepartmental commission was adopted, and for a child who receives an allowance for the help and care of another person, and who is not placed in a residential facility, is increased by 50%.

If the conditions for increasing the amount of the child benefit on several grounds are met, the total amount of the increase cannot exceed 80%.

Beneficiaries of the child allowance whose children of secondary school age regularly attended secondary school and successfully completed the school year in September of the current year are entitled to another child benefit.

The amount of child allowance is adjusted on January 1 and July 1 of the current year, based on statistical data, with the movement of the consumer price index on the territory of the Republic in the previous six months.

The regular amount of child allowance from July 1, 2022 is 3,569.30 dinars.

In October 2022, 109,328 beneficiaries realized the right to child allowance, and the funds paid amounted to RSD 839,826,585.21.

b) For States Parties not having accepted Article 31, please provide updated information on the availability of adequate affordable housing for families (The Republic of Serbia did not accept Article 31 of RESC).

c) Are family or child benefits provided subject to a means-test? If so, what is the percentage of families covered?

Based on the Law on Social Protection, the beneficiary receives material support 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, assistance in kind and other types of material support, in accordance with this law and regulations adopted for its implementation.

The right to cash social assistance belongs to an individual, that is, a family, who, through their work, income from property or from other sources, earn an income lower than the amount of cash social assistance determined by this law.

Spouses and common-law partners, children and relatives in the direct line regardless of the degree of kinship, as well as relatives in the collateral line up to the second degree of kinship, provided that they live in the same household, are considered family, in terms of exercising the right to financial social assistance. A child who does not live in the family and is in school is also considered a family member - until the end of the period prescribed for that schooling, and at the latest until the age of 26. A spouse is also considered a family member, regardless of where he actually lives.

Exceptionally, the perpetrator of domestic violence is not considered a family member, that is, his income and assets do not affect the right of victims of domestic violence to receive financial social assistance, if they meet other conditions prescribed by this law.

A person with developmental disabilities who is in the guardian's family based on the decision of the guardianship authority is considered a member of the guardian's family.

The right to cash social assistance can be exercised by an individual or a family:

- 1) if there are no other immovable properties, apart from housing that meets the needs of an individual, that is, a family and land up to 0.5 hectares;
- 2) if a person, i.e. a family member, has not sold or gifted immovable property or waived the right to inherit immovable property or if a period has passed in which, from the market value of the immovable property he sold, gifted or waived the right to inherit, he could provide assistance in terms of this law
- 3) if a person, i.e. a family member, does not own movable property, the use or disposal of which, without jeopardizing basic life needs, can provide funds in the amount of six times the amount of social assistance that would have been determined for him under this law at the time of submitting the request for social assistance;
- 4) if a person, i.e. the family member, has not concluded a contract on lifelong support.

The right to cash social assistance can be exercised by an individual who is unable to work, that is, a family whose members are all unable to work, if in addition to housing that meets the family's needs, they have land up to one hectare in size.

Exceptionally, the right to cash social assistance can be exercised by an individual, i.e. a family that does not meet the previous conditions, if the centre for social work agrees to register a mortgage on its immovable property in order to ensure the settlement of claims in the amount of the valued amount of cash social assistance paid.

A room per family member, i.e. two rooms for a person exercising the right to financial compensation for help and care, or increased financial compensation for help and care, is considered a suitable living space.

Based on Art. 83 of the Law on Social Protection, the right to cash social assistance can be exercised by an individual able to work, i.e. a family member:

- 1) if he is in education or training for work in the sense of this law or is kept on the register of unemployed persons;

- 2) if he did not refuse the offered employment, employment in temporary, casual or seasonal jobs, professional training, retraining, retraining or basic education;
- 3) if his employment was not terminated by his will, his consent or his fault, due to disciplinary or criminal liability, unless one year has passed since the termination of the employment or if the inability to work occurred after the termination of the employment;
- 4) if he alone takes care of his child with developmental disabilities so that he cannot be employed.

If the family does not meet the conditions for exercising the right to cash social assistance because its member does not meet the conditions from paragraph 1 of this article, the right to cash social assistance is recognized only to its member who is unable to work, under the conditions established by this law.

Based on Art. 85 of the Law on Social Protection, an individual who is unable to work, that is, a family whose members are all unable to work and a single-parent family have the right to increased cash social assistance.

Unable to work in the sense of this law are:

- 1) women and men who have reached the age specified by the regulations on pension and disability insurance as a condition for old-age pension;
- 2) a child up to 15 years of age;
- 3) a child in school, until the end of the term prescribed for that schooling, and at the latest until the age of 26;
- 4) a person who is completely unable to work according to the labour and pension and disability insurance regulations;
- 5) pregnant women and the parent of a child who uses maternity leave and leave from work to take care of the child according to labour regulations;
- 6) an unemployed person who takes care of a family member referred to in Article 81, paragraph 2 of this Law, who is a beneficiary of the right to assistance and care on any basis;
- 7) a person who has been determined to have the third degree of work ability in accordance with the regulations governing the employment of persons with disabilities;
- 8) a person against whom the procedure for determining work capacity or the procedure for depriving business capacity has been initiated - while the procedure is ongoing.

An individual who is able to work, that is, a family in which the majority of members are able to work, is entitled to cash social assistance for up to nine months during the calendar year, if he meets the conditions prescribed by this law.

An individual or a family member who is in education, training or some other type of social engagement in accordance with the individual activation plan, is equated with a person incapable of work in terms of the duration of the right to cash social assistance.

d) Please provide information about the amounts paid in child/family benefit as well as the median equivalised income for the reference period.

CASH SOCIAL ASSISTANCE (CSA)

for the month: 10.2022

Number of family members	Number of families	Total amount	Persons in total
1 member	36.842	372.603.413,23	36.842
2 members	15.297	202.693.159,61	30.594
3 members	7.682	121.313.336,98	23.046
4 members	7.915	146.845.410,19	31.660
5 members	5.173	110.455.708,71	25.865
6 members and more	4.802	116.131.570,56	28.812
IN TOTAL	77.711	1.070.042.599,28	176.819

Currency date: 11/19/2022

BASIS FOR PAYMENT: 10,385.00 din,

K&M	Number of families	Total amount	Persons in total
	5.139	89.684.738,31	16.079

Total	82.850	1.159.727.337,59	192.898
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SPECIAL CASH BENEFIT

For the month: 10.2022.

Number of users	Regular amount	Difference	Total amount
554	9.338.439,10	0,00	9.338.439,10

Date of processing: 10.11.2022. years

Currency date: 11/19/2022

Basis for payment: 16,884.94 dinars

K&M	8	135.079,20	0	135.079,20
TOTAL	562	9.473.518,30	0,00	9.473.518,30

RECOURSE OF COSTS OF STAY IN PRE-SCHOOL INSTITUTIONS FOR 10.2022.

Category of Beneficiary	Children	Amount
Children without parental care	74	276.651,97
Children with developmental disabilities and children with disabilities	536	1.688.363,82
Children of financial social assistance beneficiaries	1.100	2.887.573,26
IN TOTAL	1.710	4.852.589,05

ALLOWANCE FOR ASSISTANCE AND CARE OF ANOTHER PERSON			
For 10.2022			
Category	Individual amount	Number of beneficiaries	Total amount
Allowance for assistance and care according to Article 92 (code 1)	13.071,00	16.146	252.943.937,90
Increased allowance for assistance and care according to Article 94 (code 2)	35.254,00	16.179	617.597.344,30
The difference to the increased allowance for help and care for pensioners		17.239	272.352.034,78
total increased supplement 2+3		33.418	889.949.379,08
IN TOTAL		49.564	1.142.793.316,98
K&M		814	19.476.321,10
УКУПНО		50.378	1.162.269.638,08

e) Is there a length of residence requirement imposed on nationals of other States Parties lawfully resident in your country for eligibility to child/family benefits?

No, the length of stay is not imposed on citizens of other contracting states who legally reside in the Republic of Serbia as a condition in order to meet the criteria for child or family benefits.

The right to compensation for wages during maternity leave, leave from work for child care and leave from work for special child care and the right to other benefits based on the birth and care and special care of a child is related to the employment status of the applicant.

In accordance with the Law on Financial Support for Families with Children, the right to parental allowance, one-off assistance for the birth of the second and third child, funds for construction, participation in the purchase, i.e. the purchase of a family-residential building or apartment based on the birth of a child and child allowance is realized by the applicant who has citizenship of the Republic of Serbia and residence in the territory of the Republic of Serbia. This right also applies to foreign citizens who legally reside in the territory of the Republic of Serbia.

f) What measures have been taken to ensure that vulnerable families can meet their energy needs, in order to ensure their right to adequate housing (which includes access to essential services)?

The Government of the Republic of Serbia on December 8, 2022. adopted the new Decree on the energy vulnerable customer, which defined the categories of those citizens who exercise the right to a reduction in the monthly obligation to pay for electricity. For these purposes, the government provided funds in the amount of 1.3 billion dinars. for 2022 while the new regulation foresees three times more funds for these purposes, i.e. four billion dinars. The regulation improved the criteria so that as many citizens as possible could exercise the right to reduce their bills. The regulation covers the beneficiaries of the right to cash social assistance and child allowance, the right to an increased allowance for assistance and care of another person, as well as households with minimal income. The obligations of local self-governments to submit data on all energy vulnerable customers who can exercise this right to the energy supplier every month have also been determined. In addition to the right to reduce the monthly payment obligations for electricity and natural gas, it is possible for the first time to reduce the bill for thermal energy from 40% to 60% of the bill, depending on the number of household members. The upper limit of total household income has been raised, which will enable a greater number of households to benefit from reduced bills. The new regulation also provides that a rural household can acquire the status of a vulnerable buyer regardless of the area of the residential unit. Based on the state of health, the household acquires the status of an energy-endangered customer if a member of the household uses medical devices or devices necessary to maintain health, the operation of which requires power from the electrical distribution network, and whose life or health may be endangered by stopping the supply of electricity.

It is also important that the previous debt for electricity, natural gas or thermal energy does not exclude the possibility of acquiring the status of an energy vulnerable customer. All these changes made it possible for the 191,000 most vulnerable households to benefit from benefits instead of the previous 68,000 households.

The government also adopted the Regulation on limiting the price of basic foodstuffs.

The Budget Law for 2023. (adopted in December 2022) predicted a 14.3% increase in the minimum wage.

g) If specific temporary measures were taken to financially support vulnerable families during the Covid-19 pandemic, will they or are they expected to they been maintained or withdrawn? If they have been withdrawn, what effect is this expected to have on vulnerable families?

After the outbreak of the epidemic and the introduction of a state of emergency in the country (March - May 2020), social benefits were automatically extended to beneficiaries whose rights expired during the first wave of the crisis (including those within the framework of child protection). Some local governments awarded aid packages, and with the help of UNICEF, humanitarian aid was provided to a number of Roma settlements. During the state of emergency, several units of local self-governments approved the delayed payment of utility bills and gave up the initiation of forced collection during the state of emergency, and the Electric Power Company of Serbia announced that it would not charge interest on those

In order to help financially disadvantaged families, a cooperation agreement was concluded between the Red Cross of Serbia and the Ministry in 2020, which provided 50,500 family packages of food and hygiene for financially disadvantaged families on the territory of the Republic of Serbia, and this agreement also ensured the coverage of procurement and implementation costs program of soup kitchens – 10 food items for 80 soup kitchens for 34,355 beneficiaries in nine months.

At the beginning of May 2021. A new agreement was concluded with the Central Committee of Serbia, which ensured the supply of food items for soup kitchens and 50,500 food and hygiene packages, as well as the recovery of children aged 7 to 14, users of soup kitchens (802 children) in the resorts of the Central Committee in Serbia and Montenegro. In addition, the implementation of the "Package for a new-born baby" program for 2,000 new-born children during the Red Cross week was ensured.

Considering the economic situation and the need for the continuation of assistance through soup kitchen programs and for the distribution of humanitarian aid in the form of family food and hygiene packages to the most socially vulnerable families in Serbia (who are not beneficiaries of the soup kitchen program) and for the continuation of the recovery of the most vulnerable children in the seaside resort, The Red Cross will continue in 2022. addressed the Ministry of Labour, Employment, Veteran and Social Affairs with a request for help. Thus, a new cooperation agreement for 2022 was concluded. by which the Red Cross of Serbia transferred 546 million dinars from the republic's budget for these purposes. Recovery at sea is of particular importance for the health of children who use soup kitchens, whose poor living conditions affect the immunity and general health of these children. This year, the soup kitchen program included 39,912 users in 78 soup kitchens.

All adult citizens of the Republic of Serbia have received universal financial aid several times in order to mitigate the consequences of the COVID crisis (2020, 2021 and 2022). Pensioners and recipients of cash social assistance are granted this assistance automatically. Young

people were also included in these universal measures based on their application for assistance. The last payment of one-time aid to young people began in December 2022. in the amount of 5,000 din. The aid is universal and not subject to a means test.

The COVID crisis also brought to the surface the problem of unequal access and use of digital technology, especially among the elderly, who were therefore very often not only physically but also socially isolated from their families and friends. The Ministry responded by providing donor support to accommodation facilities in the procurement of technical equipment as well as training users to acquire digital skills. Some user training programs are still being prepared in cooperation with UNDP and UNFPA Serbia, as well as better Wi-Fi network coverage within institutions for user accommodation.

Questions of the European Committee for Social Rights

The report states that in the system of social and family protection and financial support to families with children, citizens' associations and associations representing families are always consulted when adopting strategies, action plans, laws, etc., either through a consultative procedure within working groups, through public debates that are mandatory when a law is to be enacted or by considering their proposals, initiatives, suggestions, etc. The Committee asks for concrete examples of such consultations in the next report.

We cite the following concrete examples:

- 1. Regarding the public debate on the proposal of the Strategy of Deinstitutionalization and Development of Community-Based Social Protection Services 2022-2026.** Forms with objections, opinions and suggestions on the Strategy Proposal were submitted to the relevant ministry within the stipulated time and included in the material from the public hearing, namely: National Organization of Persons with Disabilities of Serbia (NOOIS), SOS Children's Village Foundation Serbia, United Nations Team in the Republic Serbia, UNICEF, the Team for Social Inclusion and Poverty Reduction, and in a joint document they submitted principled and individual objections to the text of the Strategy Proposal of the Initiative for the Rights of Persons with Mental Disabilities MDRI-S, the FemPlatz Citizens' Association, People in Need, International help network I.A.N. International Aid Network, Association "Im Pravo" and Committee of Lawyers for Human Rights - YUCOM.
- 2. Members of the working group for drafting the Action Plan for the implementation of the Strategy of deinstitutionalization and development of community-based social protection services 2022-2026.** among others are (work on this AP is still in progress): Network of Organizations for Children of Serbia, National Organization of Persons with Disabilities, Union of Associations for Helping Mentally Underdeveloped Persons, Union of Associations of Serbia for Helping Persons with Autism, UN Committee on Human Rights with disabilities, the UN Human Rights Team in Serbia, the Initiative for the Rights of Persons with Mental Disabilities MDRI-S, the Humanitarian Organization Dečje srce and others.

3. During the drafting of the Law on the Rights of Users of Temporary Residential Services in Social Protection, following the published public hearing, the Ministry considered the comments prepared and submitted by: National Organization of Persons with Disabilities of Serbia - NOOIS, Team for Social Inclusion and Poverty Reduction of the Government of the Republic of Serbia, Organization SOS Children's Village Serbia, Initiative for the Rights of Persons with Mental Disabilities MDRI-S, Association of Citizens FemPlatz, People in Need, International Aid Network (I.A.N.), Association "Imam Pravo" and Committee of Lawyers for Human Rights - YUCOM, Professional service of the Permanent Conference of Cities and Municipalities - the Union of Cities and Municipalities of Serbia.
4. The public hearing on **the Proposed Strategy for the Prevention and Combating of Gender-Based Violence against Women and Domestic Violence for the period from 2021 to 2025** was held in the period from March 11 to 30, 2021 for representatives of: state authorities, public services, business entities, trade unions, employers' associations, citizens' associations, professional public and other interested participants. The text of the National Strategy Proposal has been posted on the website of the Ministry of Labour, Employment, Veteran and Social Affairs, www.minrzs.gov.rs and on the e-government portal, and the interested public is invited to submit their suggestions, proposals, initiatives and comments within the specified period. and thus contribute to the further improvement of prevention and protection of women from gender-based violence and domestic violence. Proposals, suggestions, initiatives and comments of interested parties could be submitted by e-mail to the address: socijalna.zastita@minrzs.gov.rs or in writing to the address of the Ministry, Nemanjina no. 22-24, Belgrade. A total of five subjects responded to the aforementioned invitation by submitting comments on the provided form. Five forms with objections, opinions and suggestions on the Strategy Proposal were submitted to the relevant ministry within the stipulated time and included in the material from the public discussion. Four were sent directly to the Ministry, while one was forwarded by the United Nations Agency for Gender Equality and Women's Empowerment. The comments were prepared and submitted by: the Republic Secretariat for Public Policy, UNICEF, the Citizens' Association "FemPlatz", in cooperation with the informal collective Women's Solidarity, the Autonomous Women's Centre and Coalitions of non-governmental organizations: the Autonomous Women's Centre, the Fund for Humanitarian Law, Women in Black, the Initiative youth for human rights.

The Committee took note previously of the rights and obligations of spouses in respect of their children and in cases of conflicts relating to children (Conclusions 2015). The Committee asked for information on the rights and duties within the couple and the legal arrangements to settle marital conflicts (Conclusions 2015). The report does not provide the requested information. The Committee reiterates its request for information on the rights and duties of spouses within the couple (reciprocal

responsibility, ownership, administration and use of property) and on the settlement of disputes between spouses (divorce).

The Committee asks whether families could settle their disputes through mediation, i.e. whether spouses can access a mediator in case of conflict, the cost and procedure of mediation and how mediation functions in practice. It reserves its position on this point.

Division of joint property of spouses

The division of joint property of the spouses is always done by a court decision and can be done during the marriage and after its termination (during the divorce).

The division of joint property of the spouses is the determination of the co-ownership or co-trustee share of each spouse in the joint property.

Who has the right to ask for the division of joint assets of the spouses?

1. Spouses;
2. Heirs of the deceased spouse;
3. Creditors of the spouse whose separate property could not settle the claim.

How is shared property divided?

The division of joint property can be carried out on the basis of an agreement on the division of joint property, which the spouses must draw up in the form of a notarial (solemnized) document. Also during the divorce, the court will issue a verdict based on the agreement of the spouses.

If the spouses cannot agree on the division of property, the court will determine it.

Rules for the division of common property

The family law establishes the assumption that the shares of the spouses in the common property are equal (less than 1/2), but each spouse can refute this assumption, that is, prove that his share is greater than the share of the other spouse.

When assessing the size of the share in the joint property of the spouses, the court takes into account: the amount of income, managing household chores, taking care of children, taking care of property, as well as all other circumstances that are important for maintaining or increasing the value of joint property.

How does the court divide property?

The spouse's share (larger, smaller or equal) is determined in the same proportion for all rights and obligations arising from joint property (the regime of joint property is transformed

into the regime of co-ownership). For example, the spouses will now be co-owners of ½ of the ideal share of the apartment.

The court will deviate from this method of division only in the case when a certain right (e.g. property) represents an economically independent entity and one of the spouses participated in the acquisition of that right with income from separate property.

Special rules for the division of joint property (division of privileged things)

When dividing certain things, a special rule applies that they are assigned to the exclusive property of one of the spouses. Those are:

1. Things for the spouse's personal use - they are awarded without taking into account his share in the joint property, if their value is not disproportionately large
2. Things intended for the child - are awarded to the spouse who exercises parental rights without being included in his share. If the exercise of parental rights is joint, then the property is also joint.
3. Things for carrying out a trade or occupation - with inclusion in the share, belong to the spouse who serves to perform his professional activity
4. Household items - belong to the spouse, with inclusion in his share, who had state property for a period of 3 years after the end of their joint life.

In the field of social protection, **the Rulebook on the organization, norms and standards of the work of centres for social work** in Article 4. (Public Powers) states that the Centre for Social Work, in the exercise of public powers, among other tasks, also carries out the procedure of mediation - mediation in family relations (reconciliation and settlement).

Mediation is regulated in detail by the **Law on Mediation** from 2014. The Ministry of Justice also maintains a register of all licensed mediators in the Republic of Serbia.

The Committee asks that the next report provide comprehensive and updated information on all points considered above, including relevant statistical data and

examples of case law/related convictions applied against perpetrators, data on the use of protection orders, as well as data on shelters and social centres for victims; the implementation of legislation/measures in the field and their impact in preventing and reducing domestic violence, including in the light of the above-mentioned GREVIO and CEDAW observations and recommendations. Meanwhile, the Committee reserves its position on this point.

The Ministry of Internal Affairs of the Republic of Serbia systematically approaches the problem of violence against women, domestic violence and partner relationships with special attention and plays a significant role in the institutional system of protecting victims from all forms of violence against women.

In the Ministry of Internal Affairs, the Directorate of Criminal Police, the Service for Suppression of Crime, the Department for the Prevention and Suppression of Domestic Violence was formed, which monitors and analyses the state and movement of committed criminal acts in the field of domestic violence in the territory of the Republic of Serbia.

The Republic of Serbia adopted the Law on Prevention of Domestic Violence. The main role of the Law is preventive and refers to the prevention of domestic violence, protection of victims and support of victims of violence. The law introduced a new approach to police work in terms of prevention and police reaction before the commission of a criminal offense and protection of victims, giving victims the opportunity to remain in their environment, while imposing restrictions on violent family members, (the police have the ability to temporarily prohibit the perpetrator of violence from approaching the victim and contacted her to temporarily remove the perpetrator from the apartment) which empowered the victims to report the violence.

The Criminal Code, the Criminal Procedure Code, the Civil Procedure Act, the Police Act, the Law on prevention of domestic violence, etc.

The competent police officers of the Ministry of Internal Affairs of the Republic of Serbia, the criminal police and the police of general jurisdiction are responsible for the implementation of the Law on Prevention of Domestic Violence. So far, in five training cycles, a total of 2,581 police officers have been trained for the implementation of the Law on Prevention of Domestic Violence. The training was carried out according to the plan and program of the Judicial Academy as provided by the Law on Prevention of Domestic Violence.

The Law on the Prevention of Domestic Violence promoted the coordinated cooperation of state bodies and institutions, by introducing the Group for Coordination and Cooperation, which consists of representatives of basic public prosecutor's offices, police administrations and centres for social work, from the areas for which the Group is formed, where cases of violence are considered which have not ended in court proceedings.

Prevention and suppression of domestic violence and violence against women is a priority activity of the MoI.

In the Operational Centre of the MoI of the Republic of Serbia, a telephone line 0800 100 600 has been opened, which is free and available 24 hours a day, to which incidents of domestic violence can be reported at the level of the entire Republic of Serbia. Events with elements of violence can also be reported to number 192.

Analysis of statistical data and comparison of time periods 01.01. - 30.11.2021 and 01.01.- 30.11.2022. year, it was observed that there was an increase in the number of reported events with elements of domestic violence by 2.16%, as well as an increase in the number of pronounced emergency measures by 7.35%. In the same period of time, a decrease in the number of criminal reports filed for committed criminal acts of domestic violence was observed by -2.35%, as well as a decrease in the number of persons deprived of life within the family and partner relationships by -9.76%.

Such statistical data show that there has been a raising of awareness and a restoration of citizens' trust in the police, as well as a timely and effective reaction of police officers upon reports of domestic violence in order to provide protection and support to victims of domestic violence.

Part of the MoI internet portal is dedicated to the prevention and suppression of domestic violence.

The Committee asks, whether in case of co-payment obligation of parents, there are rules concerning the threshold/maximum amount of the financial contribution of parents so that the childcare remains affordable to them.

The Committee asks what measures are taken to support single-parent families.

A single parent in the legal sense is a parent who takes care of a child alone because the other parent has passed away, is unknown, or has been deprived of parental rights by a court decision. Therefore, although it is a constitutional category that enjoys special protection, single parenthood is not precisely defined, not even by the systemic law that regulates family law issues, but depending on the rights that the parent wants to exercise, the concept of single parent is interpreted differently in each specific case.

In addition to the described, and not fully defined concept of single parenthood in the legal sense, there are also single parents in the factual sense, i.e. parents who take care of the child by themselves even though the other parent is alive and is not deprived of parental rights, but for factual reasons does not perform their parental duties. For example, a mother who is left alone to live with a child after a divorce, and the father for some reason ends contact with his ex-wife and child, is de facto a case of a single parent, although in the legal sense she cannot be classified in that category, not even in the broadest possible sense. interpretation of the applicable regulations.

Due to all of the above, a precise legal definition of single parenthood would represent the first step in the process of implementing the constitutional provision on the special protection of this population group. Nevertheless, we can state that a single parent can be considered a parent who, in a legal or factual sense, takes care of his children alone.

Legal protection

The Law on Prohibition of Discrimination, as a systemic law in this area, prohibits discrimination based on marital and family status, as well as gender. This law determines that every child has equal legal protection, regardless of his and his parents' personal characteristics. It is forbidden to discriminate against a child based on marital or illegitimate birth, as well as other social characteristics. On the other hand, the so-called "positive discrimination" is allowed, that is, the implementation of measures aimed at the special protection of women, pregnant women, mothers in labour, parents, minors and other vulnerable categories will not be considered discrimination.

In any case of discrimination, including discrimination based on single parenthood, the parent can file a lawsuit in court or turn to the Commissioner for the Protection of Equality, a special state body formed for the purpose of more effective implementation of the Law on Prohibition of Discrimination.

The Labour Law also prohibits discrimination based on gender, pregnancy, marital status and family obligations and provides for a special protection regime for pregnant women, nursing mothers, parents of children up to three years of age and single parents with a child up to 7 years of age. This is one of the rare cases, and the only one in the Labour Law itself, where a single parent is directly designated as the bearer of a certain right. That is why we will present in more detail what the special protection regime in labour law consists of for these socially vulnerable categories of employees, in a part that may be of importance for single parents.

Thus, one of the parents with a child up to three years of age can work overtime, i.e. at night, only with his written consent. A single parent who has a child up to seven years of age or a child who is severely disabled can work overtime, i.e. at night, only with their written consent.

The employer can redistribute the working hours of an employed woman during pregnancy and an employed parent with a child under three years of age or a child with a severe degree of psychophysical disability - only with the written consent of the employee. So there is protection against night work and redistribution of working hours.

The criterion for determining technological redundancy cannot be an employee's absence from work due to sick leave, pregnancy, maternity leave and absence from work to care for a child, which is, however, a more common case in the case of a single parent.

An employed woman has the right to leave from work due to pregnancy and childbirth, as well as leave from work to care for a child, for a total of 365 days. An employed woman has the right to start maternity leave based on the findings of the competent health authority at the earliest 45 days, and necessarily 28 days before the time set for childbirth. Maternity leave lasts until the completion of three months from the day of delivery, and after the expiration of maternity leave, the employee has the right to take leave from work to take care of the child until the expiration of 365 days from the day the maternity leave began. The child's father can use the said right in the case when the mother abandons the child, dies or

is prevented from using that right for other justified reasons (serving a prison sentence, serious illness, etc.), i.e. in cases where he becomes a single parent in a factual sense. The father of the child has this right even when the mother is not employed. Of course, during maternity leave and leave from work to take care of a child, an employed woman, or father of a child, has the right to compensation, in accordance with the law. An employed woman has the right to maternity leave and the right to leave from work to take care of a child for the third and each subsequent new-born child for a total duration of two years.

The Law on Financial Support for Families with Children prescribes a number of rights of parents in the field of social protection. A single parent is an explicitly mentioned category in this law that enjoys special protection, and the definition of a single parent is contained in the Rulebook on closer conditions and methods of exercising the right to financial support for families with children, which more precisely regulates the exercise of rights from the Law on Financial Support for Families with Children. This Rulebook states that, in addition to those parents who independently exercise their parental rights in accordance with the provisions of the Family Law (we have already mentioned the provision from the Family Law), a parent is also considered a single parent in a situation where the other parent has become completely and permanently incapable of earning a living, and is not acquired the right to a pension and when the other parent is serving military service or serving a prison sentence of at least 6 months. The same Rulebook also specifies that a parent who later founded a new marital or extramarital union is not considered a single parent.

The rights guaranteed by the Law on Financial Support for Families with Children are salary compensation during maternity leave, leave from work for child care and leave from work for special child care, parental allowance, child allowance, compensation for the costs of staying in preschool for children without parents care and for children with developmental disabilities, regressing the costs of staying in a preschool institution for children from materially disadvantaged families. Some of the aforementioned rights are particularly important for single-parent families.

Parental allowance is received by the mother for the first, second, third and fourth child, provided that she is a citizen of the Republic of Serbia and has a residence in the Republic of Serbia, as well as a mother who is a foreign citizen and has the status of a permanently resident alien, provided that the child was born in the territory Republic of Serbia. The right to parental allowance, if it meets the stated conditions, can also be exercised by the child's father, if the child's mother is a foreign citizen, is not alive, has abandoned the child, is deprived of parental rights, or is prevented from directly caring for the child for objective reasons - means in the situation when he becomes a single parent.

It should be noted that the right to parental allowance cannot be exercised if the new-born child of the mother for whom the application is submitted and her children in the previous order of birth have not been vaccinated in accordance with the regulations in the field of health care of the Republic of Serbia, which is checked once a year based on the data contained in in the immunization records. Parental allowance cannot be obtained if the parents live abroad at the time of submitting the application. Parental allowance cannot be obtained by a mother who is a foreign citizen if she has obtained the same or a similar right for the child for whom the application was submitted in the country of which she is a citizen.

Child allowance is paid by one of the parents who directly takes care of the child, who is a citizen of the Republic of Serbia and resides in the Republic of Serbia or a foreign citizen who has the status of a permanent resident in the Republic of Serbia for the first, second, third and fourth child in the order of birth in the family, from the date of the submitted request, under the prescribed census). Under the same conditions, the child's guardian has the right to child allowance. Children's allowance belongs to children who live and attend the program of preparation of the child before starting elementary school within the framework of preschool upbringing and education in the territory of the Republic of Serbia. Children's allowance belongs to a child if he has the status of a primary school student, that is, the status of a regular high school student until the end of high school education, and at the latest until he reaches the age of 20. The competent authority is obliged, in cooperation with the appropriate school, during the school year, at the end of each trimester, to check the regularity of attendance of the child for whom the right is exercised.

The law further defines a single-parent family, that is, it defines a family in which one parent exercises parental rights independently, provided that:

- 1) that the other parent is unknown;
- 2) that the other parent has died, and the right to a family pension has not been realized;
- 3) that the other parent has become completely and permanently unable to work, and has not acquired the right to a pension;
- 4) that the other parent has died, and the right to a family pension has been realized;
- 5) that the other parent is serving a prison sentence for more than six months;
- 6) that the other parent does not exercise parental rights according to the court's decision;
- 7) that the other parent does not contribute to the support of the child, and it was not possible to ensure the fulfilment of the maintenance obligation with existing and available legal means and procedures.

In the sense of this law, a family in which a parent who independently exercised parental rights, after the termination of a previous marital or extramarital union, established a new marital or extramarital union is not considered a single-parent family.

The law stipulates that the right to child allowance is realized if the total monthly income per family member does not exceed the census prescribed by the Minister in the Government responsible for social affairs, and for single-parent families that census is increased by 20%, or 30%, which puts them in a more favourable position in relation to other parents, as a form of positive discrimination.

The Law on Social Protection, on the basis of which every individual and family that needs support to overcome social and life difficulties realizes the right to social protection, foresees that the right to social assistance is increased for single-parent families in the amount of 20%

The family law, as a systemic law in this area, certainly has provisions that also concern single parents, and above all, it is about regulating the exercise of parental rights. By adequately exercising parental rights, the parent ensures the conditions for the realization of the child's rights and his proper development. When the parent does it in accordance with the law, the state has no right to interfere in family relations. If child care is neglected, the state activates its protection mechanisms. The Family Law also stipulates that any procedure related to family relations is urgent if it concerns a child and a parent who exercises parental rights - the procedure is carried out in a maximum of two hearings, which are scheduled in shorter terms than usual, the lawsuit is not delivered to the defendant on answer, the second-instance court is obliged to make a decision within 15 or 30 days when acting on an appeal.

According to the Law on Financial Support for Families with Children ("Official Gazette of RS", No. 113/2017, 50/2018, 46/2021 - US decision, 51/2021 - US decision, 53/2021 - US decision, 66/2021 and 130/2021) stipulates that children of pre-school age without parental care, children in foster families, children with developmental disabilities and disabilities, children of beneficiaries of financial social assistance have the right to reimbursement of the costs of staying in a pre-school institution, as well as children from financially disadvantaged families they have the right to regress the costs of their stay in a pre-school institution. The method and conditions for regressing the costs of staying in a pre-school institution are determined by the local self-government unit. Law on preschool education and education: 18/2010-48, 101/2017-8, 113/2017-276 (dr. law), 10/2019-3, 129/2021-15 defines the following: "For a stay in a preschool institution, i.e. to the school, the parent or other legal representative of the child of a foreign citizen pays the economic price per child, and the parent or other legal representative of the child without citizenship and citizenship seeker, exiled and displaced person, pays the price per child determined by the founder, in accordance with the law which regulates financial support for families with children. Children without parental care, children with developmental disabilities and children from materially disadvantaged families are exempted from payment obligations in full-day and half-day stays, in accordance with the regulations regulating financial support for families with children.

In the budget of the local self-government unit, funds are provided for: realization of preschool education and education activities (half-day and full-day care, nutrition, care and preventive protection of children of preschool age) in the amount of up to 80% of the economic price per child, including all funds for wages, allowances and other incomes, social contributions at the expense of the employer, severance pay, as well as assistance to employees in a preschool institution, expenditures for the preparatory preschool program except for those for which funds are provided in the budget of the Republic of Serbia. If there are not enough places for all children in pre-school institutions founded by the local self-government unit, co-financing of the inclusion of children in pre-school upbringing and education is carried out in accordance with the conditions prescribed by the local self-government unit, whereby parents pay 20% of the economic price in a private pre-school institution, while the municipality or city reimburses parents 80% of the economic price (based on the Decision of the City/Municipality).

Housing for families

The Committee previously deferred its conclusion and requested comprehensive information concerning access to adequate housing for families, including on

protection against eviction, in the light of the principles established in its case-law (Conclusions 2015).

The current report indicates that the right to accommodation and protection from eviction is regulated under the Housing and Maintenance of Apartment Buildings Law. This new law provides for different types of housing support, including a housing allowance intended for the poorest segments of society. The law also specifically regulates the conditions under which eviction is conducted, the eviction procedure and the available remedies for persons threatened by eviction. The Committee asks the next report to provide more detailed information on eviction procedures and available remedies (judicial remedies), as well as on whether the existing legal framework provides for:

- an obligation to consult the parties affected in order to find alternative solutions to eviction;
- an obligation to adopt measures to re-house or financially assist the persons evicted in case of eviction justified by the public interest;
- an obligation to fix a reasonable notice period before eviction (and the applicable notice period);
- accessibility to legal aid;
- compensation in case of illegal eviction;
- prohibition to carry out evictions at night or during winter.

Should the next report not provide the requested information there will be nothing to show that the situation is in conformity with the Charter on this point.

Law on Housing and Building Maintenance, Articles 78-87. prescribes the procedure of protection during forced displacement for persons who do not have a legally regulated status on the residential building they use, as well as on the land on which the building was built (completely illegal status). In the case of the necessity of evicting those persons, and in accordance with Article 79 of this law, the competent public authority is obliged to provide appropriate alternative accommodation, which must meet the following conditions:

- suitable location, in terms of access to basic communal infrastructure; affordability of housing;
- appropriate spatial conditions of the apartment (not less than 8 m² per usable living area of the apartment per member of the family household);
- appropriate conditions for equipment with basic electrical, plumbing and sanitary installations;
- satisfactory conditions from the point of view of safety and security, unfavourable climatic influences, etc.;
- physical accessibility of the facility in accordance with the regulation that regulates the unimpeded movement and access of persons with disabilities, children and the elderly;
- appreciation of the cultural appropriateness of housing.

Since the people who are evicted live in very poor and unsafe conditions, they generally agree to be relocated to accommodation that meets these conditions.

The body of the local self-government unit responsible for property legal issues provides accommodation in accordance with the aforementioned legal provision. For the purposes of relocation to appropriate accommodation, the competent authority of the local self-government unit makes individual decisions for each household, which represents an act that is kept in the appropriate records of the local self-government unit.

The decision on the necessity of eviction is an act that is published in the official gazette, while individual decisions on relocation are not published publicly and are kept only in the records of the competent authority.

On the basis of the Law on Housing and Building Maintenance, several by-laws and regulations have been adopted that are harmonized with international treaties on human rights, in terms of appropriate housing and protection during forced evictions.

Additionally, the Action Plan for the implementation of Chapter 23 in the "Judiciary and fundamental rights" section provides activity 3.6.2.32 - "Development of manuals and guidelines on the procedures of competent authorities for the relocation of informal settlements, with special emphasis on the role and obligations of local self-government".

As part of this obligation, in May 2022, the Ministry of Construction, Transport and Infrastructure developed Guidelines for protection against/during forced evictions caused by development activities in accordance with the Law on Housing and Building Maintenance, which indicate the key regulations that are applied during necessary and justified displacements caused by development, which in addition to the Law on Housing and Building Maintenance, also the Law on Planning and Construction and corresponding by-laws, spatial and urban plans, as well as the Law on Expropriation.

PRACTICE

Displacement from informal settlements is carried out in compliance with the highest international human rights standards. The Law on Housing prescribes when, how and under what conditions the eviction procedure is carried out, legal protection in that procedure, as well as the possibility of moving to a suitable accommodation, if they do not own another real estate for housing or the means to provide another accommodation.

Good examples of the application of the Law in the part related to protection from/during evictions due to development already exist in the Republic of Serbia, such as the displacement for the construction of the Y branch of the railway in Smederevo, the displacement of an informal settlement for the purpose of the construction of a sanitary landfill in Vinča, the displacement of two informal settlements (Rakovica village and Viaduct) due to the construction of the route of the international highway E-75 and the like.

In all cases of displacement, the City of Belgrade consulted with the displaced population before the displacement. All affected persons, groups and communities have the right to give prior full and informed consent to relocation. None of the residents suffered damage in terms of their human rights, nor was their right to continuous improvement of living conditions violated. All displaced families were entitled to compensation for the loss, collection and transportation of their property affected by the eviction. No displacement of informal settlements has resulted in an individual or family becoming homeless.

Displaced residents are provided with access to education (enrolment in schools and kindergartens, transportation to school, free textbooks, additional classes in the settlement),

and all costs for the aforementioned are borne by the city of Belgrade. In order to improve the overall quality of life in the newly formed settlements, administrative, commercial services, social protection services (financial social assistance, one-time assistance, free meals for all socially vulnerable citizens, presence of social services, etc.), personal documents, public transport, waste removal, maintenance of settlements and their surroundings (disinsection, disinfection, pest control), arrangement of settlements (installation of children's playgrounds, arrangement of green areas). A certain number of jobs were offered to able-bodied tenants in social housing and newly formed settlements - both in municipal utility companies and in private companies. Motivational workshops were also organized for them, where they received practical advice for employment, the opportunity to finish elementary school, vocational training, courses, etc.

The Assembly of the City of Belgrade adopted the Strategy for Social Inclusion of Roma and Romani Women in the territory of the City of Belgrade for the period from 2022 to 2032.

Although the legislative framework in the area of housing has been significantly improved by the adoption of the Law on Housing and Building Maintenance, according to the Protector of Citizens, special support to local governments is necessary in the area of housing and the provision of guidelines for the preparation of documents and procedures during the displacement of Roma settlements.

The Protector of Citizens concluded that the displacement and care of the residents of the Viadukt settlement was completed in January 2021 with respect for their human rights and respect for the demands they made. In May 2021, the Protector of Citizens monitored the displacement of residents from the suburban settlement Rakovica selo, which is located on the site where the construction of the international highway E-75 is planned. The Protector of Citizens mediated until the end of the displacement of citizens living in this settlement and supervised the work of competent authorities, so that the guaranteed rights of the citizens living there were fully realized and their demands met.

The Republic of Serbia takes care of 196,140 internally displaced persons who had to leave their homes in Kosovo and Metohija seeking safety and protection from persecution, guided by the UN Guiding Principles on Internal Displacement. Unfortunately, even after more than 20 years of persecution, no permanent solutions have been found for these persons that would be in accordance with the Framework for Permanent Solutions for Internally Displaced Persons (IDPs), primarily due to the inability to achieve a sustainable return, nor to achieve free access his property. According to records, 10% of IDPs are Roma.

The Committee accordingly asks the next report to provide detailed figures on the overall availability of social housing (demand and supply), as well as information on the implementation of the new housing strategy for the next reference period. In the meantime, it reserves its position on this issue.

While taking note of the measures adopted and described in the current report, the Committee asks the next report to continue to provide information on the measures taken to improve the housing conditions of Roma families, including on the achievements and results of the Action Plan of the National Strategy for Social Inclusion of Roma (2016-2025) during the next reference period and the procedural guarantees applied to eviction from settlements. It also wishes to be provided with

statistics on the number of informal settlements, forced evictions and social housing units available for Roma. In the meantime, it reserves its position on this point.

The national social housing strategy was adopted in February 2012, for a period of 10 years, which means that its formal legal validity has expired. The national social housing strategy was implemented to the greatest extent in the goals related to the improvement of Roma housing, through projects that were mostly financed with IPA funds, and partly with the funds of the Republic of Serbia and local self-government units. The key obstacle to a more successful implementation of the strategy is insufficient capacity for the implementation of housing policy, so the new National Housing Strategy, which is currently in the proposal stage, refers to the strengthening of institutional capacities for housing at all levels.

The National Housing Strategy is a key strategic document of the housing policy of the Republic of Serbia, which is adopted for a period of 10 years and which, compared to the previous strategy, expands the focus to all categories of the population, not only social vulnerable, as well as aspects related to the maintenance of buildings, the regulation of informal housing construction, as well as the capacity to deal with housing policy, and not only the acquisition of new housing units.

Bearing in mind the numerous problems of the housing sector in Serbia, and above all the marked imbalance in the distribution of the housing stock, which is reflected in almost 20% of uninhabited apartments on the one hand and at least around 350,000 households in need of housing on the other hand, as well as the fact that solving the housing the need is financially and time very demanding, it is clear that in the period of implementation of the Strategy in the next 10 years it is not possible to completely solve these accumulated problems, so special goals and measures are defined in such a way that they are realistic and achievable in the expected period.

At the beginning of 2022, the public hearing on the Draft Strategy and all relevant documents, as well as the results of the public hearing, can be seen on the following website of the Ministry of Construction, Transport and Infrastructure: <https://www.mgsi.gov.rs/cir/aktuelnosti/javne-rasprave> .

Referring to the issues facing Roma population in Serbia, it is necessary to point out the problems caused by the internal displacement of Roma from the territory of Kosovo and Metohija in 1999, i.e. after the NATO intervention, as well as the fact that the majority of the Roma population, even after 23 years, it cannot return to its centuries-old hearths. Namely, the Study "Roma Settlements, Living Conditions and the Possibility of Roma Integration in Serbia" provides data on 46,238 Roma internally displaced persons (hereinafter: IDPs) from Kosovo and Metohija (hereinafter: KiM;). Another source for confirming this data is the document "Analysis of the position of IDPs from Kosovo in Serbia", which states the data of about 22,000 IDPs of Roma, Ashkali and Egyptians expelled from Kosovo and Metohija, who found refuge in other parts of Serbia, and it is estimated that that number is twice as high, i.e. from 40,000-50. 000. The data on the number of Roma IDPs from Kosovo and Metohija in other parts of Serbia are indicated by the results of the 2011 Census in which 147,604 Roma were enumerated, while only 108,193 Roma were enumerated in the 2002 Census, when IDPs were not were included. The difference between those two censuses indicates a large increase in the Roma population, of almost 50% in 9 years, which cannot be an increase based only on natural population growth, but this

difference indicates an increase due to mechanical increase - migration, that is, in the aforementioned case, internal displacement.

Although the Republic of Serbia is making efforts to solve the problems of the most socially vulnerable IDPs, Roma from Kosovo and Metohija, who still live in substandard settlements, and bearing in mind that there are at least 7,000-8,000 households without any or minimal income, it is clear that solving their housing needs is an extremely demanding problem. In addition to this population, for which housing care would require at least 200 million euros, not counting the costs of rent and communal services in the phase of using the allocated residential accommodation, as well as the necessary measures of social integration, there are numerous other housing-at-risk categories of the population in the Republic of Serbia that also need housing support.

Regarding the implementation of public housing policy measures, in the period 2019-2022. year, through three projects financed by EU funds (IPA 2013, IPA 2014 and IPA 2016), the following public support activities for Roma housing were implemented:

- - 35 LGUs (preparation of budget operational plans, action plans for Roma inclusion, formation of mobile teams, etc.) where more than 53,000 Roma live were involved in activities to strengthen capacities for these improvements in Roma housing.
- - activities on the spatial regulation of existing settlements where Roma live for the purposes of legalization, as well as new locations for resettlement, included the preparation of 47 planning documents for around 8,000 Roma beneficiaries;
- - activities on the preparation of technical documentation for the needs of building the missing infrastructure in existing settlements or for the needs of resettlement included the preparation of 121 sets of technical documentation for the coverage of about 5,000 Roma users, including about 340 Roma households that will be provided with appropriate housing solution;
- - 185 housing solutions for around 750 Roma beneficiaries were provided through the activities of construction and renovation of housing facilities;
- - through the "European Union Support for Social Housing and Active Inclusion" project, which is financed with IPA 2018 funds, planning and technical documentation was prepared for the acquisition of housing units for socially vulnerable categories of the population, including a large number of Roma households;
- - activities of analysis of the situation were carried out and a study was prepared with recommendations for the legalization of buildings in existing Roma settlements in 23 LGUs, within which a methodology was developed for accelerating the process of legalization of residential buildings of the Roma population;
- - through legalization support activities, 2,153 requests for legalization of residential buildings were submitted (individually or through the public administration) and free legal assistance was provided to resolve property legal issues for 247 Roma households for legalization purposes.
- - The project "Support of the European Union for social housing and active inclusion" is ongoing, which is financed with the funds of IPA 2018 and with significant participation of local self-government funds, and which is implemented by NOPS. Through the project, apartments are acquired to meet the housing needs of vulnerable categories of the population. Activities were started in 19 local self-government units in the Republic of Serbia (Čačak, Ljubovija, Svilajnac, Topola, Pančevo, Loznica, Šabac, Kula, Vrnjačka Banja, Žagubica, Raška, Koceljeva, Vladičin Han, Sombor,

Pirot, Bujanovac, Opovo, Valjevo, Žabalj) on the acquisition of 379 housing units, through construction (175), purchase (97) and reconstruction (107). Of this number, 228 housing units are intended for the Roma population, while 151 housing units are intended for other vulnerable categories (persons with disabilities, victims of domestic violence, young people leaving institutions and the local socially vulnerable population).

As regards internally displaced persons (IDPs), the Committee previously (Conclusions 2015) asked for information on the outcome of a programme aimed at providing permanent housing solutions for families living in collective centres. However, the current report does not provide any information on this issue. It notes from the 2016 report of the United Nations Special Rapporteur on adequate housing as a component of the right to an adequate standard of living that in 2015, there were still 10 collective centres left in Serbia, with 722 persons. The Committee therefore asks the next report to provide information on these centres and the housing situation of the families who lived there.

For more than twenty years, the Republic of Serbia has been taking care of internally displaced persons who had to leave their homes in Kosovo and Metohija seeking safety and protection from persecution, guided by the UN Guiding Principles on Internal Displacement. Unfortunately, even after more than 20 years of persecution, no permanent solutions have been found for these persons that would be in accordance with the Framework for Permanent Solutions for IDPs, primarily due to the inability to achieve a sustainable return, nor to achieve free access to their property, and in in December 2022, 196,140 internally displaced persons were still registered in the Republic of Serbia.

In accordance with the Strategy for resolving the issue of refugees and internally displaced persons, the planned closure of all collective centres where more than 22,000 refugees and internally displaced persons were accommodated was started. The condition for closing the collective centres was the provision of adequate permanent housing solutions for the persons housed in them.

On the territory of the Republic of Serbia (outside the Republic of Kosovo), there is only one centre for which adequate housing solutions have not yet been provided, in the municipality of Bujanovac, where 69 people reside. In order to close this centre, the municipality of Bujanovac, on whose territory the centre is located, provided land for the construction of apartments, and the funds for the construction were provided with the help of the Commissariat for Refugees and Migration and UNHCR from various donors. After the users of the centre have been moved to apartments, the centre will be closed.

The Committee notes that several international and Council of Europe bodies have expressed concerns about the inadequate reception capacities for refugees and asylum seekers from outside the Balkans arriving in or transiting through Serbia notably during the refugee crisis (United Nations Committee on Economic, Social and Cultural Rights, *ibid.*, § 14; United Nations Human Rights Committee, *Concluding observations on the third periodic report of Serbia*, 23 March 2017, § 32; Special

Representative of the Secretary General of the Council of Europe on migration and refugees, Report on the fact-finding mission to Serbia and two transit zones in Hungary, 12-16 June 2017). In this connection, it also refers to its Statement of Interpretation on the rights of refugees under the Charter (Conclusions 2015). The Committee asks for information in the next report on the accommodation conditions and housing situation of refugee families.

For many years, the Republic of Serbia has been under great migratory pressure as a transit country. Even though Serbia is not the destination of migrants, the vast majority of whom are in an irregular situation on its territory, great efforts are being made to provide adequate assistance to migrants during their stay in the Republic of Serbia, providing appropriate reception, accommodation, health care, education, assistance with food and medicine. , as well as all information about the asylum procedure, regardless of migratory status (accommodation is provided both to asylum seekers and persons in an irregular situation).

The Commissariat for Refugees and Migration ensures the reception and care of migrants and asylum seekers in 7 asylum and 12 reception centres throughout the country. The total accommodation capacity is 6,000 places, with the possibility of increasing it by using facilities intended for shorter stay in case of need (additional 30%). All centres are open type. Most of the capacities meet the acceptance standards defined by the Guide on the conditions of accommodation of the European Asylum Agency, while in the case of hiring reserve capacities for a shorter stay, compliance with the humanitarian SFERA standards is mandatory. Through constant monitoring, indicators of accommodation quality are monitored in cooperation with UNHCR and are publicly available (Profiles of centres: http://www.kirs.gov.rs/wb-page.php?kat_id=206).

In addition to housing standards, special attention is paid to translation, unrestricted access to the Internet, provision of information relevant to access to rights, especially the right to asylum, and training for staff employed in the centres. Free Serbian language learning workshops are held regularly and are available to all accommodated persons, regardless of their legal status. Also, in some centres, depending on interest, free English language workshops are available for all accommodated persons. UNHCR and IOM have an unlimited presence in the centres. Legal assistance is also provided by various international and non-governmental organizations. In each centre there is a space designated for prayer and religious service. In order to provide psychological support and social involvement, numerous workshops are organized with various artistic and creative activities: painting, pottery, making wooden objects, photography, sewing and the like. In accordance with possibilities, educational trainings are also organized for car mechanics, cooks, hairdressers, tailors and other professions, for which certificates are obtained.

Special facilities are intended for accommodation of single adults, special for unaccompanied minors and special for families. Respect for family unity is mandatory. Special care is taken of unaccompanied minors. The appointment of a guardian for an unaccompanied minor is mandatory by the centre for social work, which is present in all centres. All children born in transit are registered in the birth register.

Health care is provided, including a mandatory examination upon admission to the centres. Special care is given to mothers and babies, children and reproductive health. Regular immunization of all children was established. Depending on the number of persons housed in the centre and the distance from the primary health care facility, health care is provided in the centre itself or in the nearest health facility. Mental health protection and psychological support is provided by psychologists present in all centres in accordance with the Guidelines for the Protection and Improvement of Mental Health of Refugees, Asylum Seekers and Migrants in the Republic of Serbia, which were developed in cooperation with the World Health Organization. The Working Group for the Protection and Improvement of Mental Health of Refugees, Asylum Seekers and Migrants was formed to improve mental health protection and met as needed and worked intensively on solving acute and complicated psychoses among people housed in centres. As an example of good practice, it is necessary to point out that the Republic of Serbia is the first country in Europe that included in the vaccination plan and began to vaccinate irregular migrants and asylum seekers in asylum and reception centres.

In accordance with the national legislation and respecting the principle of the best interest of the child, all minor migrants, regardless of their legal status, have access to education. The agreement between the Commissariat for Refugees and Migration and the Ministry of Education established the procedure for enrolling children in the regular system of education and upbringing (immediately or at the latest within one month from the moment of admission to the centre).

Persons who have submitted an application for asylum and which has been positively resolved, are provided with support during their integration into society. The integration program in the Republic of Serbia lasts one year. As part of integration, the Commissariat for Refugees and Migration ensures the development of an individual integration plan, accommodation if needed, lessons in Serbian language and writing, as well as lessons on Serbian culture, history and constitutional arrangements, as well as other measures provided for in the Regulation on Integration.

For a person who has been granted asylum, accommodation is provided according to the possibilities of the Republic of Serbia, no longer than one year from the finality of the decision by which he was granted the right to asylum. Depending on the amount of income per family member, the Commissariat provides assistance up to the amount of the minimum wage determined per employee in the Republic of Serbia for the previous month. The Commissariat provides the financial assistance needed for the temporary accommodation of a person in a location that the person independently chooses. Financial support is also provided in case of special health needs or for children with the aim of inclusion in the school system. The Commissariat signed a memorandum of cooperation with the UNHCR and the National Employment Service in order to facilitate the inclusion of persons with international protection in the labour market.

Article 17

The right of children and young persons to social, legal and economic protection

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

1.

a) to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;

b) to protect children and young persons against negligence, violence or exploitation;

c) to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support.

Please provide information on measures taken by the State to:

a) reduce statelessness (e.g., ensuring that every stateless migrant child is identified, simplifying procedures to ensure the acquisition of nationality, and taking measures to identify those children who were not registered at birth) and facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular situation.

Minor migrants

The Ministry of Labour, Employment, Veteran and Social Affairs issued, first in 2015 and then with changes in 2018, an **Instruction for the actions of centres for social work and institutions for the accommodation of beneficiaries for ensuring the protection and accommodation of unaccompanied minor migrants**. The goal of the Instruction was comprehensive, timely, equal and legal treatment of centres and accommodation institutions. Through the Instruction, institutions are given the duty to provide measures of family legal protection - guardianship and accommodation services, in accordance with the principle of protecting the rights of migrants, respecting to the greatest extent possible the specificity of their needs and interests, and respecting the confirmed international treaties and rules of international law.

The UNICEF in Serbia supported the efforts of the Republic of Serbia, through projects with centres for social work, in strengthening the capacity of centres for social work in applying social protection measures to families with children and minor refugees and unaccompanied migrants in the territory of Serbia. UNICEF organized several trainings for social workers and workers of other state bodies (CRM) who are in direct contact with migrant children.

The Ministry of Labour, Employment, Veteran and Social Affairs, in cooperation with several governmental and non-governmental organizations operating in the territory of the Republic of Serbia, organized seminars, workshops and trainings for experts within the social protection system, for the Republic Commissariat for Refugees and Migration, for

organizations of the Red Cross of Serbia, volunteers in domestic and foreign NGOs on handling identification and organizing support for minor migrants. With these trainings, workshops, seminars, the participants on the "**Balkan route**" route through Serbia were trained.

Within the framework of the infrastructure of the social protection system, three organizational units for temporary stay-accommodation accommodation of minor foreigners unaccompanied by a responsible adult were formed, at the **Institute for the Education of Children and Youth in Belgrade** and Niš and the **Centre for the Protection of Infants, Children and Youth in Belgrade**. The accommodation capacity of these work units is a total of 25 places in Belgrade and 15 in Niš. The centres keep records of the number of received beneficiaries, their gender, age, country of origin. Admission and registry books are kept; personal files are created.

Since the beginning of the migrant crisis, the social protection system of Serbia has provided support to tens of thousands of beneficiaries, with thousands of different interventions and provided accommodation in social protection institutions for slightly more than 1,000 minors without parental or guardian's company. *The standard operating procedures and professional guardianship model* in 2019 were recognized by the Council of Europe as an example of good practice in the protection of children in the context of migration.

Serbia is one of the first countries in the world to include the migrant population in the immunization program. During the smallpox epidemic, there were no recorded cases of the disease among migrants, and for almost the entire year of 2020, there were no migrants infected with the coronavirus.

Registration of children whose parents do not have personal ID documents

At the end of 2020, the **Instruction for cases of the birth of a child whose parents do not have personal documents was adopted in order to enable registration in the birth register**. This instruction was issued by the Ministry of Public Administration and Local Self-Government, Ministry of Health, Ministry of Labour, Employment, Veteran and Social Affairs, and Ministry of Interior. The Instruction directs the manner of action of authorized persons of health care institutions, registrars, police officers, as well as officers in centres for social work, in cases of the birth of a child whose parents do not have personal documents, with the aim of enabling the registration of the child in the birth register. The instruction is based on the principles of the best interest of the child, urgency and mutual cooperation of all participants. One of its goals is to determine the identity of the mother before discharge from the health care institution where the child was born, as well as to solve a possible generational problem (wider identification and solution of the problem - not only realizing the right of the child to be entered in the birth register, but also of the mother if legally invisible, and at the same time determining whether the mother has other children who are not registered in the birth register, in order to identify and solve those cases as well).

The results of MISC - 6 research from 2019 (UNICEF) showed that 99% of children under the age of five from Roma settlements were registered in the birth register.

In accordance with the second Memorandum of Understanding between the Ministry of Public Administration and Local Self-Government, Protector of Citizens, and United Nations High Commissioner for Refugees - Representation in Serbia, signed on 3 October 2019, in order to continue cooperation regarding the problems of members of the Roma national minority in realizing the right to be entered in the birth register, as well as other rights related to their personal status, with special reference to new-born children, and in order to prevent the risk of statelessness, an Operational Group was established, with the task of proposing the measures and activities necessary to solve these issues, reviewing the achieved results and monitoring the implementation and coordination of the undertaken activities, in whose work representatives of the Directorate for Administrative Affairs participate.

On 16 December 2020, the Ministry of Public Administration and Local Self-Government, Ministry of Health, Ministry of Labour, Employment, Veteran and Social Affairs, and this Ministry issued an Instruction for cases of the birth of a child whose parents do not have personal documents in order to enable registration in the birth register. The Instruction directs the manner of action of authorized persons of health care institutions, registrars, police officers, as well as officers in centres for social work, in cases of the birth of a child whose parents do not have personal ID documents, with the aim of enabling the registration of the child in the birth register.

In this regard, from April 2021 to December 2022, several round tables were held on the topic of the importance of mutual coordination of participants in the process of registration in the birth register, with an emphasis on cases of a birth of a child whose mother does not have personal documents. The round tables were attended by police officers, registrars and deputy registrars, employees in centres for social work, administrative workers in health care institutions, and lawyers engaged in free legal aid services.

On 10 February 2022, the third Agreement of Understanding was signed between the Ministry of Public Administration and Local Self-Government, Protector of Citizens, and United Nations High Commissioner for Refugees - Representation in Serbia, in order to continue cooperation in solving the remaining cases in which members of the Roma national minority did not exercise their right to be entered into the birth register, as well as other rights related to their personal status, with a special focus on the registration of new-born children in this official record, in order to prevent the risk of statelessness. The focus is on individual cases in which the competent authorities involved in solving the problem of legally invisible persons take part.

Given that citizenship is one of the basic human rights, the national legislation of the Republic of Serbia, respecting the general principles of international law when enacting regulations governing the field of citizenship, pays special attention to the principles aimed at preventing and reducing statelessness, giving the possibility of acquiring citizenship on various legal grounds.

In this sense, the Republic of Serbia is a signatory of the 1954 Convention relating to the Status of Stateless Persons, with the basic task of identifying and protecting stateless persons, as well as the 1961 Convention on the Reduction of Statelessness, which concerns the avoidance of statelessness.

The first mechanism of protection against statelessness is found precisely in the Constitution of the Republic of Serbia, where Article 38, paragraph 2 states that a citizen of the Republic of Serbia cannot be expelled, nor deprived of citizenship or the right to change it. Also, in paragraph 3 of the same article, it is stated that a child born in the Republic of Serbia has the right to the citizenship of the Republic of Serbia, if the conditions to acquire the citizenship of another country are not met.

This constitutional provision was translated into Article 13 of the Law on Citizenship of the Republic of Serbia ("Official Gazette of the Republic of Serbia" No. 135/2004, 90/2007 and 24/2018) that a child born or found in the territory of the Republic of Serbia (foundling) shall acquire the citizenship of the Republic of Serbia by birth if both parents are unknown or of unknown nationality or stateless, or if the child is stateless. A child who has acquired the citizenship of the Republic of Serbia on the basis of this article is considered a citizen of the Republic of Serbia from birth.

The provisions of the Law on the Citizenship of the Republic of Serbia are harmonized with the general standards of international law, which provide a wide possibility of acquiring the citizenship of the Republic of Serbia on various legal grounds (origin, a person residing in the territory of the Republic of Serbia, refugees, emigrants, re-acquisition of citizenship by persons who previously released their citizenship of the Republic of Serbia, etc.), and not only is the possibility of a person remaining stateless excluded, but it is also possible to have dual or multiple citizenships.

In addition, the Law on Citizenship of the Republic of Serbia gives the possibility of an easier, direct entry into the records of births and citizens of the Republic of Serbia of children born abroad, who are citizens of the Republic of Serbia by origin, regardless of whether they can acquire citizenship in accordance with the national legislation of the country of birth.

The Institute of Guarantee is an important mechanism of protection against statelessness and appears in the procedures for receiving and terminating the citizenship of the Republic of Serbia.

Also, the Law on Citizenship of the Republic of Serbia stipulates that a person who has been released from citizenship but has not acquired foreign citizenship within one year from the date of adoption of the decision, and if that person remains stateless, the Ministry of Interior, upon written request of that person, cancels the decision on the release, and the situation of the person remaining stateless was avoided. Article 45 of the same law in paragraph 2 stipulates that the decision on the acquisition and termination of citizenship of the Republic of Serbia in cases of acquisition or termination of citizenship of the Republic

of Serbia contrary to the regulations on citizenship, on the basis of a false or falsified document or statement, etc., cannot be annulled by the competent authority if the person would remain stateless.

Please provide information on measures taken to:

b) child poverty (including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing etc.)

The Serbian Government is committed to solving the relatively high rate of poverty in the country and to promoting social inclusion. According to the latest data, the poverty risk rate in 2021 was 21.2 percent - 0.5 percentage points lower than in 2020. At the same time, the social exclusion rate reached 28.5 percent - 1.3 percentage points lower than in 2020 (Statistical Office of the Republic of Serbia, 2022). In recent years, the share of children who are poor and socially excluded in Serbia has slightly decreased, but financial social assistance to the poor is still low compared to EU countries.

Ensuring the minimum financial security of the family, as one of the conditions for improving the quality of childcare, supporting the well-being and overall development of children, especially younger ones, and especially children living under unfavourable socio-economic circumstances, is realized by the social protection system through cash social benefits, parental allowance, child allowance and a number of other measures and rights prescribed by the Law on Social Protection and Law on Financial Support for Families with Children.

Article 79 of the Law on Social Protection ("Official Gazette of the RS", No. 24/2011) prescribes the types of material support. The beneficiary can obtain material support through cash social assistance, allowance for assistance and care of another person, increased allowance for assistance and care of another person, special cash compensation, assistance for training for work, one-time financial assistance, assistance in kind and other types of material support. The Law on Social Protection stipulates that the right to cash social assistance belongs to an individual, or a family, who, through their work, income from property or other sources, earn an income lower than the amount of cash social assistance determined by the Law on Social Protection. The Law stipulates that the base for determining cash social assistance is harmonized with the consumer price index in the previous six months, based on statistical data, twice a year, on April 1 and October 1.

In addition, various local benefits also contribute to ensuring the standard of living for vulnerable population groups (utility bill reduction, status of vulnerable customer of energy products, free textbooks, student scholarships, free kindergarten, free meals in the soup kitchen, transportation costs for students, free snacks at school, free health care, one-time benefits in money and in kind and other types of assistance that may vary in local self-government units). Local benefits are important for poverty alleviation given the insufficiency of benefits at the national level. To all this should be added a significant number of rights that are granted on the basis of the *Law on Financial Support for Families with Children*.

The Ministry of Labour, Employment, Veteran and Social Affairs is working on amendments to the Law on Social Protection and will certainly take into account the results and recommendations of various researches and studies that provide recommendations for improving the adequacy of benefits at the national level. The work thus far on the draft of this law goes in the direction of prescribing more favourable general and special conditions for realizing the right to cash social assistance, which will enable greater inclusion of beneficiaries with the right to CSA, while on the other hand, work will also be done on improving the adequacy of benefits for the poor, in the direction of increasing the weighting for children and especially for children with disabilities, in accordance with the possibilities of the defined budget for social protection.

Specific support for single-parent families is achieved through the use of several rights and services at the national and local level, such as: the right to increased cash social assistance, the right to child allowance under more favourable conditions, one-off material benefits, free or refunded use of services in day care centres for children with developmental disabilities, subsidies for the payment of electricity, subsidies for the payment of communal services, public transport services, etc. The guardianship authority also has the possibility of providing support through advisory work and psychosocial support. Support for a single parent is also possible through the imposition of measures of preventive and corrective supervision over the exercise of parental rights in relation to the other parent who does not fulfil his/her obligation to support the child, as well as by initiating court proceedings to exercise the child's right to support from the parent who does not fulfil this obligation.

The Law on the Fundamentals of the Education System (*"Official Gazette of the RS"*, No. 88/17, 88/17, 27/18, 10/19, 6/20 and 129/21), Article 189, paragraph 2, stipulates that funds for obtaining additional support for the child and student in accordance with the opinion of the Interdepartmental Commission, except for those for whom funds are provided in the budget of the Republic of Serbia, are provided in the budget of local self-government units. The same article stipulates that funds are allocated in the budget of the local self-government unit for the transportation, accommodation and nutrition of children and students with mental and physical disabilities and their companions, regardless of the distance of the place of residence from the school. Forms of support in the field of education are budgeted, planned and implemented by the Ministry of Education, namely:

- Development and implementation of IEP
- Work of resource centres
- Adjustment of taking final exams
- Additional support for children and students in preschool institutions, primary and secondary schools
- Providing free standard and adapted textbooks
- The work of pedagogical assistants for working with children and students with disabilities and their training
- Consultants-external associates for inclusive education, education in the languages of national minorities and protection from violence and discrimination
- Implementation of affirmative measures for enrolment in secondary school
- Developing mechanisms of prevention and protection against discrimination, etc.

According to the national report on inclusive education in the Republic of Serbia in the period from 2019 to 2021, in order to achieve the availability and accessibility of education for children who need additional support on account of their disabilities, interdepartmental commissions propose the following support measures most often:

- providing transportation,
- expenses for food,
- didactic resources in accessible formats,
- assistive technologies,
- adaptation of the physical environment,
- alternative means of communication,
- educational support in case of prolonged absence from school,
- overcoming language barriers.

With the aim of strengthening the principles of fairness, quality and facilitating access to the education system for children and students from vulnerable social groups, the Ministry continuously implements a number of support measures.

The Government of the Republic of Serbia made a decision on the proposal of the Ministry of Family Care and Demography to continue financing subsidies for mothers for the purchase of their first real estate in 2023.

This is a Decision on the amount of funds for exercising the right to funds for construction, participation in the purchase, or purchase of a family-residential building or apartment based on the birth of a child in 2023.

The maximum amount of funds that can be approved for these purposes is, as before, EUR 20,000.

The right to funds for construction, participation in the purchase, or purchase of a house or apartment based on the birth of a child in 2023, can be exercised for the construction of a house in local self-government units that have been determined as devastated areas, in the amount of 50 percent of the value of the works, as well as for house construction in other local self-government units - in the amount of 20 percent of the value of the works.

Moreover, this right can be exercised for the purchase of a house or apartment - in the amount of 20 percent of the value of the real estate assessed by the competent tax authority, and at most in the amount of 20 percent of the purchase price determined by the preliminary agreement on the sale of real estate, as well as for participation in the purchase of a house or apartment through a housing loan - in the amount of 20 percent of the estimated value of the real estate on the basis of which the loan is granted, and at most in the amount of 20 percent of the purchase price determined by the preliminary agreement on the sale of real estate.

Support measures for students from Roma national minority

The results of continuous support measures are: increasing the inclusion of children and students in education, increasing the number of students from vulnerable groups who continue in secondary education. The Ministry of Education pays special attention to support

measures for children and students of the Roma national minority, such as affirmative enrolment in preschool, then enrolment in primary school even without documents, then measures of affirmative action for enrolment in secondary schools - so far a total of 16,287 students have been enrolled (of whom 55% are girls), in the 2022/23 school year, 3,860 students were enrolled in secondary schools through the affirmative measure. The effects of support measures on improving the education of Roma students at all education of level: 7.4% of Roma children up to the age of 5 attend preschool (51m, 49f); - 80% attend the preparatory preschool program (PPP) (52m, 48f) - an increase of 20%; - 85.4% of Roma children enrol in primary school (49% m, 51% female), of whom 80.8% attended PPP - an increase of 15%; - The gross rate of enrolment in the 8th grade of primary school is 62%, while the rate of completion of primary school is 64%; - Drop-out was reduced by 7%; - The rate of transition to secondary school for Roma students is 52.6%, while the rate of finishing secondary school is 61% - an increase of 20%; - 27% of Roma girls in secondary school - an increase of 12%. An average of 2,600 to 3,000 students in primary schools attend the elective program *Romani language with elements of national culture*. In the Pedagogical Institute of Vojvodina, another training for teachers of this elective program "Teaching methodology for the elective program Romani language with elements of national culture" was accredited (2022). The system includes 60 engaged teachers of the *Romani language with elements of national culture*. Scholarships as a measure of support for Roma education - for the last 7 school years, a total of 6,533 scholarships were awarded to Roma students, of whom 65% were girls. A total of 1213 scholarships were awarded in 2020-21. In the 2021/2022 school year, 1114 scholarships were approved for secondary school students in the Republic of Serbia, who are members of the Roma national minority, and are paid from the budget of the MoESTD. Mentoring support is a significant incentive to stay in the system, 150 mentors have been hired. The Roma Education Fund with the Ministry continues to work on improving this area. Pedagogical assistant (PA) as a support measure - In accordance with the new Rulebook on pedagogical and andragogical assistants ("Official Gazette of the RS", No. 87/2019), which regulates the job description, vocational training/education, additional knowledge/exams/work experience of pedagogical assistants, for the school year 2021/22, 21 new PAs were hired, and for the school year 2022/23, in the spirit of continuing to expand the network of pedagogical assistants, another 12 new PAs were hired. Currently, in the education system (financed from the local and republic level), the following are engaged and paid from the republic or local budgets: 215 in primary schools, 7 in secondary schools, 32 PAs in preschool institutions. "Training for pedagogical assistants for children and students of Roma nationality who need additional support in education" was implemented with 260 PAs, and it was launched with the aim of strengthening the competences of pedagogical assistants, defined by the Rulebook on pedagogical assistants and andragogical assistants as one of the conditions for their hire, the training is accredited by the decision of the Minister of Education, Science and Technological Development. The training is available on the National Education Platform and is also open to new PAs. The affirmative measure for enrolment in higher education institutions dates back to 2003/2004, a total of 1743 students have been enrolled so far (51% are girls). Out of 733 students enrolled under the affirmative measure for the last 5 academic years, the average is 146 students per year. Students belonging to the Roma national minority (and students with disabilities) are ranked separately when awarding student scholarships and loans using milder criteria in accordance with affirmative measures in the field of education, from the second year of study, if they did not lose a year during their studies, regardless of the average grade and ECTS points. In the academic year 2021/22, 9 student loans and 90 student scholarships were awarded. The

number of student scholarships is determined according to the available funds in the budget of the Republic of Serbia for the corresponding year.

Measures to prevent dropping out of the education system. In the new Strategy for the Development of Education in the Republic of Serbia until 2030, the prevention of dropping out of the education system is recognized as one of the priority areas of action in ensuring quality education for all, which also defines measures to prevent children and students dropping out of school. Schools apply a system for early identification and response in order to prevent dropping out of the educational system, according to a protocol designed at the local level to prevent dropping out of education, which connects the school with the centre for social work, interdepartmental commissions, health care centres, judges, local self-governments and other relevant mechanisms and local partners (Roma coordinators, pedagogical assistants, health care mediators). With the Institute for Education Quality and Evaluation, the Instruction for the prevention of early school leaving was created with recommendations and proposals for measures to prevent dropouts. In the last three years (2019-2021), 43 professional development programs for teachers related to the prevention of dropping out of education were accredited. 309 trainings were held, which included 7983 participants. Also, 123 trainings from the list of trainings of public interest were carried out and attended by 3030 participants. During 2020-2022, 650 educators from 60 preschool institutions, primary and secondary schools throughout Serbia underwent training on recognizing and undertaking recommended activities and measures related to discrimination in the educational environment.

Free textbooks program as a support measure - Bearing in mind the importance of the availability of education for all, the Ministry continuously provides free textbooks for each school year, which provide additional support to students from socially/materially disadvantaged families. The project "Procurement of teaching aids for students and institutions" is intended for primary school students, namely students from socially/materially disadvantaged families (recipients of cash social assistance), students with disabilities who attend primary school education according to individual education plan, and students who do not attend according to an individual educational plan, but need adaptation (enlarged font, Braille, electronic format), as well as primary school students who are the third or every subsequent child in the education system.

The following are data on the overall number of free textbooks per school year:

2019/20 - 925,201 textbooks (standard + adapted);

2020/21 - 785,241 textbooks (standard + adapted);

2021/22 - 758,866 textbooks (standard + adapted);

2022/23 - 764,315 textbooks (standard + adapted).

Consultants-external associates - With the aim of improving the availability and quality of education, the Ministry made additional efforts for the school year 2021/22 in hiring more consultants-external associates for subjects, groups and areas of subjects and professional affairs. Thus, a total of 37 were hired for inclusive education. Training is underway to strengthen the competencies of consultants-external associates.

In support of non-formal education and programs that are important for the development of education, the Ministry of Education annually announces public competitions for associations in the field of education. In the last five years, more than 200 civil society

organizations have been supported, and around EUR 70,000 of budget funds were allocated. For 2022, 4 programs were supported to improve the education of the Roma community.

According to the Law on Health Care and Law on Health Insurance, all children have the right to equal and free access to all health care services.

Regarding the issue of child poverty, in the Law on Health Insurance ("Official Gazette of RS", No. 25/19) children are insured as family members as a priority. However, a person who does not meet the criteria to be insured as a family member, in accordance with Article 16 of the Law, is considered insured within the meaning of this Law, namely children up to the age of 18, and school children and higher education students until the end of their prescribed education, and no later than the age of 26.

c) combat discrimination and promote equal opportunities for children from particularly vulnerable groups such as ethnic minorities, Roma children, children with disabilities, and children in care.

The principle of prohibition of discrimination is a general principle, which is prescribed by the Constitution of the Republic of Serbia.

The Law on Social Protection ("Official Gazette of the RS", No. 24/11) provides for the prohibition of discrimination against beneficiaries of social protection on the basis of race, gender/sex, age, nationality, social origin, sexual orientation, religion, political, trade union or other affiliation, property/assets, culture, language, disability, nature of social exclusion, or other personal characteristics (Article 25).

The Rulebook on organization, norms and work standards of the centre for social work ("Official Gazette of the RS", No. 59/08, 37/10, 39/11 and 01/12), prescribes respect for human rights and dignity of beneficiaries (Article 6) as well as protection against discrimination (Article 7). Namely, the centre for social work is obliged to represent the interests and rights of beneficiaries and to ensure equal access to the services for which it is responsible for all citizens, regardless of ethnic, cultural, religious, gender or socio-economic differences, disability and sexual orientation.

Employees in social protection are obliged to consistently apply the aforementioned regulations and thus ensure protection against discrimination in this area. Behaviour contrary to the stated provisions would result in the loss of the work license.

The social protection system is also dedicated to active training of its personnel in terms of acquiring knowledge on recognizing discrimination and on the measures that professional workers in social protection institutions can take in cases of discrimination against beneficiaries on different grounds. So far, several training programs have been accredited that focus on respect for human rights, anti-discrimination, as well as on abuse and neglect,

and through which professional workers are educated to recognize and react in such situations. In this way, the level of professionals' awareness of the presence of discrimination in society is raised and their competences are improved for the implementation of the activities and measures available to them in the protection of beneficiaries.

Towards the end of 2021, the **Law on Temporary Social Care Residents** was adopted ("Official Gazette of the RS", No. 126/2021) which in Part **II PRICIPLES**, defines in Article 5 the **non-discrimination principle with respect to the residents**: "Exercising of the residents' rights shall be made possible without discrimination based on race, skin colour, ancestry, national or ethnic origin, sex, gender, gender identity, sexual orientation, sexual characteristics, language, citizenship, national affiliation, religious, political or other belief, education, legal or social status, birth, genetic characteristics, marital and family status, property/assets, age, appearance, membership in political, trade union and other organizations, physical or mental disability, mental disorders, other medical conditions, convictions or any other personal characteristic".

All violence and discrimination is prohibited in educational institutions in accordance with Articles 111 and 112 of the Law on the Fundamentals of the Education System ("Official Gazette of the RS", No. 88/2017, 27/2018 - other law, 10/ 2019, 6/2020 and 129/2021). The Ministry of Education pays special attention to the prevention of discrimination in the education system. Legal regulations are continuously being improved in this area, more intensively since 2016, when the Rulebook on closer criteria for recognizing forms of discrimination by an employee, child, student or third party in an educational institution was first adopted. - <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/ministarstva/pravilnik/2016/22/1/reg>, and then in 2018, the Rulebook on the actions of the institution in case of suspected or identified discriminatory behaviour and insult to the reputation, honour or dignity of a person - <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/ministarstva/pravilnik/2018/65/2/reg>.

Both rulebooks regulate very precisely the procedures of educational institutions in situations of suspected or identified discriminatory behaviour between students, students and employees, between employees, parents and other adults. It is prescribed that the institution intervenes in cases of suspected or identified insults to the reputation, honour or dignity of a person and discriminatory behaviour based on racist, sexist, homophobic, xenophobic, Islamophobic, anti-Semitic, antigypsyism or other forms of discriminatory behaviour. The rulebook introduces a number of concepts - homophobia and transphobia, gender equality, repeated discrimination. The rulebook also provides examples of severe forms of discrimination - e.g. posting/writing homophobic, sexist messages, calling for violence against members of the LGBTI population via social media (homophobia).

Every educational institution is obliged to have a Team for Protection against Discrimination, Violence, Abuse and Neglect established and an annual discrimination prevention program drawn up, in addition to an annual program for protection against violence, abuse and neglect. The role of the Protection Team is to implement preventive activities defined by the annual discrimination prevention program, but also to intervene in situations of suspicion or knowledge of discriminatory behaviour.

The Ministry, in cooperation with its partners, implemented a number of projects and programs within which **various resources for schools were prepared**, which are specifically related to the prevention of discrimination.

The following published publications **related to the prevention of discrimination** can be found on the Ministry's website -<https://mpn.gov.rs/kategorija/publikacije/>:

- Brochure for parents with the aim of improving the capacity of educational institutions to prevent and deal with discrimination;
- Guidebook for preventing and responding to discrimination for employees in educational institutions - Guidebook for employees in educational institutions and Guidebook for parents;
- “Reference framework of competences for democratic culture”;
- “Towards a safe and stimulating school environment”;
- “Teaching competences for democratic culture through online teaching”;
- “Competences for democratic culture - Living together as equals in culturally diverse democratic societies”;
- “Competences for democratic culture - Living together as equals in culturally diverse democratic societies”;
- “Kindergarten as a safe and stimulating environment for children's learning and development”.

In cooperation with the Ministry of Education and the Center for Interactive Pedagogy, with the support of the Pestalozzi Children's Foundation, a Guide for preventing segregation in educational institutions and taking measures for desegregation was developed, which is available at the link: <https://prosveta.gov.rs/vesti/vodic-za-sprecavanje-segregacije-u-ustanovama-obrazovanja-i-vaspitanja-i-preduzimanje-mera-za-desegregaciju/?highlight=%22%D1%81%D0%B5%D0%B3%D1%80%D0%B5%D0%B3%22> and is an activity that completes the resources in education for the implementation of legislation that achieves fair and non-discriminatory education and society as a whole.

The accredited programs of the Institute for the Improvement of Education intended for teacher training also cover this area. One of the priority areas is (P1) Application of an inclusive and democratic approach in upbringing and education in order to ensure quality education for all (individualization and differentiation, prevention of dropping out of education, provision of additional educational support for students from vulnerable groups, including support for the transition of students to the next level of education, work with gifted students) as well as (P5) Strengthening the educational role of the institution/school in the direction of the development of intercultural education, the formation of values necessary for life and work in modern society. In the Catalogue of programs for continuous professional development of teachers, educators and professional associates for the school years 2018/2019, 2019/2020 and 2020/2021, there are 35 programs aimed at improving the capacity of teachers and other professional associates to act in the field of protection against gender-based violence and discrimination. There are 7 accredited programs in the area of improving competences for civic values. The accredited program/seminar "All Our Identities" should be mentioned particularly. Thus far, the seminar has had 7 implementations attended by 140 participants, of whom 12 men and 128 women who are Civic Education teachers, form teachers, subject teachers of social studies in primary and secondary schools. The goal of the program: Including a gender perspective in primary education by directly engaging teachers, through empowering them to introduce

interventions into teaching content, as well as through changing attitudes about gender roles and gender relations, for the further development of a fair and sustainable society. – Intersectionality, how gender identity intersects with others. A total of 315 trainings were held in this area, involving 8,608 participants.

In the new Catalogue of programs of continuous professional development of teachers, educators and professional associates for the school years 2021/2022, 2022/2023 and 2023/2024, available at: <https://zuov-katalog.rs/>, the following were accredited: 9 programs with the theme of interculturality, 4 programs of gender equality, the topic of discrimination is represented by 7 programs, and learning about the Holocaust by 6 programs. In the field of education in the languages of national minorities, we have a total of 58 programs in the languages of national minorities (IIE's Catalogue and Pedagogical Institute of Vojvodina). More details in Annex 1 - List of IIE's accredited programs for 2022.

All teaching and learning processes in all subjects in schools should lead to the development of general competences in order to reach the goals that society has set for the education system. General competences are developed through all subjects and all subjects contribute even when the direct connection is not visible at first glance. They are applied in different situations and contexts, and when solving different problems. They are necessary for all students for their personal fulfilment, development and employment, and form the basis for lifelong learning. In the education system of the Republic of Serbia, the following general and cross-curricular competencies are prescribed as the most relevant for the adequate preparation of students for active participation in society and lifelong learning (digital competence, aesthetic competence, learning how to learn, communication, responsible attitude towards the environment, responsible participation in democratic society, entrepreneurship and orientation towards entrepreneurship, data and information handling, problem solving, cooperation, responsible attitude towards one's health). These cross-curricular competences are not opposed to the contents of teaching subjects and programs, but represent a further step in the understanding of the material and the application of what has been learned, and the responsibility for their development is borne by all teachers and teaching subjects.

By introducing a new educational paradigm, a national framework of education is being built, which is the basis for the development of all teaching and learning programs that includes objectives, standards, competences, outcomes, mission and vision of education. The curriculum is outcome-oriented and should ensure the development of cross-curricular competences, one of which is *Responsible participation in a democratic society* - in outcomes related to respect for human rights and freedoms.

Within other teaching subjects, outcomes related to respect for gender equality, diversity and inter-cultural dialogue are introduced. Respect for democratic procedures, responsible, humane and tolerant behaviour in society, sensitivity to social injustice, cooperation and teamwork are some of the outcomes associated with human rights, which are found in teaching and learning programs. In addition to the mandatory elective subject *Civic Education*, new elective programs have been introduced for secondary schools: Individual, group and society, Language, media and culture, Health and sport, Education for sustainable development, Art and design, Applied sciences, Fundamentals of geopolitics, Economy and business, Religions and civilizations. Three manuals are available to teachers, which were

created on the basis of the reformed programs for Civic Education and are oriented towards achieving outcomes and developing competences. The theme of tolerance, respect for diversity, gender and any other equality of rights is present in these programs for all three cycles of education and are part of the mentioned manuals. However, it is most represented in the second cycle, specifically in the Civic Education program for the 8th grade of the primary school, because it is estimated that at that age, at the end of primary education, the most work should be done with students in the field of acquiring knowledge, developing skills and developing attitudes that relate to this important social topic. The area of tolerance, respect for diversity and gender equality is addressed through several thematic units and from different aspects. The teacher receives basic information about these topics, about the correct use of terms that are important in this field (tolerance, diversity, discrimination, sex, gender, gender roles, sexism...), then information about gender and stereotypes and prejudices on the national and on a racial basis, then on gender discrimination and discrimination based on national and ethnic affiliation, and how to react to them. There are also topics in the field of gender-based violence against women and related phenomena, peer violence, as well as information on institutionalized mechanisms for ensuring gender and any other equality, then on regulations that regulate the prohibition of discrimination in Serbia, on the Convention on the Elimination of All Forms of Discrimination against Women, as well as information on the regulations governing the school's response in cases of discrimination and gender-based and any other violence. Added to that are interesting texts about how the media shape gender and other stereotypes, which are the most common myths and facts about gender-based violence, then about the phenomenon of bullying, the results of research about young people's attitudes towards violence in general, especially gender roles and gender-based violence, and a list of the most common signs of violence. Based on this material, teachers are expected to improve their competences for working with students on this sensitive topic, taking care not to hurt anyone's feelings, and that is why drama workshops, role-playing, case studies, and activities are recommended as the best techniques for work. Improving the quality of education contributes to encouraging democratic culture in the formal education system by applying an anti-discriminatory approach based on the implementation of the Council of Europe's Reference Framework of Competences for Democratic Culture. The Reference Framework of twenty competences for a democratic culture improves the quality of education, creates a safe and interesting school environment, simultaneously strengthening the competences of education employees to eliminate violent, discriminatory and anti-democratic structures in the school and the school environment, improving the ethos in the school and providing support to students. These school activities significantly contribute to the promotion of a multicultural, multilingual and intercultural perspective in education. With the aim of supporting changes in education policies at the systemic level, a set of materials was created in this area, such as the Handbook with examples of good practice in the application of competences, Developing competences for democratic culture in the digital age, Teaching competences for democratic culture through online teaching, as well as Guidelines for teachers, such as "Guidelines for the integration of the reference framework of competences for democratic culture" in schools. Through the aforementioned activities, students are encouraged to be aware of the importance of gender equality, students become aware of their prejudices and stereotypes, and these topics are addressed through the classes of the form teacher, civic education teacher and other curricular and extracurricular activities. Furthermore, activities were carried out in schools on the topic of horizontal teaching of teachers about gender equality within the framework of strengthening the Competence of valuing human dignity and human rights.

In 2021, the Ministry of Education, in cooperation with the UNFPA (United Nations Population Fund) team and their health care consultants, as well as the Institute for the Improvement of Education, prepared and implemented an online training program to empower employees in education to develop a responsible attitude towards health, preserve health and safety of students for professional associates from every school in Serbia, with 1800 professional associates from all primary and secondary schools in Serbia who during the 2022/23 school year, through presentations, workshop work and preparations for classes and extracurricular activities, developed their cross-curricular competence Responsible attitude towards health among our primary and secondary school students. As part of health education, the following topics were covered: prevention and recognition of sexual and gender-based violence, personal hygiene, mental health, reproductive health, prevention of risky behaviours (alcoholism, drug addiction, cigarettes), link: <https://zuov.gov.rs/zdravlje/>.

The Ministry of Human and Minority Rights and Social Dialogue was a partner in the project “Inclusion of Roma and other marginalized groups in Serbia” of the German Agency for International Cooperation (GIZ), within the framework of which the campaign “Get to Know, Don't Judge” was implemented in the period 2020-2022, which focused on the promotion of non-discrimination against Roma in the youth population, and one of the elements of the campaign were peer workshops between secondary school-age children of Roma and non-Roma nationality. In 2021, the Ministry of Human and Minority Rights and Social Dialogue supported the project “Intercultural classroom - on antigypsyism, segregation and stereotypes”.

During the reference reporting period, five social conversations (dialogues) were held through which the policy of equal opportunities for children from particularly vulnerable groups was promoted.

1. Social dialogue (conversation) on social protection

The binding actions resulting from the social dialogue on the social protection system in the Republic of Serbia held on 10 June 2021 are the result of the joint work of civil society organizations, representatives of the competent Ministry of Labour, Employment, Veteran and Social Affairs and Ministry of Family Care and Demography.

With the aforementioned document, among other things, the Ministry of Labour, Employment, Veteran and Social Affairs accepted the obligation to include civil sector organizations in the process of drafting the Social Protection Strategy and social protection policy in order to improve the text of the Strategy. This Strategy will be based on the revision of the existing system of social protection from the aspect of the Revised European Social Charter, European Convention on Human Rights, and International Covenant on Economic, Social and Cultural Rights, as well as on the constitutional guarantees of human rights in the Republic of Serbia.

All competent ministries will carry out an analysis in order to determine the reasons for the continuous reduction in the number of children receiving child allowance, and harmonization of the child allowance policy, which would improve this system, increase its adequacy in the medium term, including children of higher birth order and children from special vulnerable groups and continue work on improving coordination in the field of social protection.

2. Social dialogue (conversation) “Bilingual Female STEM Scientists”

As part of the celebration of the World Day for Cultural Diversity for Dialogue and Development, on **25 May 2021**, the Ministry of Human and Minority Rights and Social Dialogue organized a dialogue on the topic “Bilingual Female STEM Scientists”, where a project implemented by the Citizens' Association “ruSTEM” from Ruski Krstur was presented, supported by the Ministry of Education, Science and Technological Development of the Government of the Republic of Serbia.

The content of this project is intended for girls between the ages of 14 and 18 who come from bilingual backgrounds, that is, attend secondary school in the languages of national minorities in Serbia. The authors of the works within the project are young scientists who come from bilingual environments, and are successful in the fields of physics, mathematics, chemistry, architecture, technology and medicine. By their example, young scientists prove that diversity contributes to the wealth of all humanity. Openness, curiosity, the ability to respect diversity and enjoy its values are the foundations of the moral, intellectual and economic progress of any society.

3. Social dialogue (conversation) related to the Proposal of the Education Development Strategy in the Republic of Serbia until 2030 – education of national minorities

The participants of the thematic social dialogue regarding the Proposal for the Strategy of Development of Education in the Republic of Serbia until 2030 - education of national minorities, held on 15 March 2021, determined that the Ministry of Education, Science and Technological Development and the Ministry of Human and Minority Rights and Social Dialogue, bearing in mind the importance of the new strategic document and the commitment of the Serbian Government to ensure quality education is accessible to all under equal conditions, have the obligation to take into consideration all proposals, opinions and suggestions presented during the dialogue in order to improve the text of the Strategy Proposal.

4. Social dialogue (conversation) “Social Inclusion of Roma and Other Vulnerable Groups in Serbia 2019 – 2022”

During the reporting period, a thematic social dialogue regarding the results of providing additional support in the education of children from vulnerable groups, which were achieved during the implementation of the project “Social inclusion of Roma and Other Vulnerable Groups in Serbia 2019-2022”, was held on 20 May 2022 in Palace of Serbia in Belgrade. The mentioned project is supported by the Swiss organization HEKS/EPER, and it is implemented by the Ecumenical Humanitarian Organization Novi Sad in partnership with

local institutions in Serbia. An important part of the project activities aims to contribute to the successful implementation of intercultural education in selected schools, as well as to provide support in working with children and youth from socially disadvantaged families.

The aim of the social dialogue is to present one of the practical models of providing innovative social and educational services, which was developed during the COVID-19 pandemic. At this social dialogue, special emphasis was given to the results of work during the past two school years, the problems faced by socially disadvantaged families when it comes to their education and the presentation of practical ways to overcome them. The participation of a large number of representatives of public administration bodies, local self-government units and the non-governmental sector, especially children and young people in the role of tutors of volunteer peers who want to support inclusion, involved in the project activities, contributed to a meaningful and creative exchange of opinions and attitudes, which will serve to improve the education process of children who are at risk of social exclusion and leaving the education system.

5. Social dialogue (conversation) “Dialogue on promotion of inclusive policy – support to students with disabilities”

The Ministry of Human and Minority Rights and Social Dialogue, in cooperation with the Association of Students with Disabilities, organized the **“Dialogue on promotion of inclusive policy – support to students with disabilities”** in Belgrade.

The meeting discussed the problems of students with disabilities at all education levels, and exchanged opinions on improving their rights in the field of education, with the aim of improving the living conditions of people with disabilities at all ages. During the meeting, it was pointed out that education is the best form of a society's fight against poverty, social exclusion and prejudice, and investing in and constantly improving the education system is a sure way to the economic and social progress of the state and society. In the end, community support in education leads to the construction of a society based on equal opportunities and equality of rights of all citizens, non-discrimination and respect for human rights regardless of differences.

The dialogue participants agreed that inclusive education is an inseparable part of the educational system of the country. For people with disabilities, who are at greater risk of poverty and social exclusion, due to the difficult position they are in, a well-developed inclusive education system, which is precisely based on equal accessibility for all, is a very important factor of support and development.

The dialogue ended with an act representing the agreement on the actions of all participants of the event.

The Government's Strategy for Prevention and Protection of Children from Violence 2020-2023 applies to all children, without discrimination, that is, regardless of family status, ethnic origin, gender/sex, language, religion, nationality and other personal characteristics. The

Strategy also defines structural violence, which includes violence that is rooted in social structures that are characterized by inequalities, manifestations of this type of violence can range from unequal opportunities for upbringing and education, the right to health care, employment, to racial inequalities, hunger and poverty, as the consequence of economic violence, gender inequality, inadequate legal solutions.

The General Protocol for the protection of children from violence, adopted by the Government in February 2022, contains the principle of non-discrimination, i.e. it applies to all children regardless of any personal characteristics of the child or a member of the child's family.

d) States should also make clear the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

According to the **Law on Social Protection**, children have the right to participate and freely express their opinions in all procedures in which their rights are decided.

Children's participation is one of the leading principles that guide the state and its bodies when deciding on children's rights. Children's opinions are always taken into account when adopting documents that directly relate to children.

Children very often participate in the sessions of the Council for the Rights of the Child of the Government of the Republic of Serbia, and their views and observations are taken into account when making decisions and conclusions of this Government body.

The **NADEL** children's line, which has been operating for several years, has developed, in addition to the counselling telephone line for children and young people, an anonymous and confidential **online service for correspondence or "chatting"** with expert counsellors and psychologists, given that there are children who find it easier and more comfortable to express their thoughts and feelings in writing. Owing to the support of UNICEF in Serbia, the new service is available on the website www.116111.rs and platform "Sve je OK" and is intended for children, teenagers, young people and parents (since May 2016, a parenting support service is available to parents - **Counselling phone for parents** - "parent line" with a free call to the number 0800 007 000, available 4-10 pm). The "parent line" is intended for parents, educators, grandparents, relatives of the child, neighbours or teachers who need to talk to someone about the well-being of a particular child. The mission of the NADEL service is to provide an anonymous, confidential and free counselling session to every child and young person who calls. In its 16 years of existence, the line received more than a million calls and conducted over 54,000 counselling sessions with children and young people.

As part of the celebration of the 30th anniversary of the adoption of the Convention on the Rights of the Child in 2019, when the Children's Week was traditionally celebrated in the Republic of Serbia (the first week of October) under the motto "Let every child enjoy every right easily", a public debate was held "Children's rights in Serbia 30 years after the adoption of the Convention on the Rights of the Child". The representatives of the institutions

presented the state of children's rights in the Republic of Serbia and discussed and exchanged experiences with those present about the implementation of children's rights in Serbia, as well as the planned steps for improvement in this area. Children activists had the opportunity to ask questions and express their opinions and views. The recommendations from this meeting were shared with the public and competent institutions.

The Law on Financial Support for Families with Children prescribes the rights to:

1) wage or salary compensation during maternity leave, absence from work for the purpose of child care or special child care

(the right was exercised by **52,295** beneficiaries in October 2022, and the paid funds amounted to RSD **3,980,365,234.78**)

2) other compensations based on the birth of a child and child care/special child care (the right was exercised by **4,801** in October 2022, and the paid funds amounted to RSD **69,267,312.27**)

3) parental allowance as of 1 July 2022 for:

the first child is RSD **321,900.00** and paid one time

the second child is RSD **285,544.04** and paid in 24 equal monthly instalments of RSD **11,897.67**

the third child is RSD **1,713,264.24** and paid in 120 equal monthly instalments of RSD **14,277.20**

the fourth child is RSD **2,569,896.36** and paid in 120 equal monthly instalments of RSD **21,415.80**

In October 2022, **90,900** beneficiaries were entitled to parental allowance, and the funds paid amounted to RSD **2,312,019,725.99**

In addition to the one-time amount of the parental allowance for the first child and the first instalment of the parental allowance for the second, third and fourth child, a lump sum for the purchase of equipment for the child was paid in the amount of RSD **5,948.84**.

3a) funds for construction, participation in the purchase, or purchase of a family-residential building or apartment based on the birth of a child;

So far, funds have been paid to 27 beneficiaries in the RSD equivalent of EUR 349,503.87.

3b) one-time assistance for the birth of the second and third child - a new right that can be exercised for the second and third child born on 1 January 2022 and later in the amount of RSD **100,000** and is paid with the first instalment of the parental allowance for the second and third child. As of 1 July 2022, the adjusted amount of this right with the consumer price index, in the previous six months, amounts to RSD **107,300.00** (the number of beneficiaries and funds are expressed in the parental allowance).

4) the right to child allowance was exercised by **109,328** beneficiaries in October 2022, and the funds paid amounted to RSD **839,826,585.21**

5) compensation of expenses of preschool attendance for children without parental care – the right was exercised by **74 children** in October 2022, and the funds paid amounted to RSD **276,651.97**

6) compensation of expenses of preschool attendance for children with disabilities - the right was exercised by **536 children** in October 2022, and the funds paid amounted to RSD **1,688,363.82**

7) compensation of expenses of preschool attendance for children of cash social assistance beneficiaries - the right was exercised by **1,100 children** in October 2022, and the funds paid amounted to RSD **2,887,573.26**

Rights from 1) to 7) are rights of general interest and their provision is the responsibility of the Republic of Serbia.

Funds in the amount of RSD 64,818,788,000 were allocated in the budget for the financing of rights at the national level in 2022, and through the rebalancing of the budget, the amount of RSD 80,143,788,000.

e) Please provide information on any measures adopted to protect and assist children in crisis situations and emergencies.

After the outbreak of the COVID crisis and especially after the outbreak of the war in Ukraine, the social protection system in the Republic of Serbia, in order to react as efficiently as possible in emergency situations when the material standard of a large number of people is threatened, decided to introduce a provision in the Draft Amendments to the Law on Social Protection which will enable the social protection system to react in cases of crisis and emergency situations when there is a national risk and the need to provide support to a larger number of people in order to protect their material standard. The change would refer either to the vertical expansion of financial benefits with a means test for existing beneficiaries or to the horizontal expansion through the temporary suspension of the criteria that allow access to a certain right, for the duration of the crisis.

The Ministry was also part of the project jointly implemented by the UN agencies: UNICEF, UNHCR and UNFPA in the course of 2022 entitled "Extending Social Protection in Serbia through Enhanced Shock-Responsive Policy". The project focused on:

- Availability of timely and reliable data on the impact of the Ukrainian crisis on the most vulnerable population groups
- Increased consultation with relevant actors to discuss data collected, crisis implications and policy implications
- Provision of temporary multi-purpose basic cash transfers for vulnerable families and elderly people
- Families with children and single female households living in extreme poverty were the key target groups of the joint program, including the elderly, asylum seekers with international protection, vulnerable internally displaced persons and persons at risk of statelessness.

Respecting children's rights in emergency situations is of particular importance to us, as well as avoiding violations of children's rights during emergency situations because they increase the risk of a negative impact on children's rights, especially when it comes to children with disabilities, children without parental care, migrant children etc.

In the manual "Psychological Crisis Interventions in Educational Institutions" you can find specific recommendations on what it is necessary for the employees of the institutions to do

when a crisis situation occurs (sudden death of a teacher or student, armed attack, threats, etc.).

The manual contains a brief description of the psychological reactions of adults, children and young people, which may occur as a consequence of the event. An integral part of the manual are specific instructions for institutions - how to organize life and work at school after a crisis event and how to communicate with students, employees, parents and the media in crisis conditions.

Annexes with general instructions, announcements and rules when a crisis event occurs are also part of the manual.

In the course of 2021, the Law on Financial Support for Families with Children was amended twice, in June and December 2021.

Amendments allowed for the following:

- That an employed mother during her maternity leave (from the day this leave starts until three months of the child's life) receives a wage compensation that cannot be lower than the minimum wage;
- Simultaneous use of the right to wage compensation during absence from work for the purpose of special child care and the right to an allowance for the assistance and care of another person for the child;
- That for insured women in agriculture, the same period of time (as with other beneficiaries of this right) is used to look at the bases for which the contributions for compulsory social insurance are paid, on the basis of which the amounts of the corresponding rights to other benefits are determined in relation to the birth, care or special care of a child;
- That from 1 January 2022, wage compensation during maternity leave, leave from work for child care and special child care may amount to five average wages in the RS, instead of three;
- Parental allowance for the first child, from 1 January 2022, amounts to RSD 300,000, instead of RSD 100,000;
- That for the second and third child from 1 January 2022, the right to a one-time amount of RSD 100,000 shall be realized;
- That mothers who give birth to a child starting on 1 January 2022, and do not own real estate, exercise the right to funds for construction, participation in the purchase or purchase of a family-residential building or apartment based on the birth of a child, in the amount of 20% of the value of the real estate and a maximum of EUR 20,000.

Questions of the European Committee for Social Rights

The report states that negotiations on continuing the family assistant project as a service are ongoing (service providers from Belgrade, Kragujevac, Nis and Novi Sad, Social Welfare Institute, Ministry of Labour, Employment, Veteran and Social Affairs and UNICEF). Also, amendments to the Social

Welfare Law are pending which according to the report will provide a legal framework for the Centres for Children and the Family, out of which family assistants would operate.

However the Committee notes from other sources [Opening Doors for Europe's Children, Serbia Country factsheet 2018] that after its pilot phase, the service has largely ceased due to a lack of funding. The service was only ever accessible in four cities in Serbia (Belgrade, Novi Sad, Kragujevac and Niš) and it was not available for the rest of the country where approximately 70% of the population lives. The project "Family associate" can be seen as an example of a positive community-based practice. However, due to its limited coverage and lack of sustainability, it cannot be seen as an indicator of general improvement in the provision of this type of services in Serbia.

The Committee asks for the Government's comments on this as well as information on measures taken to support families and children at risk.

It is true that the family assistant/associate service stopped functioning due to a lack of financial resources for its further sustainability and expansion to other cities in Serbia. What has been done in the meantime is the drafting of standards for the establishment of this service to be provided by other providers in the community until the establishment of child, youth and family centres. Also, a draft of standards for intensive support services for families in crisis was prepared. The adoption of these standards is one of the priorities for the next period.

As part of the support for families and children at risk, *"Guidelines for kinship foster care"*, *"Guidelines for the development of emergency foster care"* and *"Guidelines for temporary family accommodation"* were prepared, and published and distributed to all centres for social work and centres for family accommodation and adoption. The aim of the guidelines is to strengthen the professional competences of employees in social protection, to inform and educate parents, children and guardians, to inform and educate foster care providers. The authors of the guidelines created and implemented briefings, training for the application of the guidelines and mentoring visits to institutions. At the final conference, activities were carried out to promote all the mentioned guidelines and to inform the professional and general public.

Numerous activities have been undertaken to develop community-based services, such as day care centres, assisted housing, help at home, personal companion of a child, while placement in institutions (homes) is a service that is sought if support cannot be provided in a form that is less restrictive. In this sense, the earmarked transfer mechanism, which was introduced in Serbia in 2016, provided great support, and through which funds are transferred from the national budget to those of local self-governments that are below the national level of development and therefore do not have enough funds in the local budgets for the establishment and development of social protection services in their environment. The service of a child's personal companion has especially expanded in recent years, and along with help at home and day care, it is one of the most widespread services in Serbia.

In April 2018, three ministers of the Government of the Republic of Serbia (health, education and social protection) and the President of the Council for the Rights of the Child signed a **Call to Action** to support the development of children in early childhood and create optimal conditions for the development of each child and society as a whole. One of the six defined objectives of the Call to Action is aimed at strengthening the system of **early intervention services**. The piloting of the "**Early Intervention Models**" adapted for Serbia in cooperation with UNICEF has begun as an interdepartmental, transdisciplinary and integrated service and measure that provides support for the development of young children with developmental deviations, disabilities, atypical behaviour, social and emotional difficulties and their families. Early intervention is provided by a transdisciplinary, interdepartmental "Early Intervention Team" made up of professionals from three systems (health care, preschool education, and social protection). Family support is provided by the Team through home visits conducted by the Primary Service Provider (PSP) and through support to educators/nurses when the child is involved in pre-school care and education. The health care centre - paediatric service and developmental counselling centre were recognized as the bearers of early intervention since they reach the largest number of very young children. With strong inter-sectoral cooperation, in addition to the health care centre and the development counselling centre, the preschool institution and the centre for social work play a significant role, as part of the transdisciplinary team and participants in the provision of support services for the child and family. The Family-Oriented Early Intervention Program (FOEI) for children with developmental disabilities and their families expanded in 2022 from 5 pilot locations (Kragujevac, Leskovac, Belgrade-Rakovica, Niš, Sremska Mitrovica) to **13 new locations** (Subotica, Zrenjanin, Novi Sad, Zaječar, Kraljevo, Čačak, Kruševac, Šabac, Prokuplje, Novi Pazar and Belgrade - the city municipalities of Zemun, Čukarica and New Belgrade).

At the beginning of 2022, the **Strategy of Deinstitutionalization and Development of Community-Based Social Protection Services 2022-2026** was adopted. This strategy sets as its objectives the territorially coordinated and sustainable development of community-based services, the transformation of residential social protection institutions into service providers, the establishment of normative and financial assumptions for the sustainability of the deinstitutionalization process, the empowerment of users for this process and for inclusion in the community, as well as the empowerment of professionals for implementation and advocacy of deinstitutionalization.

The Committee notes from the UN Committee on the Rights of the Child's Concluding Observations on the combined second and third periodic reports of Serbia [CRC/C/SRB/CO/2-3, March 2017] that the UN Committee stated that the number of children, including children under 3 years of age, placed in formal care is still significant, with the risk of family separation and institutionalization remaining high for children from the most disadvantaged groups, including Roma children and children with disabilities. Children with disabilities continue to be significantly overrepresented in residential care and living conditions in large-scale institutions for children with disabilities are inadequate, with children reportedly suffering from segregation, neglect, limited privacy and exclusion from education and play.

The Committee asks to be provided with information on trends in the field as well as information on the de-institutionalisation of children under the age of three years of age and children with disabilities. It also asks for information on the monitoring of care in institutions and other types of alternative care. Meanwhile it reserves its position on the situation.

According to Article 52 of the *Law on Social Protection*, a child under the age of three shall not be placed in a home (residential social protection institution). A child can exceptionally be placed in a home if there are particularly justified reasons for this, with the fact that he/she cannot spend more than two months in this accommodation, except on the basis of the consent of the Ministry. **Measures to eliminate irregularities in the placement of children and youth in social protection institutions** (No. 560-03-619/2006-14 of 03 November 2006) stipulate that centres for social work, for each placement of a child under the age of 18, are obliged to obtain a prior opinion from the Ministry, and if the accommodation is implemented as an emergency, the centre for social work is obliged to request an opinion within 3 days from the day of the implemented accommodation. Control of the work of centres for social work and institutions with regard to the prohibition of placement of children in social protection institutions is also realized through the functions of inspection and supervision over the professional work of centres for social work. The number of children under the age of 18 who are currently housed in social protection institutions in Serbia is about 600, while there are about 5,000 in foster families.

During 2019, one home for children without parental care (in Užice) was closed.

Social protection institutions have mandatory prescribed procedures for reporting complaints of beneficiaries, as well as defined mandatory procedures for applying restrictive procedures and measures against beneficiaries, and they have formed an internal team of employees responsible for dealing with cases of violence against beneficiaries. Any deviation and gross violation of the beneficiary's rights can lead to the loss of the service provider's license granting the permission to perform social protection activities. With the aim of controlling and improving the system, the Ministry carries out expert supervision and inspections, and the social protection institutes (at the level of the republic and province) provide supervisory support for the adoption of new, more modern concepts, and assist in solving concrete, professionally demanding situations in which social protection institutions may find themselves. In a social protection institution and at a social protection service provider, the employee is prohibited to commit any form of violence against the beneficiary, physical, emotional and sexual abuse, exploitation of the beneficiary, abuse of trust or power enjoyed in relation to the beneficiary, neglect of the beneficiary, and other actions that impair the health and dignity of the beneficiary or the child's development (Article 151 of the Law on Social Protection). Acting contrary to these prohibitions is considered a violation of the employee's work obligation in terms of the law regulating labour.

At the end of 2021 the *Law on Temporary Social Care Residents* was adopted, which is part of a strategic solution to implement the transition from institutional protection of beneficiaries to life in the community. The Law should enable the protection of beneficiaries' rights through their training for independent living and social inclusion. Accommodation is provided only as a last resort, i.e. for a beneficiary who cannot be provided with family

accommodation, daily community-based services or support services for independent living. The Law ensures appropriate and timely comprehensive protection and safety of the beneficiary, with clearly defined rights and obligations of the beneficiary, as well as the rights, obligations and responsibilities of the service provider, in accordance with the will and desire of the beneficiary and in the best interest of a minor beneficiary, while respecting his/her physical and psychological integrity, safety, in accordance with guaranteed human rights and freedoms.

The new *Strategy of Deinstitutionalization and Development of Community-Based Social Protection Services 2022-2026* foresees a ban on the accommodation in social protection residential institutions of children aged 0 to 7 years old, which will be implemented in the amendments to the Law on Social Protection (according to current regulations, the age limit is up to 3 years of age - Article 52).

Children with developmental disabilities, according to the Law on Social Protection (Article 41), are beneficiaries of social protection services if they have developmental disabilities (physical, intellectual, mental, sensory, speech-linguistic, socio-emotional, multiple), and their needs for care and material security exceed the family's capabilities. In relation to the care of children, the Republic of Serbia implements a policy that ensures support for parents to fulfil their responsibilities towards children and is primarily aimed at preventing the separation of children from the family through appropriate **financial support** and through **services aimed at strengthening the family's capacity**. Home accommodation services are provided to children and young people whose needs cannot be met within the biological, kin or foster family, or through community-based services, based on the decision of the guardianship authority or the court, i.e. the decision of the centre for social work, until the return of the child or young person to their biological family, or else until placement in a kin or foster family, adoption or until independence. Re-examination - the revision of the accommodation is carried out once a year, and then the case manager, in cooperation with the professional workers of the home and the beneficiary himself/herself, reviews the his/her options for returning to the family or a different arrangement that involves leaving the institution.

The number of children in foster care in Serbia is significantly higher (90%) compared to the number of children in residential institutions (10%), but it is lower when it comes to children with developmental disabilities. That is why the state places special emphasis on the development of specialized foster care with intensive and additional support. Efforts have been intensified to develop the **occasional foster care** service, which is used for children with developmental or health difficulties who live in a biological family or a foster family and who are placed in another family for a short period of time for respite and preservation of the capacity of the foster or biological family for further care of the child and prevention of crisis situations that can lead to the separation of the child from the family and placement in an institution. In the Republic of Serbia, there are 7 centres for family accommodation and adoption. Their task is to provide support to foster families, train foster parents to provide the service, report on the work of foster parents and the functioning of families that provide family accommodation services, etc. The plan is to establish another institution of this type.

"Guidelines for kinship foster care", "Guidelines for the development of emergency foster care" and "Guidelines for temporary family accommodation" were prepared, and published and distributed to all centres for social work and centres for family accommodation and adoption. The aim of the guidelines is to strengthen the professional competences of employees in social protection, to inform and educate parents, children and guardians, to inform and educate foster care providers. The authors of the guidelines created and implemented briefings, training for the application of the guidelines and mentoring visits to institutions. At the final conference, activities were carried out to promote all the mentioned guidelines and to inform the professional and general public.

In the reporting period, numerous activities have been undertaken to develop **community-based services**, such as day care centres, assisted housing, help at home, personal companion of a child, while placement in institutions (homes) is a service that is sought if support cannot be provided in a form that is less restrictive. In this sense, the **earmarked transfer** mechanism, which was introduced in Serbia in 2016, provided great support, and through which funds are transferred from the national budget to those of local self-governments that are below the national level of development and therefore do not have enough funds in the local budgets for the establishment and development of social protection services in their environment.

Through the **licensing process of social protection service providers**, which is carried out continuously and which ensures a uniform quality of service provision, the number of licenses issued shows a tendency to increase from year to year (from 54 licenses issued in 2014 to 800 licenses issued by the end of 2022). The service of a child's personal companion has especially expanded in recent years, and along with help at home and day care, it is one of the most widespread services in Serbia.

The Committee notes from the UN Committee on the Rights of the Child's Concluding Observations on the combined second and third periodic reports of Serbia [CRC/C/SRB/CO/2-3, March 2017] there were approximately 8,500 persons who were not registered at birth, with the vast majority of those persons identifying themselves as Roma.

The Committee asks what measures have been taken by the State to reduce statelessness (such as ensuring that every stateless migrant child is identified, simplifying procedures for obtaining nationality, and taking measures to identify children unregistered at birth). The Committee asks further what measures have been taken to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation.

All children born in the Republic of Serbia, regardless of migration status, are registered in the birth register, and are registered in the hospital after birth, as are the children of citizens. In addition, all persons in the asylum procedure are provided with free legal assistance and counselling, including in connection with the registration of children in the registers.

The Committee notes from the UN Committee on the Rights of the Child's Concluding Observations on the combined second and third periodic reports of Serbia [CRC/C/SRB/CO/2-3, March 2017] that the UN Committee expressed concern about

delays in the appointment of legal representatives, and the fact that there are inadequate interpretation services. Furthermore children under the age of 16 are often placed in asylum centres that do not have adequate facilities or trained staff to care effectively for the children 24 hours per day, seven days per week. Limited space in asylum centres has forced many asylum-seeking and refugee children, including unaccompanied and separated children, to sleep on the streets without adequate shelter and in unsafe and unsanitary conditions.

In addition the Committee notes from the report of the Special Representative of the Secretary General of the Council of Europe on migration and refugees, following his visit to Serbia in June 2017 SG/Inf(2017)33, that unaccompanied children are often accommodated together with adults, in overcrowded conditions. Further according to the report the situation in respect of the accommodation and reception of unaccompanied children raises serious concerns about children's exposure to risks of violence, sexual abuse and exploitation and human trafficking. There is an urgent need to ensure proper accommodation for unaccompanied children in order to prevent criminal activities targeting them and to protect those who have fallen victim to human trafficking or to violence and abuse of children, including sexual violence and exploitation. The Special Representative's report also states that the guardianship system is not effective.

The report states that in October 2017, new Guidelines for centres for social work and residential care institutions for the provision of care and placement of unaccompanied migrant children were adopted. The Committee asks for further information on the content of these guidelines. It asks what measures have been taken to improve the guardianship system and what measures have been taken to ensure that accommodation facilities for migrant children in an irregular situation, whether accompanied or unaccompanied, are safe and appropriate and are adequately monitored. Meanwhile it reserves its position on the conformity of the situation.

In accordance with the procedures, all employees of the Commissariat for Refugees and Migration are obliged to immediately notify the guardianship authority in the event of the arrival of an unaccompanied minor in one of the centres in order to decide on further accommodation in accordance with the guidelines of the competent ministry. The guardianship authority appoints a guardian and determines whether the child will be placed in one of the centres managed by the Commissariat for Refugees and Migration.

Unaccompanied minors are accommodated in special facilities of the Commissariat for Refugees and Migration that are intended only for their accommodation or where it is possible to ensure physical separation from adult residents. In these facilities, the presence of a centre for social work is mandatory, and all children are provided with complete health care, legal assistance and access to means of communication.

In case of special needs or extreme vulnerability (younger children, mental illnesses, victims of violence and other circumstances that require special care), the competent centre for social work decides on the need for placement in specialized institutions for the care of children in the social protection system.

Employees of the Commissariat who work with children attend special trainings, including trainings of the European Union Agency for Asylum on dealing with vulnerable categories

and receiving children. The Commissariat and UNICEF have developed a special procedure to protect the welfare of children, especially against violence.

Since 2018, the principle that unaccompanied children are accommodated in special asylum centres, where there are no other adult residents, has been generally respected, with the fact that due to changes in the situation on the ground due to an increase in the number of migrants, and a decrease in the number of unaccompanied children, this may change. The decision to designate an asylum centre where unaccompanied children will be placed is made by the Commissariat for Refugees and Migration, without consultation with other competent authorities. The plan is to develop special operational procedures for such cases.

The competent centres for social work (CSWs) - guardianship authorities, within the legally defined time limit (30 days), and often significantly faster, make decisions on the appointment of guardians and from the first identification of the child, they undertake legally defined actions in the protection of all vulnerable categories. Outreach social workers (covering most of the collective centres for the accommodation of migrants, and entry and exit border points), who work for CSWs, but are physically located in the reception/asylum centres, participate in all procedures and ensure the protection of children and other vulnerable categories immediately after receiving the child or notification about the identification of the child. They participate in the preliminary vulnerability assessment and represent the organizational link between the reception/asylum centre and the CSW. In addition, 8 professional guardians were hired to cover all locations that have a larger and longer presence of children and who provide guardianship protection on behalf of the guardianship authority. Furthermore, in the territory of Serbia, there are three state institutions of social protection, as well as two NGO shelters (as of May 2022, only one) that take care of unaccompanied children in a particularly vulnerable position. The total accommodation capacity in these special institutions/shelters is 40 in state institutions, and 30 in NGO shelters (15 as of May 2022). Specially trained personnel work in these institutions to care for and provide all necessary support to unaccompanied children in accordance with the Law on Social Protection.

In the period 2017-2022, guardianship authorities had 8,150 unaccompanied children under their care, while around 1,000 particularly vulnerable children were housed in social protection institutions or NGO shelters. On average, workers of the social protection system have about 30,000 different interventions/activities in their work with migrants per year, of which about 58% with unaccompanied minors, 39% with families and 3% with singles. On average, around 5,000 vulnerable migrants are identified and taken care of by the social protection system in a year.

In the 2019 Council of Europe's publication "Promoting child-friendly approaches in the area of migration - Standards, guidance and current practices", two protection models for children on the move which were created and applied in Serbia have made the list of the best European practices in the protection of children on the move ([Promoting child-friendly approaches in the area of migration - Standards, guidance and current practices \(coe.int\)](#)), namely: Standard Operating Procedures (SOPs) for protection of unaccompanied children (2016) and the model of "professional guardianship protection" (2018).

The biggest problem is that the social protection system relies heavily on donor support (primarily from the European Union and Switzerland), which ensures adequate functioning

of the social protection system and adequate protection and care for unaccompanied children in a situation of mass migration. The plan was to create a plan for sustainable solutions through the Project EU Support to Serbia for Migration Management (Individual measure), which was supposed to start at the end of 2022, but the European Commission's decision on the start of the project is still awaited.

The instruction on the actions of centres for social work and social protection institutions for the accommodation of beneficiaries in ensuring the protection and accommodation of unaccompanied minor migrants (2017) and the amendment from 2018 determine the basic procedural actions and activities of social protection institutions in ensuring the protection and accommodation of unaccompanied children and it is aligned with international standards in that area. They explained the basic international and national standards and established procedures that are applied. It is planned that during the year 2023, a proposal for a new Instruction will be determined, which would further improve protection, primarily in the context of cooperation with other actors. In addition, it is expected that by the end of 2024, Standard Operating Procedures will be adopted that would precisely determine inter-institutional competencies and procedures in working with migrants, including children and other vulnerable groups on the move. However, both things await the start of the above-mentioned EU project.

Accommodation in social protection institutions or foster families of unaccompanied children who are asylum seekers or who have received refuge is regulated by the Law on Asylum and Temporary Protection, as well as the Law on Migration Management. However, there remains the problem of legal regulation of the accommodation of unaccompanied children in an irregular situation, which has not been regulated for now. Please note that such children have been placed in these institutions thus far, according to the decision of the competent CSW, and in accordance with their best interest, and that support in the form of additional workers and accommodation payments was provided through EU projects.

As regards age assessments, the Committee recalls that, in line with other human rights bodies, it has found that the use of bone testing in order to assess the age of unaccompanied children is inappropriate and unreliable [European Committee for Home Based Priority Action for the Child and the Family (EUROCEF) v. France, Complaint No. 114/2015, Decision on the merits of 24 January 2018, §113]. The Committee asks whether Serbia uses bone testing to assess age and, if so, in what situations the state does so. Should the State use such testing, the Committee asks what are the potential consequences of such testing (e.g., can the results of such a test serve as the sole basis for children being excluded from the child protection system?)

In Serbia, there is no adequate regulation governing the age assessment procedure, and therefore it is not applied. The current basis for age assessment is the beneficiary's own statement. This creates significant problems for all systems, especially for social protection and health care, but also in the assessment of adequate accommodation. Serbia is determined to solve this problem and create a procedure in accordance with the best European practices, but also with the needs arising from the dynamics of mass migration in the territory of Serbia.

Cooperation in this area has been established with the European Union Agency for Asylum (EUAA) and the development of the procedure is included in the Road Map of cooperation

between Serbia and EUAA 2020-2022 as a special multi-sectoral activity, supported through the project “Regional Support to Protection-Sensitive Migration Management in the WB and Turkey-Phase II”. Due to the problems caused by the COVID-19 pandemic, the activity has not been realized yet.

The Committee asks the next report to provide information on the rates of child poverty as well as on the measures adopted to reduce child poverty, including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing etc. Information should also be provided on measures focused on combatting discrimination against and promoting equal opportunities for, children from particularly vulnerable groups such as ethnic minorities, Roma children, children with disabilities, and children in care.

States should also make clear the extent to which child participation is ensured in work directed towards combatting child poverty. Meanwhile it reserves its position on this issue.

The Government of Serbia is committed to solving the relatively high poverty rate in the country and to promoting social inclusion. According to the latest data, the poverty risk rate in 2021 was 21.2 percent - 0.5 percentage points lower than in 2020. At the same time, the social exclusion rate reached 28.5 percent - 1.3 percentage points lower than in 2020. (Statistical Office of the Republic of Serbia, 2022). In recent years, the share of children who are poor and socially excluded in Serbia has slightly decreased, but financial social assistance to the poor is still low compared to EU MS.

Ensuring the minimum financial security of the family, as one of the conditions for improving the quality of childcare, supporting the well-being and overall development of children, especially younger ones, and especially children living under unfavourable socio-economic circumstances, is realized by the social protection system through cash social benefits, parental allowance, child allowance and a number of other measures and rights prescribed by the Law on Social Protection and the Law on Financial Support for Families with Children.

Article 79 of the Law on Social Protection ("Official Gazette of the RS", No. 24/2011) prescribes the types of material support. The beneficiary can obtain material support through cash social assistance, allowance for assistance and care of another person, increased allowance for assistance and care of another person, special cash compensation, assistance for training for work, one-time financial assistance, assistance in kind and other types of material support. The Law on Social Protection stipulates that the right to cash social assistance belongs to an individual, or a family, who, through their work, income from property or other sources, earn an income lower than the amount of cash social assistance determined by the Law on Social Protection. The Law stipulates that the base for determining cash social assistance is harmonized with the consumer price index in the previous six months, based on statistical data, twice a year, on April 1 and October 1.

In addition, various local benefits also contribute to ensuring the standard of living for vulnerable population groups (utility bill reduction, status of vulnerable customer of energy products, free textbooks, student scholarships, free kindergarten, free meals in the soup

kitchen, transportation costs for students, free snacks at school, free health care, one-time benefits in money and in kind and other types of assistance that may vary in local self-government units). Local benefits are important for poverty alleviation given the insufficiency of benefits at the national level. To all this should be added a significant number of rights that are granted on the basis of the *Law on Financial Support for Families with Children*.

The Ministry of Labour, Employment, Veteran and Social Affairs is working on amendments to the Law on Social Protection and will certainly take into account the results and recommendations of various researches and studies that provide recommendations for improving the adequacy of benefits at the national level. The work thus far on the draft of this law goes in the direction of prescribing more favourable general and special conditions for realizing the right to cash social assistance, which will enable greater inclusion of beneficiaries with the right to CSA, while on the other hand, work will also be done on improving the adequacy of benefits for the poor, in the direction of increasing the weighting for children and especially for children with disabilities, in accordance with the possibilities of the defined budget for social protection.

Specific support for single-parent families is achieved through the use of several rights and services at the national and local level, such as: the right to increased cash social assistance, the right to child allowance under more favourable conditions, one-off material benefits, free or refunded use of services in day care centres for children with developmental disabilities, subsidies for the payment of electricity, subsidies for the payment of communal services, public transport services, etc. The guardianship authority also has the possibility of providing support through advisory work and psychosocial support. Support for a single parent is also possible through the imposition of measures of preventive and corrective supervision over the exercise of parental rights in relation to the other parent who does not fulfil his/her obligation to support the child, as well as by initiating court proceedings to exercise the child's right to support from the parent who does not fulfil this obligation.

As part of the "Pokreni se" project implemented by the Network of Organizations for Children of Serbia (MODS), during 2022, consultations were held with children in 12 cities of Serbia, which enabled children and young people to point out problems that are common to their peers. The children's delegation presented proposals to the competent ministries on how to reduce inequality among children and improve the living conditions of every child.

The Ministry of Health acts according to the Special Protocol of the Health Care System for the Protection of Children from Abuse and Neglect. All suspicions of abuse and neglect of children are recorded, there are 300 teams in health care institutions at all three levels of health care and 300 coordinators educated on the topic of violence, domestic violence and trafficking. Teams record, monitor and, if necessary, further process cases by forwarding to centres for social work, Ministry of Interior, courts, etc.

2. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

a) *What measures have been taken to introduce anti-bullying policies in schools, i.e. measures relating to awareness raising, prevention and intervention? (General question, Conclusions 2019).*

All violence and discrimination is prohibited in educational institutions in accordance with Articles 111 and 112 of the Law on the Fundamentals of the Education System ("Official Gazette of the RS", No. 88/2017, 27/2018 - other law, 10/ 2019, 6/2020 and 129/2021). The Ministry of Education pays special attention to the prevention of discrimination in the education system. Legal regulations are continuously being improved in this area, more intensively since 2016, when the Rulebook on closer criteria for recognizing forms of discrimination by an employee, child, student or third party in an educational institution was first adopted. - <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/ministarstva/pravilnik/2016/22/1/reg>, and then in 2018, the Rulebook on the actions of the institution in case of suspected or identified discriminatory behaviour and insult to the reputation, honour or dignity of a person - <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/ministarstva/pravilnik/2018/65/2/reg>. Both rulebooks regulate very precisely the procedures of educational institutions in situations of suspected or identified discriminatory behaviour between students, students and employees, between employees, parents and other adults. It is prescribed that the institution intervenes in cases of suspected or identified insults to the reputation, honour or dignity of a person and discriminatory behaviour based on racist, sexist, homophobic, xenophobic, Islamophobic, anti-Semitic, antigypsyism or other forms of discriminatory behaviour. The rulebook introduces a number of concepts - homophobia and transphobia, gender equality, repeated discrimination. The rulebook also provides examples of severe forms of discrimination - e.g. posting/writing homophobic, sexist messages, calling for violence against members of the LGBTI population via social media (homophobia), segregation.

Amendments to the General Protocol for the Protection of Children against Violence were adopted (with the entry into force of the General Protocol for the Protection of Children against Violence, the General Protocol for the Protection of Children against Abuse and Neglect, adopted by Government Decision 05 No. 011-5196/2005 of 5 August 2005, ceases to be valid, which is an integral part of the aforementioned conclusion) whose general objective is to ensure systematic continuous prevention of all forms of violence against children and to ensure efficient, inter-sectoral protection measures when there is suspicion or knowledge of violence involving children. Online training for the implementation of the Rulebook on the protocol for institutions in relation to violence, abuse and neglect, <https://www.youtube.com/watch?v=XIVXRxiSYwk> was finished by 12,859 participants by the end of June 2022. Three online trainings of national importance for education have been developed, which aim to improve the competences of employees in education for the application of procedures for protection against violence and preventive work with students. A protocol was adopted on the provision of cross-sectoral services through the software solution "Čuvam te" (I keep you safe). The development of part of the platform's software solution related to reports of violence and monitoring of the system's actions is in progress. 34,804 employees from educational institutions, 2,864 parents and 4,855 students attended

trainings on the platform until the end of June 2022. The trainings on the platform include information on the application and procedures prescribed by the Rulebook on the protocol for institutions in response to violence, abuse and neglect. Amendments to the Rulebook on the protocol for institutions in response to violence, abuse and neglect ("Official Gazette of the RS", No. 46/2019 and 104/2020) were made during 2020 and are in accordance with the adopted General Protocol for the Protection of Children against Violence (February 2022). One of the key changes was related to specifying the procedures for the actions of employees in educational institutions in situations of suspicion or knowledge of a situation of violence. The Rulebook prescribes the content and method of implementing preventive and intervention activities, conditions and methods for risk assessment, methods of prevention and protection, as well as monitoring of the effects of the measures and activities undertaken. The Rulebook precisely defines the procedures for dealing with situations of violence that can occur between all actors of school life. The Rulebook also precisely defines in which situations the institution is obliged to report/involve/inform the external protection network (social protection and health care, police, prosecutor's office) about the existence of suspicion or knowledge of a violent situation, all with the aim of providing adequate support to children, that is, to students and their parents. In accordance with the above, the content and procedures of actions prescribed by the Rulebook on the protocol for institutions in response to violence, abuse and neglect are in accordance with the new General Protocol for the Protection of Children against Violence.

Every educational institution is obliged to have a Team for Protection against Discrimination, Violence, Abuse and Neglect established and an annual discrimination prevention program drawn up, in addition to an annual program for protection against violence, abuse and neglect. The role of the Protection Team is to implement preventive activities defined by the annual discrimination prevention program, but also to intervene in situations of suspicion or knowledge of discriminatory behaviour.

70 professional associates were trained for the implementation of the Child Empowerment Program, who implemented the program in their schools with students and parents.

Professional development in the field of education is continuous and prescribed by law, and one of the five priority areas of mandatory teacher training is the creation of a tolerant and non-discriminatory environment for each individual, including prevention of violence, prevention of discrimination, and inclusion of children from socially marginalized groups. Topics that promote tolerance, anti-discrimination, absence of violence and civic values are continuous topics that are part of a large number of trainings and other events organized by the education system. During the last three years (2019, 2020 and 2021), a total of 315 trainings were implemented in this area, which included 8,608 teachers and professional associates.

b) What measures have been taken by the State to facilitate child participation across a broad range of decision-making and activities related to education (including in the context of children's specific learning environments)?

Involvement of students in decision-making is made possible through the participation of students in the student parliament. This is defined by the Law on the Fundamentals of the Education System ("Official Gazette of the RS", No. 88/2017-3, 27/2018-3 (other law), 27/2018-22 (other law), 10/2019 -5, 6/2020-20, 129/2021-9), in Article 88 - Student Parliament, in the last two grades of primary school and in secondary school, a student parliament is organized for:

- 1) giving opinions and proposals to professional bodies, the school board, parents' council and principal about: rules of conduct at school, student safety measures, annual work plan, school development plan, school program, way of arranging school space, choice of textbooks, free activities, participation in sports and other competitions, and the organization of all student manifestations in and outside the school, and other matters of importance for their education;
- 2) examining the relationship and cooperation between students and teachers, educators or professional associates, and the atmosphere in the school;
- 3) informing students about issues of special importance for their education and about the activities of the student parliament;
- 4) active participation in the school development planning process and in the school's self-evaluation;
- 5) proposing student members of the professional teams for development planning and the team for the prevention of peer violence.

The parliament is made up of two representatives from each seventh and eighth grade class in primary school, or from each class in secondary school, and in the art school - three from each class or year. The members of the parliament are elected by the students of the class every school year. The members of the parliament elect the president. The parliament elects two student representatives who participate in the work of the school board, in accordance with Article 119 of this Law. The student parliament has rules of procedure. The work program of the parliament is an integral part of the school's annual work plan. Student parliaments of schools can join the community of student parliaments, as well as cooperate with associations and organizations that deal with the protection and improvement of students' rights.

c) What measures have been taken to address the effects of the Covid-19 pandemic on the education of children (including in particular disabled children, Roma and Traveller children, children with health issues and other vulnerable children)?

Main measures and impact of COVID-19 pandemic on education system

In just a few days after the state of emergency caused by the COVID-19 pandemic was declared in the country, the education system of the Republic of Serbia successfully organized educational work through distance learning in the Serbian language and in 8 languages of national minorities. All human and material resources were mobilized, and the

recording and broadcasting of lessons on TV channels began. In addition to this, teaching in primary and secondary schools was organized through educational platforms.

The crisis caused by the pandemic showed that the education system is flexible enough to quickly respond to a new situation. The effects of organizing distance learning are undoubtedly improved digital competences of teachers and students, greater cooperation among education employees and a focus on distance learning coverage and ensuring conditions so that no one is left behind, especially students from vulnerable groups.

In addition to the organization of distance learning for all students, MoESTD, together with international partners who implement projects in the field of education and with the help of donors, provided the missing equipment: tablets or mobile phones, Internet access, computers, printers, toners, with the aim of improving accessibility and quality of distance learning. Thus far, 2,450 devices and 2,400 internet cards have been purchased for students who do not have access to the Internet and IT devices. Additionally, with the support of the Roma Education Fund and the Open Society Foundation, 550 IT devices were acquired and distributed to schools where Roma students are educated, who did not have the necessary IT equipment for distance learning. For students who do not have access to the Internet or have a poor connection, the school has provided printed assignments that can be downloaded at the school and returned to the school after the trial final exam.

Through the project "Bridging the Digital Divide in Serbia for the Most Vulnerable Children" implemented by MoESTD and UNICEF with financial support from the EU, more than 2,000 devices were provided for 30 most vulnerable schools where Roma students are educated, training for 900 teachers, as well as grants for schools (EUR 5,000) for the formation of Learning Clubs in which the conditions for online learning are provided for students who do not have these conditions at home.

The "Keep the smile on your face" campaign was aimed at providing psychosocial support to students and helping them overcome the stress caused by the COVID-19 pandemic. In cooperation with Radio Television of Serbia, nine videos were recorded that were broadcast to primary and secondary school students during distance learning. Most of the videos focused on techniques for overcoming stress. As part of fulfilling the need for psychosocial support, topics on the psychological needs of children and young people and the organization of life and work in conditions of social isolation were covered. Students were introduced to constructive ways to regulate feelings of fear, anxiety and uncertainty and to establish emotional stability. For secondary school students, the topic of critical thinking, i.e. techniques for recognizing unreliable sources of information, was additionally covered. The phone number of the Ministry of Education, Science and Technological Development 0800 200 201 was published in the attachments as a reliable resource for providing support to students, parents and teachers. The helpline for reporting violence in schools worked during the pandemic as a line for providing psychosocial support to education employees, parents and students.

In order to ensure continuous support for children and students from vulnerable social groups during distance learning, the following was done:

- A letter was sent to all educational institutions with the instruction to focus special attention on the organization of distance learning educational work for children with developmental disabilities.

- Additional recommendations were sent to schools for students with disabilities in order to, through distance learning and support for children and families, keep as much as possible their learning and daily routines that are important to children.
- A letter was sent to all municipalities with a recommendation to organize the work of commissions to assess the need for additional educational, health and social support for children and students (interdepartmental commissions) so that even in a state of emergency, the necessary additional support for children and students is provided.
- During the preparation of the trial final exam in the online environment, schools received special instructions on the modalities of adapting this exam to students who are educated according to an individual education plan.
- All the above information was published on the website of the Ministry so that it is available to professionals and the general public.
- MoESTD, in cooperation with UNICEF, initiated and implemented a series of measures aimed at supporting the education of children and students from vulnerable social groups:
- Provision of ToyBox sets (3000 pcs) for the poorest families (Roma living in informal settlements and other poorest in those locations), children living in centres for refugees and migrants, foster families and social protection institutions, in order to support activities of learning through play in home conditions.
- In collaboration with UNICEF, a list of digital resources was developed to support distance learning for children with disabilities, <http://www.mpn.gov.rs/wp-content/uploads/2020/05/3.a.-Lista-digitalnih-alata-za-dodatnu-podr%C5%A1ku-u%C4%8Denje-na-daljinu.pdf> prepared by SIPRU and available to schools together with other guidelines prepared by MoESTD for schools regarding the education of children who need additional support.
- The telephone helpline has been redirected to providing advisory psychosocial support to students, parents and employees in education during the organization of educational work through distance learning.
- As a special example of good practice, we would like to highlight the research conducted during the state of emergency entitled "Monitoring the participation methods and learning process of students from vulnerable groups during the implementation of educational work through distance learning" (June 2020). In order to obtain objective data, MoESTD prepared an online questionnaire, which all schools received on a separate link. Based on these data, a report on work with vulnerable groups during the state of emergency was prepared, which is based on data collected from 95% of all schools in Serbia. According to the data, 99.28% of students were included in some type of teaching/learning (teaching on TV channels, online platforms or alternative teaching methods) in primary schools. A total of 96% of students with disabilities were covered by distance learning. In this group of students, 76% of students followed TV and online classes, and 20% were involved in alternative types of teaching, while 4% of students remained uninvolved. Communication with students and/or their families was achieved through several channels of communication: virtual classrooms (43% of primary, 21% of special and 53% of secondary schools), by e-mail (55% of primary schools, 84% of special schools, 68% of secondary schools) , through social networks (40% of primary schools, 72% of special schools, 43% of secondary schools), by phone (89% of primary schools, 98% of special schools, 81% of secondary schools), SMS (66% of primary schools, 88% of special schools, 50% of secondary schools) and via Viber and WhatsApp (90% of primary schools, 100% of special schools, 87% of secondary schools). See: <http://www.mpn.gov.rs/izvestaj-o-ukljucenosti-ucenika-iz-osetljivih-grupa-u->

obrazovno-vaspitni-rad-tokom-nastave-na-daljinu/. Only part of the measures that were the response of the education system to the situation caused by the pandemic, and which were primarily aimed at reducing the negative effects of the pandemic on children and students from vulnerable social groups, are listed here.

Through the project "Horizontal learning, exchange of knowledge and support to teachers from schools for the education of students with disabilities for the development of methods and approaches for teaching children with disabilities in the digital environment" which was implemented during 2021 and 2022 with the support of the Ministry of Education and UNICEF, support was provided to teachers who work with students with disabilities, to apply digital and assistive technologies, digital tools and the online environment in their work to a greater extent, with the aim of better including children with disabilities in the educational process. Through the Project, joint planning, preparation and implementation of trial classes of distance learning (with the use of online platforms and digital tools) were carried out, and an online library of digital content was developed for working with students with disabilities. Furthermore, a video story was created about an example of good practice in the application of digital tools and technologies at the "Dr Dragan Hercog" Primary School. In addition to this school, the Project involved 60 employees from 12 schools for the education of students with disabilities. It is expected that the project participants will continue to transfer their experiences and skills among their colleagues, in order to expand the impact of the project on improving work with children and students with disabilities with the use of digital tools and technologies as useful aids and ways to access modern education.

Distance learning in the languages of national minorities

In the conditions caused by the COVID-19 pandemic, distance learning in the languages of national minorities was implemented. The Ministry implemented a special operational plan for the realization of classes in the languages of national minorities, as well as for additional support for the education of students from vulnerable social groups in a distance learning situation. Along with distance learning in the Serbian language, distance learning was also implemented for students who attend all classes in their mother tongue, that is, a language of the national minority. In providing the greatest possible number and quality of digital and other online resources for the implementation of distance learning in the languages of national minorities, the Ministry was also provided significant support by the national councils of national minorities. In addition to the fact that all students had the opportunity to watch classes in Serbian on RTS2, RTS3 and RTS Planeta channels - which also represents additional learning of Serbian as a non-mother tongue, in cooperation with RT Vojvodina and minority media, the recording and broadcasting of classes remotely in 8 languages of national minorities was provided, in which all classes were conducted both during the state of emergency in 2020 and during the 2020/21 school year. The schedule of broadcasts of lessons in the languages of national minorities, as well as important information for the 2019/20 and the 2020/21 school years, can be found at the link: "Distance education in the languages of national minorities": <https://www.rasporednastave.gov.rs/obrazovanje-manjine.php>.

In the preparation and implementation of educational content during the state of emergency, as well as during the 2020/21 school year, more than 400 teachers who teach in one of the 8 languages of the national minorities participated. Thus far, 7,077 educational programs have been recorded in 8 languages of national minorities (3,310 during the state of emergency in

2020 and 3,767 during the 2020/21 school year). The Ministry has procured and awarded 34 Camtasia licenses to the National Councils for recording lessons remotely. The Ministry, together with the OSCE Mission, and with the significant support of educational advisors from our school administrations, who reviewed the produced educational material, recorded 300 online lessons for the compulsory subject Serbian as a non-mother tongue, according to model A and B, for students who attended classes in one of the 8 languages of national minorities. Filming was realized in Subotica and Bujanovac. Recorded educational material is available, in addition to RTS Planet's OTT platform, to students who follow classes via the "My School" sub-site at mojaskola.rtsplaneta.rs. The subcategory "Serbian as a non-mother tongue" is available at the link: <https://mojaskola.rtsplaneta.rs/list/772/srpski-kaonematernji-jezik>.

d) Please provide information on the measures taken to ensure that state allocation of resources to private education does not negatively impact on the right of all children to access free, quality public education.

The Law on the Fundamentals of the Education System ("Official Gazette of the RS", No. 88/17, 88/17, 27/18, 10/19, 6/20 and 129/21) in Articles 186 and 187, prescribes that funds for the financing of the institution's activities are provided in the budget of the Republic of Serbia, autonomous provinces and local self-government units.

The budget of the Republic of Serbia provides funds for the education of children and students as well as adults in institutions established by the Republic of Serbia, autonomous provinces and local self-government units. The budget of the local self-government unit provides funds intended for: transportation of children and their companions to attend the preparatory preschool program at a distance of more than two kilometres; transportation of primary school students at a distance of more than four kilometres from the school's seat; transportation, accommodation and nutrition of children and students with disabilities and their companions, regardless of the distance of the place of residence from the school; transportation of children and students who reside in the territory of a local self-government unit at a distance of more than four kilometres from the school's seat and in cases when primary school students attend school in the territory of another local self-government unit. An institution of education can be established by the Republic of Serbia, an autonomous province, a local self-government unit, national councils of national minorities and other legal entities or natural persons. According to the founder, the institution can be a public institution or a private institution. The founder of the public institution is the Republic of Serbia, an autonomous province or a unit of local self-government.

The founder of a private institution can be another domestic or foreign legal entity or natural person. The institution can start working and carrying out activities when it is determined that it meets the requirements for establishment, start of work and carrying out of activities, receives a decision on verification and it is entered in the register of the competent authority. The parent or legal guardian of the child and student can also opt for enrolment in a private institution, providing for the costs of the education.

The Law on Preschool Education ("Official Gazette of the RS", No. 18/2010, 101/2017, 113/2017 - other law, 95/2018 - other law, 10/2019, 86/2019 - other law, 157/2020 - other

law 123/2021 - other law, and 129/2021), stipulates that the preschool institution is founded by the Republic of Serbia, an autonomous province, a local self-government unit or another legal entity or natural person. The parent, or other legal guardian of the child, participates in providing funds for the implementation of the activities of the preschool institution whose founder is the Republic of Serbia, an autonomous province or a local self-government unit, while the decision on the amount of the price is made by the founder of the preschool institution. Funds for carrying out activities of preschool education in a private preschool institution are provided by the founder of the institution. If there are not enough places for all children in preschool institutions founded by the local self-government unit, the co-financing of children's stay in the preschool institution is carried out in accordance with the conditions prescribed by the local self-government unit, whereby parents pay 20% of the economic price in a private preschool institution, while the municipality or the city refunds 80% of the economic price to the parents (Decisions of the City/Municipality).

According to the Law on Financial Support for Families with Children ("Official Gazette of the RS", No. 113/2017, 50/2018, 46/2021 - CC decision, 51/2021 - CC decision, 53/2021 - CC decision, 66/2021 and 130/2021) it is prescribed that children without parental care, children with disabilities, children receiving cash social assistance are exempted from the obligation to pay for full-day or half-day stay in a preschool institution, which falls within the domain of the rights of general public interest and their provision is the responsibility of the Republic of Serbia, as well as children from materially disadvantaged families whose rights are taken care of by the municipality or city.

No funds are issued from the budget of the Ministry of Education for the work of private educational institutions.

e) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

The Committee notes from the UN Committee on the Rights of the Child's Concluding Observations on the combined second and third periodic reports of Serbia [CRC/C/SRB/CO/2-3, March 2017] there were approximately 8,500 persons who were not registered at birth, with the vast majority of those persons identifying themselves as Roma.

The Committee asks what measures have been taken by the State to reduce statelessness (such as ensuring that every stateless migrant child is identified, simplifying procedures for obtaining nationality, and taking measures to identify children unregistered at birth). The Committee asks further what measures have been taken to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation.

In accordance with the second Memorandum of Understanding between the Ministry of Public Administration and Local Self-Government, Protector of Citizens, and United Nations High Commissioner for Refugees - Representation in Serbia, signed on 3 October 2019, in order to continue cooperation regarding the problems of members of the Roma national minority in realizing the right to be entered in the birth register, as well as other rights related to their personal status, with special reference to new-born children, and in order to prevent the risk of statelessness, an Operational Group was established, with the task of proposing the measures and activities necessary to solve these issues, reviewing the achieved results and monitoring the implementation and coordination of the undertaken activities, in whose work representatives of the Directorate for Administrative Affairs participate.

On 16 December 2020, the Ministry of Public Administration and Local Self-Government, Ministry of Health, Ministry of Labour, Employment, Veteran and Social Affairs, and this Ministry issued an Instruction for cases of the birth of a child whose parents do not have personal documents in order to enable registration in the birth register. The Instruction directs the manner of action of authorized persons of health care institutions, registrars, police officers, as well as officers in centres for social work, in cases of the birth of a child whose parents do not have personal ID documents, with the aim of enabling the registration of the child in the birth register.

In this regard, from April 2021 to December 2022, several round tables were held on the topic of the importance of mutual coordination of participants in the process of registration in the birth register, with an emphasis on cases of a birth of a child whose mother does not have personal documents. The round tables were attended by police officers, registrars and deputy registrars, employees in centres for social work, administrative workers in health care institutions, and lawyers engaged in free legal aid services.

On 10 February 2022, the third Agreement of Understanding was signed between the Ministry of Public Administration and Local Self-Government, Protector of Citizens, and United Nations High Commissioner for Refugees - Representation in Serbia, in order to continue cooperation in solving the remaining cases in which members of the Roma national minority did not exercise their right to be entered into the birth register, as well as other rights related to their personal status, with a special focus on the registration of new-born children in this official record, in order to prevent the risk of statelessness. The focus is on individual cases in which the competent authorities involved in solving the problem of legally invisible persons take part.

Given that citizenship is one of the basic human rights, the national legislation of the Republic of Serbia, respecting the general principles of international law when enacting regulations governing the field of citizenship, pays special attention to the principles aimed at preventing and reducing statelessness, giving the possibility of acquiring citizenship on various legal grounds.

In this sense, the Republic of Serbia is a signatory of the 1954 Convention relating to the Status of Stateless Persons, with the basic task of identifying and protecting stateless

persons, as well as the 1961 Convention on the Reduction of Statelessness, which concerns the avoidance of statelessness.

The first mechanism of protection against statelessness is found precisely in the Constitution of the Republic of Serbia, where Article 38, paragraph 2 states that a citizen of the Republic of Serbia cannot be expelled, nor deprived of citizenship or the right to change it. Also, in paragraph 3 of the same article, it is stated that a child born in the Republic of Serbia has the right to the citizenship of the Republic of Serbia, if the conditions to acquire the citizenship of another country are not met.

This constitutional provision was translated into Article 13 of the Law on Citizenship of the Republic of Serbia ("Official Gazette of the Republic of Serbia" No. 135/2004, 90/2007 and 24/2018) that a child born or found in the territory of the Republic of Serbia (foundling) shall acquire the citizenship of the Republic of Serbia by birth if both parents are unknown or of unknown nationality or stateless, or if the child is stateless. A child who has acquired the citizenship of the Republic of Serbia on the basis of this article is considered a citizen of the Republic of Serbia from birth.

The provisions of the Law on the Citizenship of the Republic of Serbia are harmonized with the general standards of international law, which provide a wide possibility of acquiring the citizenship of the Republic of Serbia on various legal grounds (origin, a person residing in the territory of the Republic of Serbia, refugees, emigrants, re-acquisition of citizenship by persons who previously released their citizenship of the Republic of Serbia, etc.), and not only is the possibility of a person remaining stateless excluded, but it is also possible to have dual or multiple citizenships.

In addition, the Law on Citizenship of the Republic of Serbia gives the possibility of an easier, direct entry into the records of births and citizens of the Republic of Serbia of children born abroad, who are citizens of the Republic of Serbia by origin, regardless of whether they can acquire citizenship in accordance with the national legislation of the country of birth.

The Institute of Guarantee is an important mechanism of protection against statelessness and appears in the procedures for receiving and terminating the citizenship of the Republic of Serbia.

Also, the Law on Citizenship of the Republic of Serbia stipulates that a person who has been released from citizenship but has not acquired foreign citizenship within one year from the date of adoption of the decision, and if that person remains stateless, the Ministry of Interior, upon written request of that person, cancels the decision on the release, and the situation of the person remaining stateless was avoided. Article 45 of the same law in paragraph 2 stipulates that the decision on the acquisition and termination of citizenship of the Republic of Serbia in cases of acquisition or termination of citizenship of the Republic of Serbia contrary to the regulations on citizenship, on the basis of a false or falsified document or statement, etc., cannot be annulled by the competent authority if the person would remain stateless.

The Committee previously considered that the situation was not in conformity with the Charter as corporal punishment is not prohibited in the home and in institutions (Conclusions 2015).

The Committee notes that there has been no change to the situation.

The Committee notes, however, that the report states that proposed amendments to the Family Law would prohibit all forms of corporal punishment in the family context. The Committee asks to be kept informed of all developments in this respect, as well as in relation to the prohibition of corporal punishment of children in institutions. Meanwhile it reiterates its previous conclusion of non-conformity.

A Special Working Group was formed and the process of passing the Law amending the Family Law continues. Work on the adoption of this Law was interrupted in December 2021 due to the election process held at that time. The ex ante and ex post analyses are done. The most important novelty in the Draft Law is the complete ban on corporal punishment of children. The adoption of the Law is expected by the end of 2023.

All violence and discrimination is prohibited in educational institutions in accordance with Articles 111 and 112 of the Law on the Fundamentals of the Education System ("Official Gazette of the RS", No. 88/2017, 27/2018 - other law, 10/ 2019, 6/2020 and 129/2021). The Ministry of Education pays special attention to the prevention of discrimination in the education system. Legal regulations are continuously being improved in this area, more intensively since 2016, when the Rulebook on closer criteria for recognizing forms of discrimination by an employee, child, student or third party in an educational institution was first adopted. - <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/ministarstva/pravilnik/2016/22/1/reg>, and then in 2018, the Rulebook on the actions of the institution in case of suspected or identified discriminatory behaviour and insult to the reputation, honour or dignity of a person - <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/ministarstva/pravilnik/2018/65/2/reg>. Both rulebooks regulate very precisely the procedures of educational institutions in situations of suspected or identified discriminatory behaviour between students, students and employees, between employees, parents and other adults. It is prescribed that the institution intervenes in cases of suspected or identified insults to the reputation, honour or dignity of a person and discriminatory behaviour based on racist, sexist, homophobic, xenophobic, Islamophobic, anti-Semitic, antigypsyism or other forms of discriminatory behaviour. The rulebook introduces a number of concepts - homophobia and transphobia, gender equality, repeated discrimination. The rulebook also provides examples of severe forms of discrimination - e.g. posting/writing homophobic, sexist messages, calling for violence against members of the LGBTI population via social media (homophobia), segregation. Every educational institution is obliged to have a Team for Protection against Discrimination, Violence, Abuse and Neglect established and an annual discrimination prevention program drawn up, in addition to an annual program for protection against violence, abuse and neglect. The role of the Protection Team is to implement preventive activities defined by the annual discrimination prevention program, but also to intervene in situations of suspicion or knowledge of discriminatory behaviour. The Ministry, in cooperation with its partners, implemented a

number of projects and programs within which various resources for schools were prepared, which are specifically related to the prevention of discrimination.

The following published publications related to the prevention of discrimination can be found on the Ministry's website -<https://mpn.gov.rs/kategorija/publikacije/>:

- Brochure for parents with the aim of improving the capacity of educational institutions to prevent and deal with discrimination
- Guidebook for preventing and responding to discrimination
- for employees in educational institutions - Guidebook for employees in educational institutions and Guidebook for parents
- “Reference framework of competences for democratic culture”;
- “Towards a safe and stimulating school environment”;
- “Teaching competences for democratic culture through online teaching”;
- “Competences for democratic culture - Living together as equals in culturally diverse democratic societies”;
- “Competences for democratic culture - Living together as equals in culturally diverse democratic societies”;
- “Kindergarten as a safe and stimulating environment for children's learning and development”.

In cooperation with the Ministry of Education and the Centre for Interactive Pedagogy, with the support of the Pestalozzi Children's Foundation, a Guide for preventing segregation in educational institutions and taking measures for desegregation was developed, which is available at the link: <https://prosveta.gov.rs/vesti/vodic-za-sprecavanje-segregacije-u-ustanovama-obrazovanja-i-vaspitanja-i-preduzimanje-mera-za-desegregaciju/?highlight=%22%D1%81%D0%B5%D0%B3%D1%80%D0%B5%D0%B3%22> and is an activity that completes the resources in education for the implementation of legislation that achieves fair and non-discriminatory education and society as a whole.

The accredited programs of the Institute for the Improvement of Education intended for teacher training also cover this area. One of the priority areas is (P1) Application of an inclusive and democratic approach in upbringing and education in order to ensure quality education for all (individualization and differentiation, prevention of dropping out of education, provision of additional educational support for students from vulnerable groups, including support for the transition of students to the next level of education, work with gifted students) as well as (P5) Strengthening the educational role of the institution/school in the direction of the development of intercultural education, the formation of values necessary for life and work in modern society. In the Catalogue of programs for continuous professional development of teachers, educators and professional associates for the school years 2018/2019, 2019/2020 and 2020/2021, there are 35 programs aimed at improving the capacity of teachers and other professional associates to act in the field of protection against gender-based violence and discrimination. There are 7 accredited programs in the area of improving competences for civic values. The accredited program/seminar "All Our Identities" should be mentioned particularly. Thus far, the seminar has had 7 implementations attended by 140 participants, of whom 12 men and 128 women who are Civic Education teachers, form teachers, subject teachers of social studies in primary and secondary schools.

The goal of the program: Including a gender perspective in primary education by directly engaging teachers, through empowering them to introduce interventions into teaching content, as well as through changing attitudes about gender roles and gender relations, for the further development of a fair and sustainable society. – Intersectionality, how gender identity intersects with others. A total of 315 trainings were held in this area, involving 8,608 participants.

In the new Catalogue of programs of continuous professional development of teachers, educators and professional associates for the school years 2021/2022, 2022/2023 and 2023/2024, available at: <https://zuov-katalog.rs/>, the following were accredited: 9 programs with the theme of interculturality, 4 programs of gender equality, the topic of discrimination is represented by 7 programs, and learning about the Holocaust by 6 programs. In the field of education in the languages of national minorities, we have a total of 58 programs in the languages of national minorities (IIE's Catalogue and Pedagogical Institute of Vojvodina). More details in Annex 1 - List of IIE's accredited programs for 2022.

All teaching and learning processes in all subjects in schools should lead to the development of general competences in order to reach the goals that society has set for the education system. General competences are developed through all subjects and all subjects contribute even when the direct connection is not visible at first glance. They are applied in different situations and contexts, and when solving different problems. They are necessary for all students for their personal fulfilment, development and employment, and form the basis for lifelong learning. In the education system of the Republic of Serbia, the following general and cross-curricular competencies are prescribed as the most relevant for the adequate preparation of students for active participation in society and lifelong learning (digital competence, aesthetic competence, learning how to learn, communication, responsible attitude towards the environment, responsible participation in democratic society, entrepreneurship and orientation towards entrepreneurship, data and information handling, problem solving, cooperation, responsible attitude towards one's health). These cross-curricular competences are not opposed to the contents of teaching subjects and programs, but represent a further step in the understanding of the material and the application of what has been learned, and the responsibility for their development is borne by all teachers and teaching subjects.

The report states that negotiations on continuing the family assistant project as a service are ongoing (service providers from Belgrade, Kragujevac, Nis and Novi Sad, Social Welfare Institute, Ministry of Labour, Employment, Veteran and Social Affairs and UNICEF). Also, amendments to the Social Welfare Law are pending which according to the report will provide a legal framework for the Centres for Children and the Family, out of which family assistants would operate.

However the Committee notes from other sources [Opening Doors for Europe's Children, Serbia Country factsheet 2018] that after its pilot phase, the service has largely ceased due to a lack of funding. The service was only ever accessible in four cities in Serbia (Belgrade, Novi Sad, Kragujevac and Niš) and it was not available for the rest of the country where approximately 70% of the population lives. The project "Family associate" can be seen as an example of a positive community-based practice. However, due to its limited coverage and lack of sustainability, it cannot be seen as an indicator of general improvement in the provision of this type of services in Serbia.

The Committee asks for the Government's comments on this as well as information on measures taken to support families and children at risk.

Тачно је да је услуга породичног сарадника престала да функционише због недостатка финансијских средстава за њену даљу одрживост и ширење у друге градове у Србији. Оно што је у међувремену урађено је нацрт стандарда за успостављање ове услуге коју би пружали други пружаоци у заједници до успостављања центара за децу, младе и породицу. Такође, урађен је и нацрт стандарда за услуге интензивне подршке породицама у кризи. Усвајање ових стандарда је један од приоритета за наредни период.

Као део подршке породицама и деци у ризику урађене су *"Смернице за сродничко хранитељство"*, *"Смернице за развој ургентног хранитељства"* и *"Смернице за повремену породични смештај"* које су публиковане и дистрибуиране свим центрима за социјални рад и центрима за породични смештај и усвојење. Циљ смерница је јачање професионалних компетенција запослених у социјалној заштити, информисање и едуковање родитеља, деце и старатеља, информисање и едуковање пружалаца услуге хранитељског смештаја. Аутори смерница сачинили су и реализовали инструктаже, обуке за примену смерница и менторске посете установама. На завршној конференцији реализоване су активности на промоцији свих наведених смерница и информисање стручне и шире јавности.

Предузете су и бројне активности на развоју услуга у заједници као што су дневни боравци, становање уз подршку, помоћ у кући, лични пратилац детета, док је смештај у установе (домове) услуга за којом се посеже ако се подршка не може обезбедити у неком облику који је мање рестриктиван. У том смислу велику подршку пружио је и механизам наменских трансфера који је у Србији уведен 2016.год. и преко кога се из републичког буџета трансферишу средства оним локалним самоуправама које су испод републичког нивоа развијености и самим тим немају довољно средстава у локалним буџетима за успостављање и развој услуга социјалне заштите у својој средини. Услуга личног пратиоца детета је нарочито имала своју експанзију протеклих година и уз помоћ у кући и дневни боравак спада у најраспрострањеније услуге у Србији.

Априла 2018. године три министра Владе Републике Србије (здравља, образовања и социјалне заштите) и председник Савета за права детета потписали су **Позив на акцију** за подршку развоју деце у раном детињству и стварање оптималних услова за развој сваког детета и друштво у целини. Један од шест дефинисаних циљева Позива на акцију усмерен је на јачање система **услуга раних интервенција**. Почело је пилотирање **"Модела раних интервенција"** прилагођених за Србију у сарадњи са УНИЦЕФ као међуресорне, трансдисциплинарне и интегрисане услуге и мере којима се пружа подршка развоју деце млађег узраста са развојним одступањима, сметњама, нетипичним понашањем, социјалним и емоционалним тешкоћама и њиховим породицама. Рану интервенцију пружа трансдисциплинарни, међуресорни „Тим за рану интервенцију“ кога чине професионалци три система (здравља, предшколског васпитања и образовања и социјалне заштите). Подршку породици Тим за РИ пружа кроз кућне посете које спроводи примарни пружалац услуге (ППУ) и кроз подршку

васпитачима/медицинским сестрама, када је дете укључено у предшколско васпитање и образовање. Као носилац ране интервенције препознат је дом здравља – педијатријска служба и развојно саветовалиште, који досежу до највећег броја деце раног узраста. Уз снажну међусекторску сарадњу, поред дома здравља и развојног саветовалишта, значајну улогу имају предшколска установа и центар за социјални рад, као део транс-дисциплинарног тима и учесници у пружању услуга подршке за дете и породицу. Програм Породично оријентисаних раних интервенција (ПОРИ) за децу са тешкоћама и сметњама у развоју и њихове породице се током 2022. године проширио са 5 пилот локација (Крагујевац, Лесковац, Београд-Раковица, Ниш, Сремска Митровица) на нових **13 локација** (Суботица, Зрењанин, Нови Сад, Зајечар, Краљево, Чачак, Крушевац, Шабац, Прокупље, Нови Пазар и Београд – градске општине Земун, Чукарица и Нови Београд).

Почетком 2022.год. донета је Стратегија *деинституционализације и развоја услуга социјалне заштите у заједници 2022.-2026.год.* Ова стратегија као циљеве поставља територијално усклађен и одржив развој услуга у заједници, трансформацију установа за смештај у пружаоце услуга, успостављање нормативних и финансијских претпоставки за одрживост процеса деинституционализације, оснаживање корисника за овај процес и за укључивање у заједницу као и оснаживање професионалаца за спровођење и заговарање деинституционализације.

НАКНАДНО ЋУ ДОСТАВИТИ ОДГОВОР

The Committee notes from the UN Committee on the Rights of the Child’s Concluding Observations on the combined second and third periodic reports of Serbia [CRC/C/SRB/CO/2-3, March 2017] that the UN Committee stated that the number of children, including children under 3 years of age, placed in formal care is still significant, with the risk of family separation and institutionalization remaining high for children from the most disadvantaged groups, including Roma children and children with disabilities. Children with disabilities continue to be significantly overrepresented in residential care and living conditions in large-scale institutions for children with disabilities are inadequate, with children reportedly suffering from segregation, neglect, limited privacy and exclusion from education and play.

The Committee asks to be provided with information on trends in the field as well as information on the de-institutionalisation of children under the age of three years of age and children with disabilities. It also asks for information on the monitoring of care in institutions and other types of alternative care. Meanwhile it reserves its position on the situation.

Children in conflict with the law

The Committee previously asked what is the age of criminal responsibility. It also asked what is the maximum length of pre-trial detention and of prison sentences that can be imposed on a child, and whether children are always separated from adult prisoners (Conclusions 2015). The report provides no information on these issues, therefore the Committee repeats its request for this information. The Committee

considers that if this information is not provided in the next report there will be nothing to establish that the situation is in conformity with the Charter.

The position of juvenile criminal offenders is regulated by the Law on Juvenile Criminal Offenders.

Minors under the age of 14 cannot be held criminally responsible. In order for a person to be able to work with minors at all, special training is required. According to the law, not any police officer cannot talk to a minor who has committed a criminal offense, and they must not be transported in vehicles with police markings, but these must be civilian vehicles.

When the police officers finish their part of the job, a psychological assessment is performed, and the type of sanction is determined by the prosecution and the court.

The peculiarity of criminal proceedings against minors is that the purposefulness of imposing a criminal sanction, or an educational measure, is appreciated. Circumstances and facts are determined that indicate which educational measure can be imposed. For minor crimes, they can receive measures such as a court reprimand, increased parental supervision, while for more serious crimes, they can receive increased supervision by the guardianship authority, or referral to an educational and correctional institution. Juvenile prison is used for the most serious crimes when the degree of guilt is such that it is not purposeful to impose an educational and correctional measure, but the person must be sent to prison.

Juvenile prison can be assigned to a minor only if the punishment for the committed criminal offense is more than five years. The degree of the criminal offense and the circumstances must be such that it is not purposeful to impose an educational-corrective measure, but the person must be sent to prison. These are always serious crimes.

The juvenile prison sentence cannot be shorter than six months and longer than five years and is imposed for full years and months.

According to the Law on Juvenile Criminal Offenders and the criminal legal protection of minors, for a criminal offense punishable by a prison sentence of twenty years or a heavier penalty, or in the case of at least two criminal offenses punishable by a prison sentence of more than ten years, a juvenile prison may be imposed for up to ten years.

Also, the juvenile prison sentence cannot be carried out if 10 years have passed since the sentence to juvenile prison for more than five years, five years since the sentence to juvenile prison for more than three years, and three years since the sentence to juvenile prison for up to three years.

If a person who is in juvenile prison turns 18 during the term of the sentence, he remains in juvenile prison until the end of the sentence, and the Law on Juvenile Criminal Offenders, in some cases, can also be applied to younger adults, i.e. persons up to the age of 21.

According to the Law on Juvenile Criminal Offenders, a minor cannot be placed in solitary confinement.

If more than six months have passed since the finality of the decision imposing any of the measures of special obligations or measures of enhanced supervision, or if more than one year has passed since the finality of the decision imposing an institutional measure, and enforcement has not begun, the court will reassess the need for enforcement of the pronounced measure. In doing so, the court may decide to enforce, not enforce, or replace the previously imposed measure with another measure.

Information on a juvenile prison sentence cannot be given to anyone, except in the cases provided for in Article 102, paragraph 2 of the Criminal Code.

Exceptionally, the judge for juveniles can order that the juvenile be placed in detention, when there are reasons for this referred to in Article 142, paragraph 2 of the Code of Criminal Procedure, if the purpose for which the detention was ordered cannot be achieved by the measure of temporary placement of the juvenile referred to in Article 66, paragraph 1 of the **Law on Juvenile Criminal Offenders**.

The time spent in detention, like any other deprivation of liberty, is included in the duration of the imposed educational measure of referral to an educational institution, referral to an educational correctional facility and the sentence of juvenile prison in accordance with Article 63 of the Criminal Code.

Based on the decision on detention made by the judge for juveniles, detention in the preparatory procedure can last for a maximum of one month.

The Juvenile Chamber of the same court may, for justified reasons, extend the detention for a maximum of one more month.

After the completion of the preparatory procedure, from the submission of the proposal for the imposition of a criminal sanction, detention for an older minor may last up to six months, and for a younger minor, a maximum of four months.

From the imposition of the educational measure of referral to an educational and correctional home and from the imposition of the sentence of juvenile prison, the detention of a minor can last for a maximum of six months.

In cases of prolongation of detention according to paragraphs 5 and 6 of this Article, the Juvenile Chamber is obliged to examine, every month, whether there are reasons for detention and to issue a decision on the termination or extension of the detention.

In everything else regarding detention of minors, the provisions of Article 146 of the Code of Criminal Procedure shall be applied accordingly.

The minor is in detention separately from adults.

The Committee asks whether prison sentences are regularly reviewed. The Committee also asks whether children may be subject to solitary confinement and if so, for how long and under what circumstances.

Yes, they are regularly reviewed.

If more than six months have passed since the finality of the decision imposing any of the measures of special obligations or measures of enhanced supervision, or if more than one year has passed since the finality of the decision imposing an institutional measure, and enforcement has not begun, the court will reassess the need for enforcement of the pronounced measure. In doing so, the court may decide to enforce, not enforce, or replace the previously imposed measure with another measure.

The Committee notes from the UN Committee on the Rights of the Child's Concluding Observations on the combined second and third periodic reports of Serbia [CRC/C/SRB/CO/2-3, March 2017] that the UN Committee expressed concern about delays in the appointment of legal representatives, and the fact that there are inadequate interpretation services. Furthermore children under the age of 16 are often placed in asylum centres that do not have adequate facilities or trained staff to care effectively for the children 24 hours per day, seven days per week. Limited space in asylum centres has forced many asylum-seeking and refugee children, including unaccompanied and separated children, to sleep on the streets without adequate shelter and in unsafe and unsanitary conditions.

In addition the Committee notes from the report of the Special Representative of the Secretary General of the Council of Europe on migration and refugees, following his visit to Serbia in June 2017 SG/Inf(2017)33, that unaccompanied children are often accommodated together with adults, in overcrowded conditions. Further according to the report the situation in respect of the accommodation and reception of unaccompanied children raises serious concerns about children's exposure to risks of violence, sexual abuse and exploitation and human trafficking. There is an urgent need to ensure proper accommodation for unaccompanied children in order to prevent criminal activities targeting them and to protect those who have fallen victim to human trafficking or to violence and abuse of children, including sexual violence and exploitation. The Special Representative's report also states that the guardianship system is not effective.

The report states that in October 2017, new Guidelines for centres for social work and residential care institutions for the provision of care and placement of unaccompanied migrant children were adopted. The Committee asks for further information on the content of these guidelines. It asks what measures have been taken to improve the guardianship system and what measures have been taken to ensure that accommodation facilities for migrant children in an irregular situation, whether accompanied or unaccompanied, are safe and appropriate and are adequately monitored. Meanwhile it reserves its position on the conformity of the situation.

Since 2018, the principle that unaccompanied children are accommodated in special asylum centres, where there are no other adult residents, has been generally respected, with the fact that due to changes in the situation on the ground due to an increase in the number of migrants, and a decrease in the number of unaccompanied children, this may change. The decision to designate an asylum centre where unaccompanied children will be placed is made

by the Commissariat for Refugees and Migration, without consultation with other competent authorities. The plan is to develop special operational procedures for such cases.

The competent centres for social work (CSWs) - guardianship authorities, within the legally defined time limit (30 days), and often significantly faster, make decisions on the appointment of guardians and from the first identification of the child, they undertake legally defined actions in the protection of all vulnerable categories. Outreach social workers (covering most of the collective centres for the accommodation of migrants, and entry and exit border points), who work for CSWs, but are physically located in the reception/asylum centres, participate in all procedures and ensure the protection of children and other vulnerable categories immediately after receiving the child or notification about the identification of the child. They participate in the preliminary vulnerability assessment and represent the organizational link between the reception/asylum centre and the CSW. In addition, 8 professional guardians were hired to cover all locations that have a larger and longer presence of children and who provide guardianship protection on behalf of the guardianship authority. Furthermore, in the territory of Serbia, there are three state institutions of social protection, as well as two NGO shelters (as of May 2022, only one) that take care of unaccompanied children in a particularly vulnerable position. The total accommodation capacity in these special institutions/shelters is 40 in state institutions, and 30 in NGO shelters (15 as of May 2022). Specially trained personnel work in these institutions to care for and provide all necessary support to unaccompanied children in accordance with the Law on Social Protection.

In the period 2017-2022, guardianship authorities had 8,150 unaccompanied children under their care, while around 1,000 particularly vulnerable children were housed in social protection institutions or NGO shelters. On average, workers of the social protection system have about 30,000 different interventions/activities in their work with migrants per year, of which about 58% with unaccompanied minors, 39% with families and 3% with singles. On average, around 5,000 vulnerable migrants are identified and taken care of by the social protection system in a year.

In the 2019 Council of Europe's publication "Promoting child-friendly approaches in the area of migration - Standards, guidance and current practices", two protection models for children on the move which were created and applied in Serbia have made the list of the best European practices in the protection of children on the move (Promoting child-friendly approaches in the area of migration - Standards, guidance and current practices (coe.int)), namely: Standard Operating Procedures (SOPs) for protection of unaccompanied children (2016) and the model of "professional guardianship protection" (2018).

The biggest problem is that the social protection system relies heavily on donor support (primarily from the European Union and Switzerland), which ensures adequate functioning of the social protection system and adequate protection and care for unaccompanied children in a situation of mass migration. The plan was to create a plan for sustainable solutions through the Project EU Support to Serbia for Migration Management (Individual measure), which was supposed to start at the end of 2022, but the European Commission's decision on the start of the project is still awaited.

The instruction on the actions of centres for social work and social protection institutions for the accommodation of beneficiaries in ensuring the protection and accommodation of

unaccompanied minor migrants (2017) and the amendment from 2018 determine the basic procedural actions and activities of social protection institutions in ensuring the protection and accommodation of unaccompanied children and it is aligned with international standards in that area. They explained the basic international and national standards and established procedures that are applied. It is planned that during the year 2023, a proposal for a new Instruction will be determined, which would further improve protection, primarily in the context of cooperation with other actors. In addition, it is expected that by the end of 2024, Standard Operating Procedures will be adopted that would precisely determine inter-institutional competencies and procedures in working with migrants, including children and other vulnerable groups on the move. However, both things await the start of the above-mentioned EU project.

Accommodation in social protection institutions or foster families of unaccompanied children who are asylum seekers or who have received refuge is regulated by the Law on Asylum and Temporary Protection, as well as the Law on Migration Management. However, there remains the problem of legal regulation of the accommodation of unaccompanied children in an irregular situation, which has not been regulated for now. Please note that such children have been placed in these institutions thus far, according to the decision of the competent CSW, and in accordance with their best interest, and that support in the form of additional workers and accommodation payments was provided through EU projects.

As regards age assessments, the Committee recalls that, in line with other human rights bodies, it has found that the use of bone testing in order to assess the age of unaccompanied children is inappropriate and unreliable [European Committee for Home Based Priority Action for the Child and the Family (EUROCEF) v. France, Complaint No. 114/2015, Decision on the merits of 24 January 2018, §113]. The Committee asks whether Serbia uses bone testing to assess age and, if so, in what situations the state does so. Should the State use such testing, the Committee asks what are the potential consequences of such testing (e.g., can the results of such a test serve as the sole basis for children being excluded from the child protection system?)

In Serbia, there is no adequate regulation governing the age assessment procedure, and therefore it is not applied. The current basis for age assessment is the beneficiary's own statement. This creates significant problems for all systems, especially for social protection and health care, but also in the assessment of adequate accommodation. Serbia is determined to solve this problem and create a procedure in accordance with the best European practices, but also with the needs arising from the dynamics of mass migration in the territory of Serbia.

Cooperation in this area has been established with the European Union Agency for Asylum (EUAA) and the development of the procedure is included in the Road Map of cooperation between Serbia and EUAA 2020-2022 as a special multi-sectoral activity, supported through the project "Regional Support to Protection-Sensitive Migration Management in the WB and Turkey-Phase II". Due to the problems caused by the COVID-19 pandemic, the activity has not been realized yet.

The Committee asks the next report to provide updated information on enrolment rates, absenteeism and drop out rates as well as information on measures taken to address issues related to these rates.

According to the data of the Statistical Office of the Republic of Serbia, the rate of inclusion of children in primary education in the Republic of Serbia in 2021 was 93.45%. The rate of dropping out of primary education in 2021 was 0.44%, while the rate of completion of primary education was 95.91%.

The enrolment of students in secondary education in 2021 was 86.8%, the rate of completion of secondary education was 85.2%, while the dropout rate was 0.8%. The rate of students moving from primary on to secondary education for 2021 was 97.9%.

Support measures for the inclusion and increase of inclusion of children in primary and secondary education in the period of the year are aimed at:

- creation of a model for the inclusion of children older than seven and a half years in the education system through a trial program;
- measures of financial and material support for children for the purpose of inclusion and prevention of drop out;
- support measures for children from vulnerable groups in the period of transition from primary to secondary school;
- implementation of the measure of affirmative enrolment for children of Roma nationality in secondary schools;
- scholarships for students of Roma nationality;
- support measures for the inclusion of children who were returned to Serbia under the readmission agreement;
- support measures for the inclusion of refugee and migrant children/students in the education system.

A System for Early Identification and Response was established in order to prevent dropouts from the educational system. Interdepartmental cooperation was improved - a protocol was established at the local level to prevent dropping out of education, which connects the school with the centre for social work, interdepartmental commissions, health care centres, judges for misdemeanours, local self-governments and other relevant local mechanisms and partners (Roma coordinators, pedagogical assistants, health mediators). Instructions for the prevention of early school leaving were created with recommendations and suggestions for measures to prevent dropouts. In the last four years, 1,841 participants from 229 schools attended public interest training for the implementation of the model of early identification of students at risk and dropout prevention.

The Committee asks the next report to provide information on the rates of child poverty as well as on the measures adopted to reduce child poverty, including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing etc. Information should also be provided on measures focused on combatting discrimination against and promoting equal opportunities for, children from particularly vulnerable groups such as ethnic minorities, Roma children, children with disabilities, and children in care.

States should also make clear the extent to which child participation is ensured in work directed towards combatting child poverty Meanwhile it reserves its position on this issue.

The risk of poverty rate in Serbia in 2021 was 21.2 percent, and 20.8 percent among those under the age of 18. This represents a decrease compared to 2020 and 2019 and is below the EU-28 average of 21.7 percent for 2021.

The unemployment rate fell to 10.7 percent in 2019, down from 23.9 percent in 2012 (European Commission, 2021).

Serbia has largely reformed the legislative, strategic and institutional framework in areas relevant to the realization and protection of the rights of children from vulnerable groups, including changes in the field of education and anti-discrimination, as well as capacity building for the implementation of inclusive education at the level of educational institutions, at the local and national levels. Reforms were intensively continued through the adoption of the new Education Development Strategy until 2030. With the aim of strengthening the principles of fairness, quality and facilitating access to the education system for children and students from vulnerable social groups, the Ministry continuously implements a series of support measures:

- affirmative enrolment in a preschool institution - members of vulnerable social groups have the right of priority when enrolling in a preschool institution;
- compulsory and free preparatory preschool program;
- improved accessibility of educational institutions;
- diversification of the program offer of preschool institutions;
- the method of enrolling children older than 7.5 years is regulated;
- the practice of adapting the final, matriculation and entrance exams was introduced;
- the institution's obligation to support students in periods of transition is defined;
- compulsory primary school for 8 years;
- a child of school age is enrolled in primary school without the necessary documentation for enrolment (birth certificate, citizenship, registration of residence);
- primary schools are obliged to enrol every child of school age in the system and provide him/her with support in mastering the teaching material, the Serbian language, as well as providing every other type of support to the child and family for the smooth inclusion and attendance of regular classes;
- children belonging to the Roma national minority, as well as children with disabilities, have the possibility of using the affirmative measure of enrolment in secondary school under more favourable conditions;
- secondary school students of Roma nationality have a special option to obtain scholarships;
- pedagogical assistants were hired for children and students of Roma nationality who need additional support in education, currently in the system there are 260 PAs, the PA network is expanding every school year;

- mentoring support for secondary school students of Roma nationality is a significant incentive to stay in the system, 150 mentors were hired;
- schools include parents of students who are at risk of dropping out in the school life and activities designed in partnership with relevant associations and the wider social community (educational workshops, advice, events, marking significant dates, forums, extracurricular activities, clubs, intensifying the cooperation of parents with the pedagogical assistant);
- free transportation for secondary school students - local self-government service;
- free snack for students from families with lower material status;
- enriching e-libraries with IT technology and donating tablet computers for students who do not own these devices, as well as internet cards and free internet for easier and better access to general education especially during the COVID-19 crisis and distance learning;
- additional shift work in schools has proven to be very successful, especially for students of Roma nationality, who are at high risk of dropping out. On a weekly basis, a work plan is made that includes studying, working on homework, and spending time in nature. With this type of work, with the support of teachers, students of older classes provide peer support to students of younger classes;
- the affirmative measure for enrolment in higher education studies founded by the Republic of Serbia applies to members of the Roma population and persons with disabilities;
- students belonging to the Roma national minority and students with disabilities are ranked separately when awarding student scholarships and loans using milder criteria in accordance with affirmative measures in the field of education, from the second year of study, if they did not lose a year during their studies, regardless of the average grade and ECTS points;
- in the education system, measures are applied to prevent dropping out of the education system. Schools implement a system for early identification and response in order to prevent dropouts from the education system, according to a protocol was designed at the local level to prevent dropping out of education, which connects the school with the centre for social work, interdepartmental commissions, health care centres, judges for misdemeanours, local self-governments and other relevant local mechanisms and partners (Roma coordinators, pedagogical assistants, health mediators);
- with the Institute for Education Quality and Evaluation, the Instruction for the prevention of early school leaving was created with recommendations and proposals for measures to prevent dropouts;
- professional development of employees in the system – in the period 2019-2021, 43 professional development programs for teachers related to the prevention of dropping out of education were accredited; 309 trainings were held, which included 7983 participants;
- 123 trainings from the list of trainings of public interest were carried out and attended by 3030 participants;
- During 2020-2022, 650 educators from 60 preschool institutions, primary and secondary schools throughout Serbia underwent training on recognizing and undertaking recommended activities and measures related to discrimination in the educational environment.
- Free textbooks program as a support measure - Bearing in mind the importance of the availability of education for all, the Ministry continuously provides free textbooks for each

school year, which provide additional support to students from socially/materially disadvantaged families. The project "Procurement of teaching aids for students and institutions" is intended for primary school students, namely students from socially/materially disadvantaged families (recipients of cash social assistance), students with disabilities who attend primary school education according to individual education plan, and students who do not attend according to an individual educational plan, but need adaptation (enlarged font, Braille, electronic format), as well as primary school students who are the third or every subsequent child in the education system.

The following are data on the overall number of free textbooks per school year:

2019/20 - 925,201 textbooks (standard + adapted);

2020/21 - 785,241 textbooks (standard + adapted);

2021/22 - 758,866 textbooks (standard + adapted);

2022/23 - 764,315 textbooks (standard + adapted).

- support to consultants-external associates with the aim of improving the availability and quality of education - the Ministry made additional efforts for the school year 2021/22 in hiring more consultants-external associates for subjects, groups and areas of subjects and professional affairs. Thus, a total of 37 were hired for inclusive education. Training is underway to strengthen the competencies of consultants-external associates.

- in support of non-formal education and programs that are important for the development of education, the Ministry of Education annually announces public competitions for associations in the field of education. In the last five years, more than 200 civil society organizations have been supported, and around EUR 70,000 of budget funds were allocated. For 2022, 4 programs were supported to improve the education of the Roma community.

Support measures for regular school attendance and prevention of dropping out are:

- Compensation of expenses of preschool attendance
- Defined procedures for recognition and response in cases of violence and discrimination.
- Defining the obligation of educational institutions to work on the prevention of student dropout.
- The personal companion social protection service has been developed.
- Free transportation for children/students and their companions; food, student accommodation, textbooks, student loans and scholarships.
- Free textbooks for primary school students from low socio-economic status families and children who are educated according to an individual education plan
- Adapted textbooks in Braille, as well as with customized font/format (various electronic formats)
- Some local self-governments provide material support to students through scholarships

Measures which support the quality of inclusive education are:

- Individualization and IEP
- Distance learning/teaching
- Teaching at home
- Teaching of students on a longer home or hospital medical treatment
- Additional classes
- Participation of parents
- Use of assistive technologies
- Cooperation between schools for students with disabilities and regular education institutions
- Consultants-external associates for inclusive education

The system of assessing needs and providing additional support to students and families from vulnerable groups in the education system was also revised. The work of interdepartmental commissions and the provision of additional support to students from vulnerable groups are additionally regulated.

The number of primary school-age students attending classes in classes for the education of students with disabilities in regular schools and schools for the education of children with disabilities has been decreasing in recent years, while the number and share of students who are educated according to individual educational plans IEP1 and IEP2 has been increasing in primary schools.

Significant progress has been made in supporting the education of children from the Roma population through scholarships, affirmative measures for enrolment in secondary schools and improved support for students during the transition from primary to secondary education, as well as through mentoring support. Support systems at the level of educational institutions have been improved through building the capacity of employees, increasing the number of pedagogical assistants, developing plans to prevent children from dropping out and identifying children at risk of dropping out, and the number of personal companions for children with disabilities has increased.

The Committee previously asked whether vulnerable families are provided with financial assistance to facilitate their access to and completion of compulsory education (Conclusions 2015). According to the report, Serbia has for a number of years been gradually implementing a programme to provide all primary school children with free school books. In the academic year 2017/18, about 86,000 pupils who are members of families in a socially vulnerable category or in economically deprived families (families in receipt of cash social assistance), pupils with mental and physical disabilities pupils who are schooled under the individual plan of education and the pupils who are in a family with more than three children received free school books. The Committee asks the next report to provide information on the proportion of children in primary school education who receive free school books or other forms of financial assistance.

The Ministry of Education provides free textbooks for primary education students. The following categories of students have the right to free textbooks, in accordance with the appropriate decision of the Government of the Republic of Serbia:

- students from socially/materially disadvantaged families (recipients of cash social assistance)
- students with disabilities who attend primary school education according to individual education plan
- students who do not attend according to an individual educational plan, but need adaptation (enlarged font, Braille, electronic format)
- primary school students who are the third or every subsequent child in the education system.

For the school year 2022/2023, the news is that in addition to students from the above categories, the right to free textbooks is also exercised by:

- students with exceptional abilities who receive primary school education according to an individual educational plan with expanded and enriched content, that is, according to IEP 3; and
- first and second grade students who are deaf, and who need adapted textbooks in electronic format, with video content in Serbian sign language.

The following are data on the overall number of free textbooks per school year:

2019/20 - 925,201 textbooks (standard + adapted);

2020/21 - 785,241 textbooks (standard + adapted);

2021/22 - 758,866 textbooks (standard + adapted);

2022/23 - 764,315 textbooks (standard + adapted).

The Ministry of Education, as part of the Free Textbook Procurement Program, also provides textbooks that are adapted for students with disabilities. The textbook is adapted in terms of font and/or format, so the adapted textbook can be: 1) printed in Braille, 2) printed enlarged on appropriate paper, 3) adapted in electronic/digital format, 4) adapted for the use of assistive technology.

A total of 2,593 textbook units were **adapted for the 2022/23 school year**. A total of 12,925 textbook units were adapted for the last four school years.

In the 2022/2023 school year, 88,493 students were provided with free textbooks, i.e. 16.5% of students in primary education received free textbooks.

The Committee previously noted that, in order to increase access to primary education, measures such as the 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 were adopted. It asked to be informed of implementation of these measures and their outcome (Conclusions 2015). No information is provided in this respect The Committee asks for updated information on these and other measures taken to mitigate the costs of education

such as transport, books, uniforms and stationery. If no information is provided in the next report there will be nothing to establish that the situation is in conformity with the Charter.

The budget of the Republic of Serbia provides funds for the education of children and students as well as adults in institutions established by the Republic of Serbia, autonomous provinces and local self-government units. The budget of the local self-government unit provides funds intended for: transportation of children and their companions to attend the preparatory preschool program at a distance of more than two kilometres; transportation of primary school students at a distance of more than four kilometres from the school's seat; transportation, accommodation and nutrition of children and students with disabilities and their companions, regardless of the distance of the place of residence from the school; transportation of children and students who reside in the territory of a local self-government unit at a distance of more than four kilometres from the school's seat and in cases when primary school students attend school in the territory of another local self-government unit. Although free textbooks for students from vulnerable social groups are provided from the national budget based on the decision of the RS Government, some municipalities/cities provide free textbooks and school supplies for students from vulnerable social groups (National report on inclusive education in the Republic of Serbia 2019-2021).

The project "Procurement of teaching aids for students and institutions" is intended for primary school students, namely students from socially/materially disadvantaged families (recipients of cash social assistance), pupils with disabilities who attend primary school education according to individual education plan, and students who do not attend according to an individual educational plan, but need adaptation (enlarged font, Braille, electronic format), as well as elementary school students who are the third or every subsequent child in the education system.

The following are data on the overall number of free textbooks per school year:

2019/20 - 925,201 textbooks (standard + adapted);

2020/21 - 785,241 textbooks (standard + adapted);

2021/22 - 758,866 textbooks (standard + adapted);

2022/23 - 764,315 textbooks (standard + adapted).

Inclusive education is largely achieved through financing, coordination and implementation of measures at the local level, and LSGs have important responsibilities regarding investment in infrastructure and professional development of employees. The legally defined key competencies of local self-governments in this area are: ensuring the conditions for the work of interdepartmental commissions (remuneration for the work of members, technical and other support for the work of the IDCs), providing funds for financing the support recommended by the IDC, financing individual support plans and provision of resources for children from vulnerable categories to ensure their full participation in educational activities and social inclusion, financing of transportation. To provide support to children and families, local self-governments use their own income, funds obtained from earmarked transfers and funds based on participation in projects.

In the Catalogue of programs for continuous professional development of teachers, educators and professional associates for the school years 2018/2019, 2019/2020 and 2020/2021, there

are 18 areas of which the development of inclusive education is the most important one: Children/students who need additional support in education with 49 programs. Data on the implementation of the programs show that from September 2018 to December 2021, 378 trainings were implemented within the 43 offered training programs in the area: Children/students who need additional support in education. These trainings included 9,739 participants.

Within the project “Enhanced Equal Access to and Completion of Pre-University Education – Learning Together” implemented by the Ministry of Education and UNICEF with the support of the Delegation of the European Union in Serbia, in 2022, trainings were organized for 4,056 employees from 203 schools in the field of inclusive pedagogy and inclusive practice and providing additional support to students from vulnerable groups.

The Committee asks the next report to provide information on the situation including what measures have been taken to ensure access to compulsory education – both primary and secondary – for children in asylum and reception centres. If this information is not provided there will be nothing to establish that the situation is in conformity with the Charter.

Education of migrant students

Education of migrant students, asylum seekers and refugees

Regarding access to education, student registration, the principle of equal treatment, prevention of xenophobia and intolerance, the Republic of Serbia fulfils its obligations in accordance with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of the Child and other international documents, as well as national. The Constitution of the Republic of Serbia stipulates in Article 71 that everyone has the right to education that is free and compulsory in primary school, while secondary school is free. All citizens have the right to access higher education under equal conditions. Article 110 of the Law on the Fundamentals of the Education System ("Official Gazette of the RS", No. 88/2017-3, 27/2018-3 (other law), 27/2018-22 (other law), 10/ 2019-5, 6/2020-20, 129/2021-9) stipulates the ban on activities that endanger, belittle, discriminate or single out persons or groups based on: race, nationality, ethnicity, language, religion or gender, physical and mental characteristics, mental and physical disabilities, health status, age, social and cultural origin, property status, political orientation, and encouraging or not preventing such activities, as well as on other grounds established by the law that prescribes the prohibition of discrimination. The goal of our efforts is to improve the quality and availability of education for migrant/asylum students in the Republic of Serbia. By engaging educational institutions, from the 2015/16 school year, 97-98% of children from the migrant population have been included in the education system. Therefore, the Ministry of Education does not agree with the conclusion of the Special Representative of the Secretary General on migration and refugees from 2017: "The low rate of refugee and migrant children's enrolment in local schools is due primarily to lack of knowledge of the Serbian language". A number of measures were taken by the Ministry that contributed to the inclusion of migrant children as much as possible. One of the measures is the adoption of the Professional Instruction for the inclusion of refugee students in the education system, it was adopted in 2017 and is applied in all schools attended by migrants, asylum seekers and refugees <https://mpn.gov.rs/vesti/strucno-uputstvo-za-ukljucivanje-ucenika-izbeglicatrazilaca-azila-u-sistemobrazovanja-i-vaspitanja/>. One of the measures

relates to attending classes during the COVID-19 crisis, and due to the uncertain epidemiological situation, as well as due to the rigorous measures taken in the reception and asylum centres, a number of students in the 2020/21 school year attended school online, while slightly more than 70% attended classes in schools. During the 2020/21 school year, migrant students were included in 22 primary, and 10 secondary schools, and 85% of children from the migrant population were included in the education. This percentage of inclusion continues in the following school years. The schools are supported by mentors, advisors, consultants-external associates and maintain regular communication with the representatives of the Commissariat for Refugees and Migration, whose jurisdiction includes reception and asylum centres in Serbia that provide accommodation, including families with school-age children and unaccompanied minors. Attending primary school is more regular and frequent, because primary school in the Republic of Serbia is compulsory, while secondary education is approached affirmatively and on a voluntary basis. On average, primary school education of children of migrants/asylum seekers in the 2021/22 school year ranged from 85-87%, while in secondary school (not compulsory in Serbia) the coverage was 15-30%. If students attend online classes, the schools deliver printed educational material to the reception centres, and communication takes place via Viber, Google classrooms with the support of colleagues from the reception centres. One of the important measures to increase the education coverage of migrant children is the provision of translation of educational material into the native languages of migrant students, considering that distance learning has brought a new challenge in the education of migrants. The language barrier is somewhat more pronounced, so the Ministry of Education, together with the implementation partner IOM, and through donor programs established the activity of translating educational material into the following languages: Arabic, Farsi, Ukrainian, French, which proved to be an extremely significant support for the education of migrants. Schools prepare content from various subjects for translation into the native languages of migrant and refugee students. These translated contents are delivered to schools and continuously published on the website <https://remis.rs/> in the special section “resources”, and they are available to all teachers as support in teaching migrant students. Furthermore, with the aim of improving the quality and availability of education, 50 tablets were provided to improve the availability of distance learning for migrant students who are housed in reception and asylum centres.

Another significant measure is the improvement of the learning of the Serbian language as a foreign language. The Ministry of Education adopted a curriculum for learning Serbian as a foreign language and trained more than 400 teachers to implement the new curriculum with the aim of making it easier for migrants and foreigners to learn Serbian.

Bearing in mind that migrant families are in transit through Serbia, as well as that classes during 2021 were partially implemented online, we estimate that at least 43% of migrant students attended 25 hours of regular classes + 2 hours of supplementary classes on a weekly basis. Other migrant/asylum-seeking students, mostly those who have been in Serbia for more than a year, attended all classes, between 22 - 28 hours a week, depending on the class (UNHCR indicator). In addition to regular classes, more than 75% of migrant students were involved in extracurricular activities, directly, if the epidemiological conditions allowed, or online. For migrant students who stay in Serbia for a shorter period of time, a school report is prepared (in Serbian and English), which contains the level of educational competences that the migrant student reached during his education in Serbia, and which represents a kind of educational passport. During 2021, a total of 42 school reports were handed out for

students who left Serbia (UNHCR indicator). With the aim that as many migrant/asylum-seeking students as possible receive additional educational support from teachers and professional associates in the school, the Ministry of Education continued the activity of mentoring support. 12 mentors were hired, who are educational advisers or consultants-external associates. They support schools where migrant students are educated. Some of their tasks are: communication and visits to schools where migrant students are educated and recording challenges in work; collection of data on the number of migrant students involved in the education process; preparation of monthly reports on the education of migrant students; continuous professional support for schools where migrant students are educated and mapping of good practices. The percentage of migrant/asylum-seeking students who received additional educational support from teachers and professional associates at school during 2021 (school years 2020/21 and 2021/22) was 95%. In 2021, 80% (60% girls, 40% boys) of migrant/asylum seeker students mastered the language of instruction in the education system sufficiently to be able to follow the lessons (UNHCR indicator). At least 20% of migrant students, especially those who had been in the education system for more than one year, mastered the language of instruction very well.

Results:

- The Ministry of Education made additional efforts to strengthen the competences of employees in the education system with the aim of contributing to the sustainable integration of migrant children and students. Thus far, more than 4,000 educators, teachers, directors and professional associates have improved their knowledge and skills for work in the field of migrant/asylum seeker education;
- Special support for schools is reflected in the awarding of small grants (value up to EUR 6,000). Thus far, 110 small grants have been implemented;
- created over 3,000 individual support plans for migrant students; 115 school-level support plans;
- held over 10,000 supplementary classes, 60 visits to libraries, peer support in learning, daily computer work and use of other equipment;
- Schools recipients of small grants provide support to migrant students also by procurement of IT equipment necessary for distance learning;
- extracurricular activities – 60 trips, 30 schools in nature, 60 trips to the theatre, 30 trips to the technology fair;
- over 700 sports activities;
- over 800 cultural activities;
- marking significant dates - International Day of Migrants, Mother Language Day, School Day, New Year celebration, marking national holidays of migrant students;
- provided more than 1,000 snacks, 1,550 pieces of clothing and shoes;
- 500 workshops with all students on the topics: interculturality, tolerance, camaraderie, getting to know the culture of migrant students, anti-discrimination, non-violent communication, developing empathy and providing support to migrant students;
- getting to know the culture and traditions of migrants - 150 public events with authentic music, cooking, customs, dance;
- Provided 500 books and textbooks, 650 sets of school supplies, 550 sets of equipment for physical education;
- 150 visits to reception centres in order to motivate migrants (children and parents) to enrol their children in school, 50 parent meetings.

Three bilingual brochures (Serbian/English) with examples of good practice in the field of migrant education were printed and distributed, containing examples of good practice in the field of migrant education: examples from classes and extracurricular activities in which migrant students participated, successful examples of school documentation in the field of migrant/asylum-seeker education (action plan, school report for migrant students, etc.) and school works of migrant students. Brochures were delivered to all program participants, schools, relevant ministries, partner organizations, international organizations, and the EU Delegation. Online versions are available on the website remis.rs. A total of 600 copies were printed (200 per each brochure) <https://mpn.gov.rs/wp-content/uploads/2022/02/IOM-2-brosura-160x230mm5mmSRP-PREVIEW.pdf>, <https://mpn.gov.rs/wp-content/uploads/2022/02/IOM-1-brosura-160x230mm5mmSRP-PREVIEW.pdf>, <https://mpn.gov.rs/wp-content/uploads/2022/02/IOM-3-brosura-160x230mm5mmSRP-PREVIEW.pdf>.

The Ministry of Education is guided by the idea that for children who are on the margins or excluded, it means that they are at the extreme end of the community where extremism originates. Exclusion causes intolerance, and inclusive educational practices can be a mechanism for preventing extremism and radicalism, because they are designed so that every child is valued and accepted.

When it comes to the education of children placed in asylum centres and reception centres for migrants in an irregular situation who do not want to apply for asylum in Serbia, as well as persons who have been granted international protection, in accordance with national legislation and respecting the principle of the child's best interests, all children are included in regular schools. The agreement between the Commissariat for Refugees and Migration and the Ministry of Education established the procedure for enrolling children in the regular system of primary education (immediately or within one month at the latest from the moment of admission to the centre). Also, children are included in the mandatory pre-school preparatory program.

The Commissariat for Refugees and Migration in cooperation with various international and local organizations, as well as school authorities, provides support in learning in every centre where there are school children. In addition, through various projects, activities are organized in which migrant children and students from the local population are jointly involved, and which consist of extracurricular activities such as tours of cultural and historical monuments, cultural institutions, tours of important localities and the like, in order to increase tolerance and easier inclusion of children in schools.

Due to the short stay of migrants in Serbia (the average length of stay in 2022 was less than a month), inclusion in secondary education is difficult.

All children with approved asylum are included in the education system of compulsory primary education and regularly attend secondary school. After successfully passing the entrance exams, four young refugees enrolled in the faculties of the University of Belgrade in 2021 (Faculty of Applied Arts, Faculty of Economics and Faculty of Chemistry). In accordance with Article 6 of the Regulation on the method of inclusion in the social, cultural

and economic life of persons who have been granted the right to asylum, children enrolled in preschool, primary and secondary education are provided with assistance during their inclusion in the education system in the Republic of Serbia, in the form of providing free textbooks and school supplies.

The voice of the child in education

Securing the right of the child to be heard within education is crucial for the realisation of the right to education in terms of Article 17§2. This requires states to ensure child participation across a broad range of decision-making and activities related to education, including in the context of children's specific learning environments. The Committee asks what measures have been taken by the State to facilitate child participation in this regard.

Involvement of students in decision-making is made possible through the participation of students in the student parliament. This is defined by the Law on the Fundamentals of the Education System ("Official Gazette of the RS", No. 88/2017-3, 27/2018-3 (other law), 27/2018-22 (other law), 10/2019 -5, 6/2020-20, 129/2021-9), in Article 88 - Student Parliament, in the last two grades of primary school and in secondary school, a student parliament is organized for:

- 1) giving opinions and proposals to professional bodies, the school board, parents' council and principal about: rules of conduct at school, student safety measures, annual work plan, school development plan, school program, way of arranging school space, choice of textbooks, free activities, participation in sports and other competitions, and the organization of all student manifestations in and outside the school, and other matters of importance for their education;
- 2) examining the relationship and cooperation between students and teachers, educators or professional associates, and the atmosphere in the school;
- 3) informing students about issues of special importance for their education and about the activities of the student parliament;
- 4) active participation in the school development planning process and in the school's self-evaluation;
- 5) proposing student members of the professional teams for development planning and the team for the prevention of peer violence.

The parliament is made up of two representatives from each seventh and eighth grade class in primary school, or from each class in secondary school, and in the art school - three from each class or year. The members of the parliament are elected by the students of the class every school year. The members of the parliament elect the president. The parliament elects two student representatives who participate in the work of the school board, in accordance with Article 119 of this Law. The student parliament has rules of procedure. The work program of the parliament is an integral part of the school's annual work plan. Student parliaments of schools can join the community of student parliaments, as well as cooperate with associations and organizations that deal with the protection and improvement of students' rights.

The Committee asks that the next report provide information on measures taken to give effect to these recommendations and the impact of those measures. It further wishes to receive information on the enrolment and drop out rates for Roma children (in particular for girls) as well as the number of Roma children in special schools.

Effects of support measures for advancement of education of students from Roma national minority

The new MISC ⁷ research indicates the following:

- 80% attend the preparatory preschool program (PPP) (52m, 48f) - **an increase of 20%;**
- 85.4% of Roma children enrol in primary school (49% m, 51% female), of whom 80.8% attended PPP - **an increase of 15%;**
- The gross rate of enrolment in the 8th grade of primary school is 62%, while the rate of completion of primary school is 64%;
- Drop-out was reduced by 7%;
- The rate of transition to secondary school for Roma students is 52.6%, while the rate of finishing secondary school is 61% - **an increase of 20%;**
- 27% of Roma girls in secondary school - **an increase of 12%.**

We continue with the application of a number of support measures, such as affirmative enrolment in preschool, then enrolment in primary school even without documents, then **measures of affirmative action for enrolment in secondary schools** - so far a total of **16,287** students have been enrolled (of whom 55% are girls).

Elective program *Romani language with elements of national culture*

An average of 2,600 to 3,000 students in 68-72 primary schools attend the elective program *Romani language with elements of national culture*, and the program is taught by 60 teachers of the subject *Romani language with elements of national culture*. In the Catalogue of Textbooks of National Minority Languages, there are textbooks for the first 6 grades of primary school.

In 2021, IEQE realized, in cooperation with the Centre for Education of Roma and Ethnic Communities, the training for teachers *Romani language with elements of national culture* for 30 participants. In the Pedagogical Institute of Vojvodina, another training for teachers of this elective program “Teaching methodology for the elective program *Romani language with elements of national culture*” was accredited (2022).

The program of affirmative enrolment of students of Roma nationality in secondary school – introduced as early as 2003, and systemically realized since 2005. **Thus a total of 16,287 students have been enrolled (of whom 55% are girls), in the 2022/23 school year, 3,860 students.** More than 65% of those enrolled through the affirmative measure, who are beneficiaries of scholarships, also have mentoring support, which makes it easier to complete secondary education.

⁷ Multiple Indicator Cluster Survey on the position of women and children in the Republic of Serbia, Statistical Office of the Republic of Serbia and UNICEF - MICS Multiple Indicator Survey 2019: <https://www.stat.gov.rs/sr-latn/istrazivanja/mics/>;

The affirmative measure for enrolment in higher education institutions dates back to 2003/2004, a total of 1743 students have been enrolled so far (51% are girls). Students belonging to the Roma national minority (and students with disabilities) are ranked separately when awarding student scholarships and loans using milder criteria in accordance with affirmative measures in the field of education, from the second year of study, if they did not lose a year during their studies, regardless of the average grade and ECTS points. In the academic year 2021/22, 9 student loans and 90 student scholarships were awarded.

Scholarships as a measure of support for Roma pre-university education - for the last 7 school years, a total of 6,533 scholarships were awarded to Roma students, of whom 65% were girls. A total of 1213 scholarships were awarded in 2020-21. **In the 2021/2022 school year, 1114 scholarships** were approved for secondary school students in the Republic of Serbia, who are members of the Roma national minority. The monthly amount of the scholarship is RSD 5,400.00 (EUR 46) and it is paid in 10 equal monthly instalments.

Mentoring support - a significant incentive to stay in the system, **150 mentors** have been hired. The Roma Education Fund with the Ministry continues to work on improving this area.

Pedagogical assistant (PA) as a support measure - In accordance with the new Rulebook on pedagogical and andragogical assistants ("Official Gazette of the RS", No. 87/2019), which regulates the job description, vocational training/education, additional knowledge/exams/work experience of pedagogical assistants, for the school year 2021/22, 21 new PAs were hired, and for the school year 2022/23, in the spirit of continuing to expand the network of pedagogical assistants, another 12 new PAs were hired. Currently, in the education system (financed from the local and republic level), the following are engaged and paid from the republic or local budgets: 215 in primary schools, 7 in secondary schools, 32 PAs in preschool institutions. "Training for pedagogical assistants for children and students of Roma nationality who need additional support in education" was implemented with 260 PAs, and it was launched with the aim of strengthening the competences of pedagogical assistants, defined by the Rulebook on pedagogical assistants and andragogical assistants as one of the conditions for their hire, the training is accredited by the decision of the Minister of Education, Science and Technological Development.

Measures to prevent dropping out of the education system

In the new Strategy for the Development of Education in the Republic of Serbia until 2030, as in the previous one (until 2020), the prevention of dropping out of the education system is recognized as one of the priority areas of action in ensuring quality education for all, which also defines measures to prevent children and students dropping out of school. Schools apply a system for early identification and response in order to prevent dropping out of the educational system, according to a protocol designed at the local level to prevent dropping out of education, which connects the school with the centre for social work, interdepartmental commissions, health care centres, judges, local self-governments and other relevant mechanisms and local partners (Roma coordinators, pedagogical assistants, health care mediators). With the Institute for Education Quality and Evaluation, the *Instruction for the prevention of early school leaving with recommendations and proposals for measures to prevent dropouts* was created.

In the last three years, **43 professional development programs for teachers** related to the prevention of dropping out of education were accredited. In the reporting period, 309

trainings were held, which included 7983 participants. Also, 123 trainings from the list of trainings of public interest were carried out and attended by 3030 participants.

Free textbooks program as a support measure

Bearing in mind the importance of the availability of education for all, the Ministry continuously provided free textbooks the next 2022/23 school year, which provide additional support to students from socially/materially disadvantaged families.

The Project *Bridging the Digital Divide* for the most vulnerable student that we are realizing with UNICEF for the second year already, and, in 30 project schools that have the most students of Roma nationality, we distributed digital equipment (a total of 1,890 tablets and 60 laptops). We developed a concept of digital technologies libraries (DTL). The total number of students who are covered by the activities is 3,111, and **psychosocial support was provided to almost 3,000 students. Accredited training for providing psychosocial support, created within the project, was attended by 142 professional associates (school psychologists and pedagogues). The implementation of school psychosocial support plans is underway, and this also applies to 10 new local networks of school psychologists and pedagogues in 10 selected municipalities.**

The Ministry pays special attention to socially vulnerable groups in the process of education, including students **returned under the Readmission Agreement**. The Ministry has established a series of systemic measures that mean that a teaching and learning program for *Serbian as a foreign language* has been adopted; an individual educational plan (IEP) is drawn up; provision of free textbooks; the work of Roma pedagogical assistants with students and families; increased cooperation between the school and the returnee family and advisory work in small groups; mediation of the departmental school administration in the process of recognition of certificates.

During the 2019/20 school year, a total of 77 students, returnees after readmission, 32 girls and 45 boys, were enrolled in primary schools in the territory of the Republic of Serbia.

During 2020 and 2021, 650 educators from 60 preschool institutions, primary and secondary schools throughout Serbia received training on recognizing and undertaking recommended activities and measures related to discrimination in the educational environment.

In support of non-formal education and programs that are important for the development of education, the Ministry of Education, Science and Technological Development announces, every year, public competitions for associations in the field of education. In the last five years, more than 200 civil society organizations have been supported, and around EUR 70,000 of budget funds have been allocated. For 2022, **4 programs were supported to improve the education of the Roma community.**

When it comes to the number of Roma children in special schools, the Ministry of Education points out that according to the Constitution of the Republic of Serbia ("Official Gazette of the RS", No. 98/2006) declaration of nationality is not mandatory, Article 47, "Declaration of nationality is free. No one is obliged to declare their nationality", and therefore parents are not obliged to declare their nationality. Accordingly, educational institutions do not collect data according to nationality, if the parents have not declared themselves about nationality. *The Law on the Fundamentals of the Education System* ("Official Gazette of the RS", No.

88/17, 88/17, 27/18, 10/19, 6/20 and 129/21), Articles 175 and 176 regulate the establishment of a single education information system (JISP), as well as the introduction of a unique educational number (JOB) that follows its holder through all levels of formal education and upbringing and is the key to connecting all data about a child, student and adult in JISP. This mechanism enables monitoring of the child in the system, as well as the effects of support measures. The establishment of JISP significantly improves the system of monitoring educational achievements. The introduction of JOB is ongoing, so the effects of this new mechanism are expected in the coming period. We estimate the involvement of Roma students in the education system either on the basis of the share of the Roma population or on assumptions based on the socio-cultural characteristics of families. We also obtain part of the data by monitoring the application of affirmative measures during enrolment in secondary schools and higher education institutions founded by the Republic of Serbia, as well as by awarding scholarships for students of Roma nationality. The Ministry of Education monitors the transition of students from special to typical schools, and indirectly, as a result of a series of support measures, it is noted that the number of students who are educated according to the Individual Education Plan (IEP) in regular schools is increasing, along with the trend of decreasing the number of students in schools for students with disabilities. According to the data of the Statistical Office of the Republic of Serbia, in the school year 2021/22, 14,325 students (of whom 5,550 female) were educated according to IEP, in regular schools, and 3,344 students (of whom 1,172 female) in "special" primary schools. 860 students are educated in classes for students with disabilities in regular schools. 2,320 students are educated in secondary schools for students with disabilities (of whom 870 female), and 2,105 students are educated in "special" classes in secondary schools (of whom 803 female).

Article 19

The right of migrant workers and their families to protection and assistance

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Conclusions and questions of the European Committee for Social Rights

In its previous conclusion, the Committee also asked for complete and up-to-date information concerning the legal framework and practical policies undertaken to combat misleading propaganda concerning immigration and emigration. The report does not address this issue. The Committee thus recalls its request asks for comprehensive description of any actions targeted against misleading propaganda, including legal and practical measures to tackle racism and xenophobia. Meanwhile, it reserves its position on this point.

In order to promote tolerance towards migrants, activities are organized in which the local community and the migrant population have the opportunity to connect through joint workshops. Continuously throughout the year, they organize exhibitions of migrants' works

as well as bazaars (paintings, figurines, jewellery, bags, sculptures, soaps, small pieces of furniture, etc.).

Intensification of inclusion is carried out to a large extent through activities aimed at bringing different cultures and customs closer together. Through educational, informational and cultural activities such as organizing performances in which the local population, migrants, asylum seekers and persons with approved asylum act together, as well as the presentation and tasting of local dishes and dishes from the migrants' countries of origin, which creates greater social cohesion. Programs are supported that contribute to familiarizing young generations and the local environment where migrants now live with folklore and customs from their place of origin. These programs are financed from the budget of the Republic or through various projects implemented through the programs of development partners. Projects are mainly carried out by local non-governmental organizations, such as the Citizens' Association NANAS - Tradition of Eastern Cuisine with Serbian Spices, Social Activities Centre ROD - Pass a Ball - Give a Hand (drawing workshops in the Reception Centre in Kikinda), Media Research Centre - Share Your Story, Association of Serbian - Russian Friendship - Strengthening tolerance between the migrant population and the resident population through artistic expression, Citizens' Group Boy Scouts "Brotherhood" - We, You, They, equality for all, as well as sports clubs and associations (e.g. Cricket Federation of Serbia).

An important measure that should contribute to tolerance, prevention of racism and xenophobia, as well as inclusion in the local community is the financing of local self-government units in the implementation of activities for the promotion of tolerance. For the most part, municipalities and cities that have been under the pressure of irregular migration in recent years apply for these funds, and these are most often reflected in small investments that bring benefit to both the local and the migrant community (for example, repair of sports fields, arrangement of green areas, environmental activities, etc.).

In addition to these, the activities of non-governmental organizations were also financed, which aimed to familiarize nationals with the consequences of unfounded asylum seeking in the countries of the European Union, while at the same time they were referred to migration service centres in order to obtain accurate and relevant information of importance for employment and work abroad.

The Committee asks that the next report provide up-to-date information on the framework for immigration and emigration, and any new or continued policy initiatives in so far as they affect migrant workers.

The Law on the Employment of Foreigners, which was adopted in 2014, was amended three times in 2017, 2018, and 2019, all with the aim of a more efficient position of foreigners and the procedure for issuing work permits. Currently, the fourth amendment of this Law is in process, aimed at further simplifying the procedure for hiring foreigners in the Republic of Serbia, which will provide for the complete digitization of the procedure for issuing work permits.

In its previous conclusion, the Committee also asked for complete and up-to-date information concerning the legal framework and practical policies undertaken to combat misleading propaganda concerning immigration and emigration. The report does not address this issue. The Committee thus recalls its request asks for comprehensive description of any actions targeted against misleading propaganda, including legal and practical measures to tackle racism and xenophobia. Meanwhile, it reserves its position on this point.

The Centre for the Protection of Victims of Human Trafficking continues its work on the prevention and early detection of human trafficking among the migrant population, as well as on the prevention of racism and xenophobia.

- Trainings were held for members of local anti-trafficking teams (for 75 participants);
- Trainings were held for professionals who work with migrants;
- Informative materials in Serbian, English, Arabic, Farsi, Russian and Ukrainian languages were created and distributed in all migrant centres, as well as in the cities where they are located;
- Professional workers of the Centre regularly visit all migrant centres in Serbia, inform migrants, perform advisory work and provide support to CRM's employees.

The Ministry of Labour, Employment, Veteran and Social Affairs participates in the work of suppressing negative narratives and propaganda against migration through the communications working group within the program "EU Support to Serbia for Migration Management", together with other relevant state bodies (MoI, CRM, MoH, MoE, MEI). The activities are coordinated by the EU Delegation in Serbia.

The Committee notes from the previous report that social protection services may be provided in urgent situations at all hours, in order to secure safety in situations threatening to the life, health or development of beneficiaries. These services shall be provided by the social welfare centre and through mandatory cooperation with competent authorities and services. It asks the next report to confirm that this assistance is available also to migrant workers.

Based on Article 6 of the Law on Social Protection, beneficiaries of social protection can be foreign citizens and stateless persons, in addition to citizens of the Republic of Serbia, in accordance with the law and international agreements, which means that all assistance is fully available to migrant workers, under the same conditions as to domestic citizens.

The current report does not, however, reply to the Committee's query about the 2014 Migration Integration Policy Index report "Regional MIPEX Assessment of FYROM, Croatia, Serbia and Bosnia and Herzegovina" that foreigners in Serbia do not have equal access to social security and health care, unless their country of origin has signed international agreements. It asks again that the next report provides comprehensive information on the access to healthcare for migrant workers and their families. Should the next report not provide comprehensive information in this

respect, there will be nothing to establish that the situation is in conformity with the Charter on this point.

Based on Article 6 of the Law on Social Protection, beneficiaries of social protection can be foreign citizens and stateless persons, in addition to citizens of the Republic of Serbia, in accordance with the law and international agreements.

The Committee notes that no large scale recruitment of migrant workers has been reported in the reference period. It asks what requirements for ensuring medical insurance, safety and social conditions are imposed on employers, shall such recruitment occur, and whether there is any mechanism for monitoring and dealing with complaints, if needed.

An increased trend in the employment of foreigners in the Republic of Serbia is noticeable. While in 2015 and the following few years that number was around 7,000-8,000, in the last few years the number of work permits issued is around 20,000-30,000.

The report provides that the Constitution and the Labour Law Code guarantee freedom of trade union association. The Committee asks whether migrant workers enjoy the benefits of collective bargaining on the same footing as nationals. It also repeats its question concerning legal status of workers posted from abroad and what legal and practical measures were taken to ensure equal treatment in matters of trade union membership and collective bargaining.

In accordance with the Labour Law (Article 6), a trade union is considered to be an autonomous democratic and independent organization of employees in which they voluntarily join for the purpose of representation, promotion and protection of their professional, labour, economic, social, cultural and other individual and collective interests.

Any employee can be a member of a trade union, and in that sense there is no legal obstacle for a foreign citizen, who is employed in the Republic of Serbia, to join a trade union and be a member.

In connection with the statement that migrant workers should also enjoy the right to be founding members and to have access to administrative and management positions in unions, we point out that the internal organization of the union is autonomous and that the union, on the basis of its general act (statute), independently prescribes the method of election of bodies and union leadership, but that the law provides for the same conditions for the above-mentioned activities for both foreign and domestic citizens.

In connection with collective bargaining, we point out that only representative unions and employers' associations participate in collective bargaining, and in the same way as previously stated, if the union meets the requirements for registration in the Register of Trade Unions and its representativeness is determined, it is legitimized to participate in collective bargaining at a certain level. This applies to both domestic and foreign nationals.

While positive, this information cannot be regarded as sufficient to enable the Committee to comprehensively assess the situation under Article 19§3 of the Charter. To this aim, the Committee needs to know, in particular:

- **the form and nature of contacts and information exchanges established by social services in emigration and immigration countries;**
- **measures taken to establish such contacts and to promote the cooperation between social services in other countries;**
- **international agreements or networks, and specific examples of cooperation (whether formal or informal) which exist between the social services of the country and other origin and destination countries;**
- **whether the cooperation extends beyond social security alone (for example in family matters);**
- **examples of cooperation at a local level and any instances where such cooperation has occurred.**

The Committee asks the next report to provide detailed reply to these questions. In the meantime, in the absence of information on these issues, the Committee finds that it has not been established that the cooperation between social services is in line with the requirements of Charter.

There is cooperation between social protection institutions in Serbia and other countries, which takes place through the competent diplomatic and consular missions. and other services for such communication. Most often, communication takes place in connection with family reunification, searching for lost family members, voluntary return to the country of origin, etc. Cooperation with the diplomatic and consular missions of European countries is much easier, while cooperation with the diplomatic and consular missions of the countries of origin, especially when it comes to Afghanistan, where the largest number of beneficiaries come from, is quite difficult. **No later than 30 June 2023 we will provide more detailed information about specific cases and types of cooperation, because we need to get data from the field, from the centres for social work.**

The Committee recalls that States shall eliminate all legal and de facto discrimination concerning access to public and private housing (European Roma Rights Centre (ERRC) v. France, Complaint No. 51/2008, decision on the merits of 19 October 2009, §§111-113). It also recalls that there must be no legal or de facto restrictions on home-buying (Conclusions IV (1975), Norway), access to subsidised housing or housing aids, such as loans or other allowances (Conclusions III (1973), Italy).

In its previous conclusion (Conclusions 2011), in view of the lack of information on this aspect, the Committee asked how the right to accommodation of migrant workers and their families was ensured both in law and practice. The report still does not provide any information on migrant workers' access to accommodation and thus the Committee considers that it has not been demonstrated that the situation is in conformity in this respect.

Article 82a of the Law on the Fundamentals of Property Relations stipulates that foreign natural persons and legal entities who carry out activities in our country can, under conditions of reciprocity, acquire ownership rights on properties that are necessary for them (paragraph

1), and foreign natural persons who do not carry out activities in the Republic of Serbia may, under conditions of reciprocity, acquire the right of ownership of an apartment or a residential building, like other citizens of the Republic of Serbia (paragraph 2).

The Committee asked previously (Conclusions 2011) what institutions were responsible for the monitoring of anti-discrimination legislation in relation to labour and employment. It requested relevant statistics concerning the activity of such institutions and asked for information concerning the measures undertaken to secure equality of treatment in practice. Furthermore it asked whether complainants have access to a court system to enforce their rights.

The Commissioner for the Protection of Equality is authorized to carry out the procedure for complaints in cases of discrimination against persons or groups of persons linked by the same personal characteristic. The Commissioner is competent to receive and consider complaints due to discrimination, give opinions and recommendations in specific cases of discrimination and impose measures established by law.

In addition, the Commissioner is obliged to provide the complainant with information about his/her rights and the possibility of initiating a court or other protection procedure, including the conciliation procedure, as well as to file claims for protection against discrimination, with the consent of the person who is discriminated.

The Commissioner is also competent to file misdemeanour charges for acts of discrimination criminalized by anti-discrimination regulations.

The Commissioner is authorized to warn the public about the most common, typical and severe cases of discrimination, to monitor the implementation of laws and other regulations, to initiate the adoption or amendment of regulations for the purpose of implementing and improving protection against discrimination, and to give opinions on the provisions of draft laws and other regulations concerning the prohibition of discrimination, as well as to recommend measures for achieving equality to public authorities and other persons.

One part of the competence of the Commissioner refers to the monitoring of the situation in the field of equality protection, on which the Commissioner submits an annual report to the National Assembly.

In his/her activities, the Commissioner is obliged to establish and maintain cooperation with the authorities responsible for the realization of equality and the protection of human rights in the territory of the autonomous province and local self-government.

The mandate of the Commissioner is regulated by the **Law on the Prohibition of Discrimination** ("Official Gazette of the RS", No. 22/2009).

The Commissioner:

- 1) receives and considers complaints due to violations of the provisions of this Law and gives opinions and recommendations in specific cases and imposes measures in accordance with Article 40 of this Law;
- 2) provides the complainant with information about his/her rights and the possibility of initiating a judicial or other protection procedure, or recommends a conciliation procedure;
- 3) submits lawsuits referred to in Article 43 of the Law on the Prohibition of Discrimination, due to the violation of rights from this Law, in his/her own name and with the consent and on behalf of the discriminated person, if the proceedings before the court on the same matter have not already been initiated or legally concluded;
- 4) submits misdemeanour charges for violation of rights referred to in this Law;
- 5) submits an annual and special report to the National Assembly on the situation in the field of equality protection;
- 6) warns the public about the most common, typical and severe cases of discrimination;
- 7) monitors the implementation of laws and other regulations, initiates the adoption or amendment of regulations for the purpose of implementing and improving protection against discrimination and gives an opinion on the provisions of draft laws and other regulations concerning the prohibition of discrimination;
- 8) establishes and maintains cooperation with authorities responsible for achieving equality and protecting human rights in the territory of the autonomous province and local self-government;
- 9) recommends measures for achieving equality to public authorities and other persons.

The largest number of complaints that the Commissioner receives relate to the field of employment. On the website of this institution, all reports and statistical data are available in Serbian and English. The link is: <https://ravnopravnost.gov.rs/>.

The Committee thus repeats its request for comprehensive information concerning the regime of employment taxes, dues and contributions applicable in Serbia. It considers that if the requested information is not provided in the next report, there will be nothing to establish that the situation is in conformity with Article 19§5 of the Charter.

Taxation of the income of natural persons in the Republic of Serbia is regulated by the Law on Citizens' Income Tax ("Official Gazette of the RS", No. 24/01, ..., 138/22 - hereinafter:

LCIT) and the Law on Contributions for Compulsory Social Insurance ("Official Gazette of RS", No. 84/04 and 138/22).

In accordance with the provisions of the LCIT, the following types of personal income are subject to personal income tax:

- 1) wages;
- 2) income from independent activity;
- 3) income from copyrights, copyright-related rights and industrial property rights;
- 4) income from capital;
- 5) income from property;
- 6) capital profit;
- 7) other income.

The person liable for personal income tax is a resident of the Republic of Serbia, for income earned in the territory of the Republic of Serbia and in another country.

A natural person who is not a resident is liable for personal income tax for income earned in the territory of the Republic of Serbia. Income realized in the territory of the Republic of Serbia is particularly considered to be income that a natural person (non-resident) realizes on the basis of:

- 1) work performed in the territory of the Republic of Serbia;
- 2) using or disposing of the right in the territory of the Republic of Serbia.

The provisions of the LCIT, for each of the aforementioned types of income, prescribe the subject of taxation, the taxpayer, the tax base and the tax rate (specifically, the taxation of income based on employment (wages) is regulated by the provisions of Articles 13 to 21a of the LCIT).

The Law on Contributions for Compulsory Social Insurance (hereinafter: LCCSI) regulates contributions for compulsory social insurance (hereinafter: contributions), contributors, contribution bases, contribution rates, method of calculation and payment of contributions, as well as other important issues for determining and paying contributions.

Contributions, in terms of the LCCSI, are:

- 1) for pension and disability insurance:
 - (1) contribution for compulsory pension and disability insurance;
 - (2) additional contribution for the extended period of insurance in accordance with the law;
 - (3) contribution for the case of disability and physical damage due to accident at work or occupational disease in cases established by law;

2) for health insurance:

(1) contribution for compulsory health insurance;

(2) contribution for accidents at work and occupational diseases in cases established by law;

3) unemployment insurance - contribution for compulsory unemployment insurance.

The provision of LCIT and LCCSI which determine the subject of taxation, the tax and contribution bases and the tax and contribution rates, etc. are the same for all natural persons - income recipients, independent of the fact that those natural persons are the citizens of the Republic of Serbia or foreigners, i.e. citizens of other countries.

The Committee noted in its previous conclusion (Conclusions 2015) that the Law on Foreigners authorised the refusal of entry or cancellation of a visa where the entrant did not have a certificate of vaccination or other proof of good health, when arriving from areas affected by an epidemic of infectious diseases. It asked for confirmation of which diseases might lead to refusal of entry for a family member pursuant to these provisions. The report does not address this issue. The Committee recalls that a state may not deny entry to its territory for the purpose of family reunion to a family member of a migrant worker for health reasons. A refusal on this ground may only be admitted for specific illnesses which are so serious as to endanger public health. In the light of the lack of sufficient information, it considers that it has not been demonstrated that the situation is in conformity with the Charter on this point.

In accordance with Article 15, paragraph 1, item 5) of the Law on Foreigners ("Official Gazette of the RS" No. 24/2018 and 31/2019), the border police can refuse a foreigner entry into the Republic of Serbia if the foreigner comes from an area affected by an epidemic of infectious diseases, and does not have a vaccination certificate or other proof that he/she is not infected. This only applies to diseases that may threaten public health. Given the specificity of the above issue, this possibility is applied restrictively in each specific case, upon recommendation or decision of the Ministry of Health, which determines the area affected by an epidemic of infectious diseases.

As to the means requirement for a family reunion, the Committee asked in the previous conclusion what threshold was required to demonstrate that the sponsoring person could bring in the family or certain family members and whether the income derived from social benefits could be taken into account. The report does not provide any information in this respect. Accordingly, the Committee considers that it has not been demonstrated that the level of means required to bring in the family or certain family members is not so restrictive as to prevent any family reunion.

The issue of the means required needed for family reunion is regulated by the Rulebook on detailed conditions for the approval of temporary residence, the appearance of the application for the approval of temporary residence, the appearance and method of entering the sticker

of temporary residence in a foreign travel document ("Official Gazette of RS" No. 72/2018). Bearing in mind the provisions of Article 4, paragraph 1, item 7) of the Rulebook, it is sufficient for the foreigner who submitted the request for approval, or extension of temporary stay, to provide a certified guarantee that he/she will bear the costs during the stay for a family member or a person who is considered a family member.

If a foreigner who submitted a request for approval or extension of temporary stay meets the conditions related to the amount of means of support during the planned stay and provides a certified guarantee, it is considered that the foreigner for whom the guarantee was given also meets these conditions.

In accordance with Article 4, paragraph 1 of the Rulebook, proof that a foreigner has the means to support himself/herself during his/her planned stay in the Republic of Serbia is considered to be: 1) confirmation of the amount of salary, 2) employment contract, service contract or other contract proving work engagement of a foreigner in the Republic of Serbia in accordance with labour regulations, 3) proof of payments for pension insurance, 4) proof of scholarship, 5) proof of registration in the Register of Agricultural Farms, 6) proof or statement of possession of funds in a bank account that is registered in the Republic of Serbia at level of the minimum wage in the Republic of Serbia.

On the basis of the above, the lower limit of funds for realizing the right to temporary residence in the Republic of Serbia is the minimum wage in the Republic of Serbia.

The Committee has previously considered that the situation in Serbia was not in conformity with the Charter on the ground that family members of a migrant worker are not granted an independent right to stay after exercising their right to family reunion. The report does not reply to this finding of non-conformity. However, the Committee notes from the report submitted by the Governmental Committee of the European Social Charter concerning conclusions 2015, that the Representative of Serbia said that in 2016 a new law had been adopted affecting the rights of family members of a migrant worker. The new law granted an independent right of residence also to family members of a migrant worker. The Committee asks the next report to confirm that the new provisions comply with the requirements of the European Social Charter and to provide more detailed information in this respect.

The Law on Foreigners foresees the possibility of granting independent residence to a foreigner who has resided continuously for the last four years on the basis of family reunion, and who meets the general conditions for temporary residence.

In the event that a citizen of Serbia or a foreigner with whom the right to family reunion was exercised has passed away, independent residence for a foreigner may be granted at his/her request after three years of continuous stay on a temporary residence.

If the person is a foreigner who has been granted temporary residence on the basis of family reunion for less than four years, and who is a victim of domestic violence or in the case of other particularly difficult circumstances, independent residence may be granted even if the general conditions are not met.

Currently, the new Law on Foreigners in a package with the Law on Employment of Foreigners is under public debate. Their adoption is expected in the second quarter of 2023. Both laws contain new solutions, which are in accordance with ratified international conventions.

The Committee concludes that the situation in Serbia is not in conformity with Article 19§6 of the Charter on the ground that it has not been established that:

- **a family member of a migrant worker may not be denied entry to Serbia for the purpose of family reunion for health reasons;**
- **the level of means required to bring in the family or certain family members is not so restrictive as to prevent any family reunion;**
- **the restrictions on the exercise of the right to family reunion are subject to an effective mechanism of appeal or review.**

In accordance with the Law on Foreigners, against the decision on the rejection of the request for approval, or the extension of temporary stay, the foreigner can file an appeal within 15 days from the date of receipt of the decision, which is decided upon by the Ministry of Interior, and which postpones the execution of the decision. An administrative dispute may be initiated before the competent court against the decision made in the second-instance procedure.

Currently, the new Law on Foreigners in a package with the Law on Employment of Foreigners is under public debate. Their adoption is expected in the second quarter of 2023. Both laws contain new solutions, which are in accordance with ratified international conventions.

In the previous conclusion (Conclusions 2015) the Committee requested information concerning the treatment of migrant workers in legal proceedings, in particular their access to free legal advice and interpretation where the interests of justice require.

The Law on Free Legal Aid is in application from 1 October 2019. The Law stipulates that free legal aid can only be provided by a provider who is registered in the Register of providers of free legal aid and free legal support.

Providers of free legal aid are prescribed by Article 9 of the Law.

The request for the approval of free legal aid is submitted to the authority of the municipal administration or the city administration or the administration of the city of Belgrade, competent according to the place of residence or stay of the applicant or the place of provision of free legal aid.

The request is submitted in writing or orally on the record or electronically, in accordance with the law.

The request can also be submitted through a legal representative, attorney or person designated by the requester, provided that proof of exercising the right of legal representation, i.e. a power of attorney, must be attached to the request.

No fee is payable on the request for approval of free legal aid.

The law regulating the general administrative procedure applies to the actions of authorities in the process of exercising the right to free legal aid.

A citizen of the Republic of Serbia, a stateless person, a foreign citizen with permanent residence in the Republic of Serbia and another person entitled to free legal aid according to another law or a confirmed international agreement may be provided with free legal aid even if he/she is:

- 1) a child whose right, obligation or interest based on the law is decided in a proceeding before a court, other state authority, or public authority;
- 2) a person subject to a security measure of compulsory psychiatric treatment and custody in a health institution or a protective measure of compulsory psychiatric treatment;
- 3) a person against whom the procedure of partial or complete deprivation or restoration of legal capacity is being conducted;
- 4) a person who exercises legal protection against domestic violence;
- 5) a person who exercises legal protection against torture, inhuman or degrading treatment or punishment or human trafficking;
- 6) a person who seeks asylum in the Republic of Serbia;
- 7) a refugee, person under subsidiary protection or internally displaced person;
- 8) a person with disability;
- 9) a child who is protected by the accommodation service in the social protection system;
- 10) children and young people whose social housing service has ended upon reaching the age of 26;
- 11) adults and elderly persons who have been placed in a social protection institution without their own consent;
- 12) a person who exercises the right to determine the time and place of birth in accordance with the law governing non-litigation proceedings;
- 13) a person affected by the procedure of forced eviction and resettlement in accordance with the law regulating housing.

The Committee requests the next report to provide a detailed description of the new legal framework, in particular replying to its questions which remain open since the previous examination:

- **whether migrants served with expulsion orders have a right to appeal to a court or other independent body which, in determining whether a migrant should be expelled, takes into account all aspects of the non-national's behaviour, as well as the circumstances and the length of time of his/her presence in the territory of the state;**
- **whether recourse to social assistance may form a ground of expulsion under Serbian law or practice;**
- **whether risk to public health may constitute a ground for expulsion.**

In the event that a foreigner resides illegally in the territory of the Republic of Serbia, after the procedure has been carried out, a decision on return is issued and a deadline for voluntary return is set, in which he/she is obliged to leave Serbia.

Recourse to social assistance and risk to public health, if the legal conditions are not met, do not represent an independent basis for making a decision on return.

During the return procedure, the specific situation of particularly vulnerable persons, the family and health condition of the person, as well as the best interest of the minor, are taken into account. Special consideration is given to the principle of family unity, in the sense of the unity of all family members.

Before making a decision on the return of unaccompanied minors, the assistance of the service for social protection of children and youth must be provided. Also, if necessary during the return procedure, the presence of an interpreter is ensured.

If there is a risk that the foreigner will not be available to the competent authority for the purpose of carrying out forced removal or if the foreigner poses a danger to the security of the Republic of Serbia or its citizens, the return decision may order the foreigner to leave the Republic of Serbia immediately or within a period of less than seven days.

When making a decision on return, in cases determined by law, taking into account all the circumstances of the individual case, a foreigner may be banned from entering the Republic of Serbia for a certain period that cannot exceed five years, unless the foreigner poses a serious threat to the security of the Republic of Serbia and its citizens.

Against the return decision, an appeal is allowed within 15 days, which does not delay the execution of the decision, unless there is a risk that the foreigner will be returned to the territory where he/she is threatened with persecution because of his/her race, sex, sexual orientation or gender identity, religion, nationality, citizenship, affiliation to a certain social group, or political opinion.

A foreigner may be forcibly removed if he/she does not comply with the deadline set for his voluntary return, if the deadline for voluntary return has not been set or if a security measure of expulsion of the foreigner or a protective measure of removal of the foreigner from the country has been issued by a court decision. The process of forced removal is supervised by the Protector of Citizens. An appeal is allowed against the return decision. The process of forced removal is supervised by the Protector of Citizens.

The security measure of expulsion a foreigner from the country, as an institute provided for by the Criminal Code of the Republic of Serbia, is pronounced by the competent courts.

Currently, the new Law on Foreigners in a package with the Law on Employment of Foreigners is under public debate. Their adoption is expected in the second quarter of 2023. Both laws contain new solutions, which are in accordance with ratified international conventions.

The Committee furthermore referred to its Statement of Interpretation on Article 19§9 (Conclusions 2011), affirming that the right to transfer earnings and savings includes the right to transfer movable property of migrant workers. It asked whether there were any restrictions in this respect. The report does not address this issue.

The Committee acknowledges the fact that there appears to be no restrictions on money transfers for migrant workers. However, it still asks the next report to provide more detail on legal and practical framework applicable in this respect, as it has not yet had an opportunity to assess the situation in full. It also repeats its question about any possible restrictions on transfer of movable property.

Regarding the transfer of wages and savings of migrant workers abroad, from the aspect of applying foreign exchange regulations, there are no legal obstacles for migrant workers to transfer money abroad. In accordance with the Law on Foreign Exchange Operations, the transfer of funds from a non-resident account abroad can be carried out with the presentation to the bank of proof, given by the competent tax authority, of settled tax obligations in the Republic of Serbia (if such obligations exist). All foreign citizens, including migrant workers, can freely transfer funds from their foreign currency or dinar account opened at a bank in the Republic of Serbia.