



## ABOUT US:

The A11 Initiative is a non-profit, non-partisan and non-governmental organization which deals with the promotion, improvement and protection of the rights of individuals from vulnerable, marginalized and discriminated groups, with a particular focus on economic and social rights.

The goals of the Initiative are achieved through activities such as:

- Monitoring of the implementation of public policies, national and international regulations and recommendations of Treaty Bodies and other international bodies;
- Public advocacy for the advancement and full implementation of regulations through which fundamental human rights are protected;
- Documenting and reporting cases of human rights violations;
- Provision of legal aid and strategic litigation in human rights violation cases;

- Implementation of campaigns and educational programs aimed at raising awareness about human rights;
- Grassroots activism.

In its work, the organization is guided by principles such as equality, dignity, solidarity, social justice, inclusiveness and gender equality. Our current focus is on issues related to the realization of economic and social rights of internally displaced persons and of the Roma population, with a special focus on the right to adequate housing and the right to social protection. The A11 Initiative also deals with the issue of economic empowerment of residents of informal settlements.

## TOPICS FOR THE PERIOD JANUARY - APRIL 2018

*Projects that we are currently implementing*  
*Practicum for economic and social rights*

*Vršac Social Welfare Center making it difficult to access information of public importance*

*General Comment of the Human Rights Committee*

*The A11 Initiative one of the founding organizations of the International Alliance for the Right to Housing*

*UN Human Rights Council adopts Resolution on the Right to Adequate Housing*  
*Constitutional appeal*

*IDPs in informal Roma settlement "Orlovsko naselje"*

*Supreme Court of Cassation – Right to trial within a reasonable time*

### **Article 11, paragraph 1 of the International Covenant on Economic, Social and Cultural Rights**

**"The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent."**

## PROJECTS THAT WE ARE CURRENTLY IMPLEMENTING

### Improved local integration of IDPs through enhanced access to social rights

**Donor:** United Nations High Commissioner for  
Refugees

**Project duration:** January 2018 – December 2018

The goal of the project that we are implementing with the support of the United Nations High Commissioner for Refugees is to contribute to the local integration of the most vulnerable internally displaced persons by strengthening the protection of their human rights, namely their right to adequate housing and social protection.

The project is divided into five clusters:

- 1) *protection of rights, provision of information and representation of at least 650 internally displaced persons in front of administrative bodies and courts in the Republic of Serbia;*
- 2) *advocating for the improvement of the legal framework and public policies related to economic and social rights of internally displaced persons;*
- 3) *presenting the problems internally displaced persons face when attempting to realize their economic and social rights via implementing a public campaign on their rights;*
- 4) *empowering local communities to seek better realization of their economic and social rights;*
- 5) *development of a proposal for the improvement of the realization of economic and social rights of internally displaced persons in Serbia;*

### Listen, learn, act – collaborative for Roma empowerment

**Donor:** The Olof Palme International Center

**Project duration:** January 2016 – December 2019

The goal of the project that we have been implementing through the four-year-long support of the “Olof Palme” International Center is to empower the Roma community and enable individuals from said community to realize their economic and social rights, particularly the right to work. Through the first two years of project implementation, projects and policies related to economic empowerment of Roma in Serbia have been mapped, and two models for economic empowerment of Roma have been tested – the improvement of the process of secondary raw material gathering for those that gather them, and support for Roma women that finished informal vocational programs so that they could implement their own money-earning activities.

The following activities have been envisioned for the third year of project implementation:

- 1) *support to local Roma communities aimed at initiating initiatives for economic empowerment;*
- 2) *preparation of a manual for implementing local initiatives aimed at the promotion of rights or economic empowerment of Roma and other marginalized groups and communities;*
- 3) *presenting problems with which Roma living in informal settlements are faced in regard to the realization of the right to work – implementation of a public campaign on their rights;*
- 4) *monitoring laws, public policies and practices relevant to the integration of Roma and their position in the labor market (focus topics: forced labor of financial social assistance beneficiaries, criminalization of secondary raw materials collection, implementation of the Strategy for Social Inclusion of Roma in the Republic of Serbia and the Action Plan concerned with its implementation);*
- 5) *situational testing of discrimination of Roma in the labor market.*



## PRACTICUM FOR ECONOMIC AND SOCIAL RIGHTS

Since March 21, 2018, the A11 Initiative for Economic and Social Rights, in cooperation with the Union University Faculty of Law, has been implementing the Practicum for Economic and Social Rights at the Union University Faculty of Law. The purpose of the Practicum is to provide an opportunity to students to get a better understanding of the basic theoretical principles on which economic and social rights are based, their place in the system of human rights protection, on both the universal and regional level, as well as some of the challenges

related to the exercise of these rights in the Republic of Serbia. Furthermore, the program of the Practicum offers practical tools for practicing economic and social rights, and its goal is to highlight the most important aspects of said rights through concrete examples of problems citizens of Republic of Serbia face regularly. Another goal is to offer the framework necessary for achieving better understanding of specific topics connected to the exercise of those rights. To access more information about the Practicum and its program, click on the picture to your right.



### **THE VRŠAC SOCIAL WELFARE CENTER OBSTRUCTS ACCESS TO INFORMATION ON THE APPLICATION OF THE DECREE ON MEASURES OF SOCIAL INCLUSION OF BENEFICIARIES OF FINANCIAL SOCIAL ASSISTANCE**

The A11 Initiative for Economic and Social Rights had difficulties accessing the right to free access to information of public importance related to the implementation of social inclusion measures for beneficiaries of financial social assistance.

As part of a research on social inclusion measures that the A11 Initiative has been implementing since January 2018, certain Social Welfare Centers have been contacted with requests for access to information of public importance related to the implementation of the application of the Decree on Measures of Social Inclusion of Beneficiaries of Financial Social Assistance. Several initiatives have been submitted for constitutional review to the Institutional Court in 2014 regarding the controversial Decree, while the Ombudsman filed a proposal to assess the constitutionality of the contested regulation which, in the view of experts, introduced the discrimination of financial social assistance beneficiaries. Because of the aforementioned, the A11 Initiative began implementing...

...research in order to acquire statistical data on the number of beneficiaries that Social Welfare Centers included in workfare measures, as well as to establish the number of beneficiaries whose access to the right to financial social support has been limited or revoked as a result of their unwillingness to be included in the measures prescribed by the Decree.

Although it was clearly stated in the request for information of public importance that the information sought is strictly statistical, as well as that all personal information on financial social assistance beneficiaries should be left out, the Vršac Social Welfare Center replied that they are not in the position to conform to the request as to do so, they would need the consent of the individuals to whom the information pertains to. The same body provided this information to the media in November 2016, and it is certain that they did not acquire the consent of more than 200 financial social assistance beneficiaries that the information pertained to.

Considering that the Vršac Social Welfare Center gravely violated the provisions of the Law on Access to Information of Public Importance through their actions, the A11 Initiative appealed to the Commissioner for Information of Public Importance and Personal Data Protection.



## RESIDENTS OF THE CONTAINER SETTLEMENT IN “ORLOVSKO NASELJE” LACK ELEMENTARY SANITARY CONDITIONS

During regular activities, that include field visits to Roma settlements in the aim of providing free legal aid and counselling regarding the right to access social protection and right to adequate housing, the activists from the A11 Initiative for Economic and Social Rights visited families that live in the container settlement in Mirijevo. It is important to note that these families have been forcibly evicted - contrary to international regulations which guarantee the right to adequate housing - from informal settlements Gazela (2009) and Belville (2012), as well as from various other locations in Belgrade. Even though accommodation in container settlements should have been a temporary housing solution, the residents of this settlement in Mirijevo have lived in these conditions, which are below any civilizational minimum, for years.

During conversation with residents of the settlement, we have spotted various problems that they face daily, such as the lack of housing space



compared to the total number of family members, uncertainty of housing status, the state of housing units, etc. Among other things, many of the people that live there have stated that the biggest problem is that the hygienic conditions are extremely bad, primarily because they do not have a sanitary container on site, or rather they did have one until it was devastated in a fire – which happened more than two years ago. Even though they addressed the Secretariat for Social Welfare of the City of Belgrade - which is responsible for the maintenance of residential and

accompanying objects in container settlements – regarding this issue many times, there was no reaction from competent authorities.

The A11 Initiative for Economic and Social Rights has notified the Ombudsman about the lack of elementary sanitary conditions in the container settlement in Mirijevo, which makes the everyday life of its residents significantly more difficult. After that, the expert service of said body initiated a procedure, requesting that the Secretariat for Social Welfare deliver information regarding this specific case, as well as possible solutions of the problem.

# A11\*

initiative for  
economic and  
social rights

## ADVOCATING FOR THE AMENDMENT OF PARAGRAPH 15 OF THE HUMAN RIGHTS COMMITTEE DRAFT GENERAL COMMENT 36

The Human Rights Committee is currently in the process of adopting the General Comment 36, which elaborates Article 6 of the International Covenant on Economic, Social, and Cultural Rights, that is to say on the right to life. The very fact that this comment is in the process of being adopted is positive in itself. However, there is a marked problem in regard to paragraph 15 of the said General Comment, which can influence the enjoyment of this right substantially, namely by introducing restrictions on access to justice for systemic violations of the right of marginalized and discriminated categories of the population. Paragraph 15 of the current Draft General Comment reads as follows:

Article 6 of the Covenant imposes on States parties wide-ranging obligations to respect and to ensure the right to life. Individuals claiming to be victims of a violation of the Covenant [for the purposes of article 1 of Optional Protocols] must show, however, that their rights were directly violated by acts or omissions attributable to the States parties [to the Optional Protocol], or are under a real and personalized risk of being violated.

Our concern with paragraph 15 is that the requirement of particular acts or omissions directly violating a victim's rights, or creating a "personalized" risk to life, will be used by domestic courts and probably by the Committee itself to justify denying access to justice and effective remedies for some of the most serious and widespread violations of the right to life, such as systemic violations of the rights of homeless individuals, forced evictions and similar. Rather than building on advances made in domestic and regional systems to ensure access to justice for claimants affected by systemic violations of the right to life, paragraph 15 proposes a narrowed test for justiciable claims that will reinforce existing barriers to access to justice. In other words, this paragraph might be interpreted in such a way that if States parties fail to take positive measures that could significantly and positively influence the realization of the right to life, that omission could not be considered a justifiable reason for filing individual applications for the protection of the right to life against the state. Therefore, the A11 Initiative, in cooperation with a large global network of organizations and academic institutions dealing with this issue, appealed to the Committee members to consider deleting this paragraph because of above-mentioned reasons, or if not delete, to amend it in such a way that would ensure judicial and quasi-judicial protection in cases where States do not take positive measures in order to protect the right to life.

## THE A11 INITIATIVE FOR ECONOMIC AND SOCIAL RIGHTS IS ONE OF THE FOUNDING MEMBERS OF THE INTERNATIONAL ALLIANCE FOR THE RIGHT TO HOUSING

During the first week of the March session of the United Nations Human Rights Council in Geneva, the A11 Initiative for Economic and Social Rights attended a meeting of organizations dealing with the right to adequate housing, organized by the Global Initiative for Economic, Social and Cultural Rights. The organizations gathered in the aim of re-conceptualizing and returning the right to adequate housing to the Human Rights Council agenda.

At the same time that meeting served as an opportunity to consider the key findings of the last report of the United Nations Special Rapporteur on Housing, as well as an opportunity to establish a platform for the exchange of experiences and cooperation of organizations that deal with the right to adequate housing in various different regions, contexts and legal systems. During the meetings it was decided that an International Alliance on the Right to Adequate Housing should be formed. This Alliance would serve to gather organizations that were on the aforementioned meeting, but also other groups, individuals and initiatives that contribute to the improvement of the right to adequate housing through their work. That Alliance will serve as an informal advocacy group for the improvement of the legal framework in the area of rights to adequate housing, but also to shift the focus back onto that right, especially in front of United Nations Treaty Bodies and the Human Rights Council.



Furthermore, the International Alliance for the Right to Housing will participate in the monitoring and implementation process of development goals centered in human rights, especially goal 11 which, among other things, envisions that access to adequate, safe and affordable housing and public services should be provided by 2030, as well as the improvement of slums.

Besides the A11 Initiative, the International Alliance for the Right to Housing gathers organizations from Nigeria, Kenya, the Philippines, Indonesia, Canada, the United States of America, United Kingdom and Argentina.





## THE UNITED NATIONS HUMAN RIGHTS COUNCIL ADOPTS RESOLUTION 37/4 ON THE RIGHT TO ADEQUATE HOUSING

At the 37th session of the United Nations Human Rights Council, the Resolution 37/4 on the right to adequate housing was adopted. By doing so, this body reaffirmed the multifarious importance of the enjoyment of this right - for the realization of a dignified life for all, as well as for achieving sustainable development goals and for the full application of that right for individuals belonging to extremely vulnerable groups.

The Resolution points out some of the key issues related to the realization of the right to adequate housing - substandard housing, which millions of people around the world are subjected to; homelessness; the fact that forced evictions especially affect women, children, persons with disabilities, and those belonging to marginalized groups. Besides that, this Council Resolution points out that housing has, as of late, been perceived primarily through a financial prism while the focus has shifted away from its social role - it is perceived as a financial instrument which should bring large profits to those who invest in the housing sector.

The United Nations Human Rights Council called upon member states to apply the 2030 Sustainable Development Agenda and to consult the civil sector and other actors so as to adopt strategies on the realization of the right to adequate housing. At the same time, the Resolution calls upon member states to make positive steps so as to prevent and eliminate homelessness, to take all measures aimed at suppressing factors that commodify housing, as well as to ensure access to justice to all who are exposed to violations of the right to adequate housing.

The Council Resolution is especially important because it brings to front the gender aspects of the right to adequate housing, and the influence violations of the right to adequate housing have on the realization of the rights of women.

You can access the text of the Resolution by clicking on the picture to the right.



### FOCUS OF THE RESOLUTION

- 2030 Agenda -
- Integration of the right to adequate housing into the right to adequate standard of living -
- Positive measures aimed at the elimination of homelessness -
- Curbing factors such as "financialization of housing" which lead to lack of affordable housing
- Equality, gendered focus and non-discrimination



## SERBIAN CITIZENS WITHOUT PROTECTION FROM THE INEFFICIENT CONDUCT OF ADMINISTRATIVE BODIES

The A11 Initiative submitted an initiative to amend the Law on the Protection of the Right to Trial within a Reasonable Time to the Department for the Protection of the Right to Trial within a Reasonable Time of the Supreme Court of Cassation in the aim of ensuring protection from inefficient conduct of administrative bodies.

Since the Law on the Protection of the Right to Trial within a Reasonable Time came into effect, there is no mechanism in Serbia to protect the right to trial within a reasonable time in front of administrative bodies, even though such cases could be of existential importance for the involved parties. By regulating the way in which the right to a trial within a reasonable time is protected and defining which persons can file an objection in order to expedite the procedure, the Law only included parties in court proceedings, while those in administrative proceedings remained outside the reach of law.

It is unacceptable to exclude the right to trial within a reasonable time in front of administrative bodies because of the consequences that could arise if domestic legislation does not ensure efficient legal remedies in instances of inefficient procedures of administrative bodies. The European Court of Human Rights has in its practice taken the position that violations of the right to trial within a reasonable time can also arise in cases in front of administrative bodies, and that it is necessary to ensure appropriate legal remedies to expedite the proceedings in these instances as well, not only in cases of administrative disputes.

One can simply take a look at the European Court ruling from 2017 in the case of *Stanka Mirković and others v Montenegro*, in which it was established that a control request (a legal remedy prescribed by the Law on the Protection of the Right to Trial within a Reasonable Time of Montenegro) cannot be considered an efficient legal remedy for ongoing proceedings in front of various administrative bodies. Considering that the mentioned remedy is the equivalent of the objection to the proceeding present in legislation of the Republic of Serbia, it is evident that the current situation in domestic law and the non-existence of a legal remedy aimed at the protection of the rights to trial within a reasonable time is not compliant with the practice of the European Court of Human Rights. There were other cases in front of the said Court related to the necessity to ensure the right to trial within a reasonable time in front of administrative proceedings, such as that of *Smoje v Croatia*.

Considering the need to protect citizens from inefficient conduct of administrative bodies, as well as the powers of the Supreme Court of Cassation to, pursuant to article 35 of the Rules of Procedure of the Supreme Court of Cassation, propose the initiation of an initiative to change regulations, the A11 Initiative for Economic and Social Rights sent a letter to the Supreme Court of Cassation requesting that an initiative to amend the Law on the Protection of the Right to a Trial within a Reasonable Time be initiated.

### **Article 11, paragraph 2 International Covenant on Economic, Social and Cultural Rights:**

***The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:***

- (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;***
- (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.***



## THE A11 INITIATIVE FOR ECONOMIC AND SOCIAL RIGHT FILED A CONSTITUTIONAL APPEAL BECAUSE OF THE DISCRIMINATION OF REFUGEES IN THE TAX PROCEDURE

The A11 Initiative for Economic and Social Rights filed a constitutional appeal on behalf of N.V, a refugee from former Yugoslavia, who has been unjustifiably declined tax deduction as a result of the discriminatory application of regulation. In addition to the amendments to the Law on Property Taxes of July 2014, that stipulates that property taxes are also to be paid when leasing social apartments as well as when leasing apartments to refugees and internally displaced persons, the position of N.V has been additionally exacerbated by the discriminatory application of the regulation during the decision-making process regarding the right to tax credit.

According to the Law on Property Taxes, taxpayers have the right to a deduction to their determined tax in the amount of the tax credit; if they live in the apartment they pay the tax for. N.V.'s right was dismissed because he does not have a registered permanent residency, but temporary residence. The specific situation that he is in - that as a refugee he is not able to register permanent residency in the Republic of Serbia - has not be taken into account.

Therefore, the A11 Initiative for Economic and Social Rights filed a constitutional appeal because of the violation of the principle of equality in relation to the realization of the right to property and violation of the right to a fair trial. The constitutional appeal points to the practice of the European Court of Human Rights that established a standard according to which discrimination is present when states, without any objective and reasonable justification, do not act differently towards individuals whose situation is significantly different from that of other citizens.

That view is confirmed in a more recent ruling in the *Guberina v Croatia* case, in which it was concluded that specific needs of discriminated persons must be taken into consideration when prescribing tax deduction.

Bearing in mind that the Ministry of Finance of the Republic of Serbia has also made a binding opinion according to which residence is confirmed strictly via reporting the place of residence - in cases related to refugee residency taxation in the process of exercising the right to a tax credit - as well as that this problem effects hundreds of refugees living in Serbia, the A11 - Initiative for Economic and Social Rights will continue to address this issue, and will demand that competent authorities ensure non-discrimination and respect for the guaranteed human rights for all Refugees from the former Yugoslavia, as well as for other vulnerable categories of the population.

