

IN FOCUS: FOUR YEARS OF FORCED LABOUR IN SERBIA RESULTS OF THE IMPLEMENTATION OF THE DECREE ON SOCIAL INCLUSION MEASURES FOR RECIPIENTS OF FINANCIAL WELFARE ASSISTANCE

In October 2014, the Government of the Republic of Serbia adopted the *Decree on Social Inclusion Measures for Recipients of Financial Welfare Assistance*, which entered into force on 24 October 2014. After four years of its application, we have compiled the key outcomes of the implementation of this Decree. They may also serve as a contribution to the discussion on the *collapse of the social roles of the state*.

The adoption of the Decree was rationalised as a measure that would contribute to the employment of the poorest members of the society. The Ministry of Labour, Employment, Veteran and Social Affairs at the time, Aleksandar Vulin, explained its adoption by the fact that „financial assistance will not be aid but, rather, earnings“.¹

The Decree, inter alia, prescribed that the recipients of financial assistance who are fit for work may be assigned to community service, i.e. work in local communities, by social work centres. Those who refuse this type of *engagement* may lose the financial assistance they are entitled to by law or it may be reduced.

ACCORDING TO THE PRACTICE OF THE EUROPEAN COURT OF HUMAN RIGHTS ANY WORK OR SERVICE PERFORMED INVOLUNTARILY OR UNDER THREAT OF PUNISHMENT IS CONSIDERED FORCED LABOUR.

FORCED LABOUR IS PROHIBITED BY THE INTERNATIONAL LABOUR ORGANISATION CONVENTION NO. 29, ADOPTED IN 1930.

In response to the obviously unconstitutional stipulations of the Decree, at least *three initiatives were filed for the assessment of its constitutionality and legality*.² Likewise, the *Ombudsman submitted a proposal for the assessment of the constitutionality of this sub-law*. Although the initial response to these initiatives by the Constitutional Court was that the „case [was] on the agenda in the forthcoming period“, *to this day the court has not ruled* on whether the contested stipulations of the Decree are in line with:

- The Constitution;
- Law on Social Protection;
- European Convention on Human Rights;
- International Covenant on Economic, Social and Cultural Rights;
- Revised European Social Charter.

In November 2014, 57 civil society organisations filed a *request with the Government of the Republic of Serbia to urgently stop the implementation of the contested Decree*. The Government has not responded to this request either.

In the meantime, thousands of the most vulnerable citizens of Serbia living in poverty are subject to forced labour in order that they not lose the right to financial assistance.

From February to September 2018, the A 11 – Initiative for Economic and Social Rights conducted a research on the implementation of the Decree. According to the results, rather than facilitating their employment, it imposes new responsibilities on the recipients of financial assistance, resulting in violation of their dignity, stigmatisation and limitation of their rights.

IN ORDER TO QUALIFY FOR THE ENTITLEMENT TO FINANCIAL WELFARE ASSISTANCE, INDIVIDUALS MUST BE REGISTERED WITH THE NATIONAL EMPLOYMENT SERVICE AND REPORT REGULARLY TO THEIR ASSIGNED EMPLOYMENT COUNSELLOR IN ORDER TO BE INCLUDED IN ACTIVE EMPLOYMENT POLICY MEASURES.

THE MONTHLY AMOUNT PAID TO INDIVIDUALS IN SERBIA IS **8,283 DINARS**.

Of the 129 requests for access to information of public interest submitted to social work centres, 113 were responded to, while *some centres denied the requestors the right to access information on the implementation of this Decree*.

Although some social work centres, in processing these requests, established that the Decree was not applicable, that there were no users interested or companies willing to engage recipients of financial assistance, *65% of social work centres* that have responded had adopted individual plans to engage recipients.

From the day the Decree entered into force until the end of June 2018, *at least 9,436 of the most severely poverty-stricken citizens* of Serbia who are users of financial assistance were forced to do unpaid work under the threat of losing their entitlement.

The type of work that the recipients of financial assistance are forced to perform so as not to lose this entitlement includes building and street cleaning, canal digging, clearing up neglected cemeteries, road maintenance and construction work. This work does not improve their skills in any way or increase their employability in the future. This is confirmed by the fact that, according to the data acquired, only *138 recipients* of financial assistance who participated in social inclusion measures actually *found jobs*. As much as 92 social work centres do not have data on the number of users who found jobs through the application of this Decree, *a fact that clearly indicates that a large majority of social work centres do not monitor the impact of its application*.

The recipients cannot choose the type of work they perform for free and under threat of losing their entitlement. In Rekovac, they *dig graves* for the deceased who were users of this social work centre.

237 individuals have refused to take part in the so-called engagement measures. They are at risk of losing their sole income.

As few as about ten percent of social work centres reported on having reduced or terminated financial assistance to the users who refused to act in accordance with engagement measures, while *some centres do not even know the exact number of individuals whose entitlement was reduced*.

The criteria used by social work centres when determining the manner in which users of financial assistance are to be engaged are *unclear and arbitrary*. In better cases, they take into consideration the user's family circumstances and whether there is a bus line or organised transport to the place of "work", while in some cases the only criterion is whether the user is fit for work and the needs of the "employer", regardless of the user's interests or qualifications.

Amendments to the Law on Social Protection proposed by the Ministry of Labour, Employment, Veteran and Social Affairs require that the stipulations concerning forced labour from the Decree be turned into a legal norm, thus making the implementation of engagement measures one of the conditions for exercising the right to welfare assistance.

DO WE WANT SUCH A LAW?

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