



## 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 SEPTEMBER-DECEMBER 2018:

*Projects that we are currently implementing*

*Initiative for the ratification of protocols*

*Discrimination of Roma by the Zemun Health Care Centre*

*Operationalisation of Human Rights - from Policy to Local Level*

*Application of the Decree on Social Inclusion*

*Measures for Recipients of Financial Social Assistance*

*Report on the State of Economic and Social Rights of Internally Displaced Persons*

*A 11 Forum*

*A 11 Conference*

*Procedures against the Požarevac SWC*

*Initiative for the Assessment of the Constitutionality of the Law on Financial Aid for Families with Children*  
*Contribution for the EC progress report on Serbia*

### **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 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;*

### Operationalisation of Human Rights - from Policy to Local Level

**Donor:** British Embassy Belgrade

**Projects duration:** November 2018 - March 2019

The goal of the project that we are implementing with the support of the British Embassy Belgrade is to raise awareness on human rights as well as introduce new and innovative approaches to human rights, and understanding and assessment thereof in Serbia. The envisioned activities include:

- 1) *organisation of a conference for the occasion of the International Human Rights Day, a training on the topic of administrative justice and realisation of rights of vulnerable groups, discussion on the subject of discrimination of members of the LGBT+ community in access to economic and social rights, and a forum on gender inequality in access to education, social mobility and gender pay gap;*
- 2) *implementation of an awareness campaign on human rights, as well as promotion of tools and innovative methods for measuring the level of enjoyment of human rights 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 though 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 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.*



## OPERATIONALISATION OF HUMAN RIGHTS – FROM POLICY TO LOCAL LEVEL

In November 2018, A 11 – Initiative for Economic and Social Rights began implementing the project “Operationalisation of Human Rights – from Policy to Local Level”. This project is implemented through the support of the British Embassy in Belgrade and will last until the end of March 2019.

The goal of the project is to introduce new and innovative approaches to human rights and the understanding and assessment thereof in Serbia. Furthermore, the goal is to stimulate public discussion, both among stakeholders and the interested general population regarding various rights and specific areas of human rights law that have to date been considered second tier in

Serbia and open up a pathway to their inclusion in the wider narrative of human rights. With the aim of implementing the project the following activities have been planned: organization of lecture, training, discussions, forums and conference.

The A 11 Initiative already organized a conference in light of the Human Rights Day (“The Day after Human Rights Day – Where Are We Now?”), while the remaining events will be organized in the first three months of 2019, and will deal with various subjects, however through the prism of economic and social rights. All interested parties can seek further information regarding these events by emailing us at [office@a11initiative.org](mailto:office@a11initiative.org).



### CONFERENCE “DAY AFTER HUMAN RIGHTS DAY – WHERE ARE WE NOW?”

As part of the project “Operationalisation of Human Rights – from Policy to Local Level” that is being implemented through the support of the British Embassy in Belgrade, the A 11 – Initiative for Economic and Social Rights organized the conference “The Day after Human Rights Day – Where Are We Now?” In addition, a supplement titled “Human Rights – A New Approach” was published in the daily newspaper “Danas” with the aim of promoting the conference and better introducing the readers and participants to the topics addressed therein. The conference consisted of three thematic panels: interdependence of human rights, role of independent institutions in human rights protection, and measuring human rights and the tools used to that end. Both domestic and international human rights experts participated in the conference, as did activists, representatives of civil society organisations, independent human rights institutions, state bodies and international organisations. The interdependence of human rights panel focused in issues such as the content and interconnectedness of human rights, and in that sense that the application of the concept of interdependence of human rights can aid efficacy in the realization of all rights. The panelists pointed out that the separation of human rights into civil and political and economic, social and cultural rights is more of an artificial separation than a substantive one, and outlined the

practical ways to operationalise human rights via examples they have ran into through their work. In the panel on the role of independent institutions in the protection of human rights the panelists pointed out that one of the major problems that the Commissioner for the Protection of Equality is facing is the increase in the prevalence of hate speech. In that respect, the European Commission and the European Commission against Racism and Intolerance recommendations for the increase in the jurisdiction of independent human rights institutions were mentioned. The pressures that the Commissioner for Information of Public Importance and Personal Data Protection face were also a subject of discussion in light of the fact that the last Commissioners’ mandate expired as was the election of a new one in relation to the lack of understanding about the role and importance of this body on part of the executive and legislative government bodies. The final panel of the conference was focused on measuring the advancement and realisation of human rights wherein it was pointed out that we do not have proof or data on the topic, and that we work with assumptions about what we should be doing. Further steps were discussed, that is the way in which measuring human rights can impact the improvement of public policies and regulations.





## A 11 INITIATIVE FORUM “REMAINING PROBLEMS ON THE PATH TOWARDS THE FULL REALISATION OF HUMAN RIGHTS OF IDPS IN SERBIA”

On 31 October 2018 in Belgrade, the A 11 – Initiative for Economic and Social Rights held the forum “Remaining Problems on the Path towards the Full Realisation of Human Rights of IDPs in Serbia”. The central focus of the forum was to point out the problems internally displaced persons in Serbia face and provide recommendations that could contribute to the permanent resolution of problems of internally displaced persons. These recommendations were included in the publication [Internally Displaced Persons in Serbia: How to Access the Right to a Dignified Life?](#)

During the discussion in which Joanna Whiteman, expert on discrimination and co-director of the Equal Rights Trust organisation, UNHCR, Protector of Rights and A 11 Initiative representatives participated, as did members of the expert public, representatives of embassies and relevant state bodies, recommendations for the possible ways of improving the position of internally displaced persons were produced.



It was concluded that access to social and economic rights of internally displaced persons needs to be improved via the direct application of anti discrimination guarantees, as well as that there is still a need for the improvement of cooperation of international organisations, independent national human rights institutions, civil society organisations and state bodies with the aim of finding a resolution to the problems internally displaced persons face. Furthermore it was concluded that the participation of internally displaced

persons in planning, monitoring and implementation of policies related to the improvement of their local integration is key for the improvement of their local integration in Serbia. A platform for the improvement of participation of internally displaced persons in this process should be established in cooperation with all relevant stakeholders, to the end of improving planning and preparation of measures and activities aimed at the improvement of the position of internally displaced persons, eliminating or decreasing risks affecting the implementation thereof, as well as monitoring the successfulness and results of the implemented measures and activities.

# A11\*

initiative for  
economic and  
social rights

## PROCEDURES AGAINST THE POŽAREVAC SOCIAL WELFARE CENTRE

During a regular field visit to the social housing units in Uzun Mirkova Street in Požarevac, which house 21 internally displaced Roma families, the A 11 Initiative team registered a large number of individuals who reported being ill-treated by the local social welfare centre.

Namely, a large number of residents complained how the Požarevac Social Welfare Centre (hereinafter: SWC) refuses to receive their requests, which prevents them from realizing their rights. The majority of residents stated that the competent social worker orally informs them that they do not have the right to file requests each time they attempt to do so. Some even reported that they were prevented from entering the SWC building by SWC security personnel. This form of treatment prevents them from realizing their rights, and presents a violation of the rules of administrative procedure, principles of good administration and work standards, all at the expense of citizens attempting to realise their rights. Consequently, the A 11 – Initiative for Economic and Social Rights submitted a complaint regarding the work of the SCW in Požarevac with the Protector of Citizens.



Furthermore, bearing in mind that in this case the group who was rejected access to rights is one with common mutual traits (internally displaced Roma), the SWCs failure to act can be put in connection with the ethnicity and IDP status of the group members. Therefore another complaint against the SWC was submitted to the Commissioner for the Protection of Equality. Both procedures are ongoing.

## THE ZEMUN HEALTH CARE CENTRE DISCRIMINATED AGAINST ROMA

On the basis of the complaint that the A 11 – Initiative for Economic and Social Rights submitted, the Commissioner for the Protection of Equality issued an opinion establishing that the Zemun Health Care Centre Discriminated against Roma. The A 11 Initiative filed a complaint because of the content of the website of the said healthcare centre, as the section „About us“ among other things states that the fact that their work is “implemented in a very urban setting as well as traditionally rural settings, with a special emphasis on the point that a large number of Roma live in the municipality of Zemun” presents an aggravating circumstance.

The A 11 Initiative points out by posting such content the Zemun Healthcare Centre breached the principle of equality and therefore additionally stigmatized a pronouncedly vulnerable and marginalized group which in comparison to the rest of the population, already has more difficulties accessing social protection services than does the rest of the general population. Besides that, we emphasize that this type of content points to the reproduction of widespread negative stereotypes that the presence of Roma in an environment presents an “aggravating circumstance”.

The Commissioner for the Protection of Equality has concluded in their opinion that this form of singling out of members of a national minority and deeming them a difficulty in the work of the Zemun Healthcare Centre, as well as messages that this text sends out, further exacerbate the existing social distance between Roma and the rest of the population and create a sense of isolation and degradation, as it suggests that their presence in a certain area makes the work that institutions implement more difficult, as well as the fact that the healthcare centre provides their services in a large area.

### **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.***



## A 11 INITIATIVE SUBMITTED A CONTRIBUTION FOR THE EUROPEAN COMMISSION PROGRESS REPORT ON SERBIA

As part of the consultative process with the EU Delegation in Serbia, A 11 Initiative submitted a written contribution for the European integration Progress Report on Serbia. The contribution primarily focuses on areas such as basic rights, social policy and employment.

The contribution points out that the application of the new Law on Free Legal Aid which does not recognize CSOs as providers of free legal aid can have negative effects, as well as the need for the revision of discriminatory provisions of the Law on Financial Support for Families with Children which puts children from marginalized Roma families in a disadvantage. Furthermore, A 11 Initiative stressed that there is a need for changing the Draft Law on Amendments to the Law on Social Protection as the current version of the Law creates a risk for violation of citizens' right to protection of personal data and the right to privacy and family life. In regard to the aforementioned Draft Law, the provisions that introduce forced labour for social protection users, as well as stipulate conditions for the realization of the right to social protection that are not aligned with prevention of discrimination and the principle of the best interest of the child, are outlined in the written contribution as being particularly worrying. It also points out that in order to ensure the fulfilment of the basic existential needs and a more efficient fight against poverty, the category of the "missed pay" and three-month pauses in receiving financial social aid for users who are capable of working need to be abolished.

You can access the contribution in its entirety [here](#).

## A 11 INITIATIVE AND CHILD RIGHTS CENTER SUBMITTED THE INITIATIVE FOR THE RATIFICATION OF OPTIONAL PROTOCOLS

On 29 November 2018, A 11 – Initiative for Economic and Social Rights and Child Rights Center submitted an initiative for the ratification of the Third Optional Protocol to the Convention on the Rights of the Child on Communication Procedures as well as the signing and ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights to the Office for Human and Minority Rights, in line with Article 4 of the Law on Conclusion and Execution of International Treaties.

The goal of this initiative is to establish additional mechanisms for the protection of the rights of citizens of Serbia, and to enable them to address United Nations treaty bodies in case they were not able to resolve their problems through domestic legal mechanisms. Namely, if these documents were to be ratified (or signed and ratified in case of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights), individuals would be able to seek the protection of the Committee on the Rights of the Child and the Committee for Economic, Social and Cultural Rights. More on this, as well as comments of the Director of the Child Rights Center and the Program Coordinator of the A 11 Initiative can be found on the following [webpage](#).





## **INITIATIVE FOR THE ASSESSMENT OF THE CONSTITUTIONALITY OF THE LAW ON FINANCIAL AID FOR FAMILIES WITH CHILDREN FOR BEING DISCRIMINATORY TOWARDS ROMA CHILDREN**

In early October 2018, A 11 Initiative submitted an initiative for the assessment of the constitutionality of Article 25, paragraph 1 of the Law on Financial Support for Families with Children to the Constitutional Court. The contested provisions prevent the realization of the right to parental allowance if even one child in the family has not been vaccinated or does not attend school regularly. Although superficially neutral, the contested provisions have disproportionately negative effects on children from the most vulnerable Roma families, as many among them cannot fulfil the new conditions for parental allowance. Numerous research, statistical data from state body reports, international and domestic organizations show that there are drastic discrepancies in Serbia in regard to the scope of immunization and primary education and mandatory preschool education between Roma and non-Roma children. In line with the long ago established practice of the European Court of Human Rights and the Committee for the Elimination of Racial Discrimination, policies or general measures which disproportionately affect one group of people indicate the existence of discrimination, even when it is not intentionally aimed at that group.

Bearing in mind that the contested provisions of the Law affect children belonging to the most vulnerable groups and that the said provisions penalize rather than aid children belonging to these groups, the submitted initiative accentuates that the Law is contrary to the principle of social justice as well as the principle of the best interest of the child, as well as that it violates the unity of the legal order by introducing additional sanctions for conduct already sanctioned by appropriate regulations.

## **FOUR YEARS OF FORCED LABOUR IN SERBIA: APPLICATION OF THE DECREE ON SOCIAL INCLUSION MEASURES FOR RECIPIENTS OF FINANCIAL SOCIAL ASSISTANCE**

The A 11 – Initiative for Economic and Social Rights implemented a [study on the application of the Decree on Social Inclusion Measures for Recipients of Financial Social Assistance in Serbia](#). The Decree, which has been in application since 24 October 2014, users of financial social support are forced to participate in unpaid labour activities at the instruction of their competent social welfare centre under threat of losing the rights which they are legally entitled to should they not do so. Although at least three initiatives and one recommendation for the assessment of the constitutionality of said decree have been submitted, the Constitutional Court has not reached a decision on the mentioned initiatives and recommendation to date.

The research that was implemented between February and October of 2018 indicates that the goal of the application of the Decree is not to improve the social inclusion of users of financial social aid, but to force them to perform unpaid and lowly qualified jobs so that they could keep the rights to which they are entitled to via the Law on Social Protection. Two thirds of social welfare centres in Serbia apply this Decree, and at least 9462 users of financial social support were forced to work without compensation, under threat of losing rights. The jobs they were forced to do include cleaning streets and clearing them of snow, maintaining cemeteries, digging graves and performing construction work. Furthermore, it is important to note that the criteria by which social welfare centres decide which jobs are to be performed and by who are unclear and arbitrary. The result of this is that in certain cases the criteria include the preserved work ability of the users and the needs of the “employers”, while the interests and qualifications of the users are of secondary importance.

The research also demonstrated that as much as 92% of social welfare centres do not possess information on the number of users of financial social welfare who were employed through the application of the Decree, which clearly illustrated that the gross majority of the centres does not even follow-up on the effects of its implementation.

What is also troubling, besides the time it is taking the Constitutional Court to deliberate on the constitutionality and legality of this Decree, is that the according to the announced amendments to the Law on Social Protection, the Ministry of Labour, Employment, Veteran and Social Affairs intends to make the Decree provisions on forced labour the legal norm.





## A 11 INITIATIVE PRESENTED THE REPORT ON THE STATE OF ECONOMIC AND SOCIAL AFFAIRS OF INTERNALLY DISPLACED PERSONS

In late December of 2018 the A 11 – Initiative for Economic and Social Right presented the report “[Realisation of Economic and Social Rights of Internally Displaced Persons in Serbia](#)”, which was developed as the result of the implementation of the project “Local Integration of Internally Displaced Persons in Serbia” which the A 11 Initiative is implementing through the support of the United Nations High Commissioner for Refugees (UNHCR).

The report presents the basic obstacles internally displaced persons face in the realisation of economic and social rights necessary for their integration in cities and municipalities across Serbia.

These obstacles primarily refer to issues such as registration of residence and access to personal documents which, when not resolved, present an obstacle in the realisation of other economic and social rights guaranteed to internally displaced persons. On the other hand, the inability to realise the right to health care and social protection, as well as numerous problems in the realisation of the right to adequate housing impede the integration of internally displaced persons in local self-government's in Serbia.

The analysis of the results of the implementation of public policies and action plans for their implementation, analysis of the implementation of regulations, as well as lessons learned via provision of direct aid to particularly vulnerable internally displaced persons illustrated that the issues in the realisation of their economic and social rights have not been resolved since their displacement 20 years ago. In that sense, particularly vulnerable are internally displaced Roma in informal settlements and collective centres without the possibility of accessing basic human rights that would enable their local integration in communities in which they live.

Therefore, the report particularly highlights the basic recommendations for the improvement of the state of affairs in this specific area and for the local integration of internally displaced persons in Serbia.

### A 11 INITIATIVE RECOMMENDS:

In case you are interested in the topic of economic and social rights and their realisation, we recommend you listen to and read:

- [Podcast International Inequalities Institute](#)
- The book *Not Enough: Human Rights in an Unequal World* (author: Samuel Moyn)
- [Guiding Principles on Human Rights Impact Assessments of Economic Reforms](#) developed by the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights

