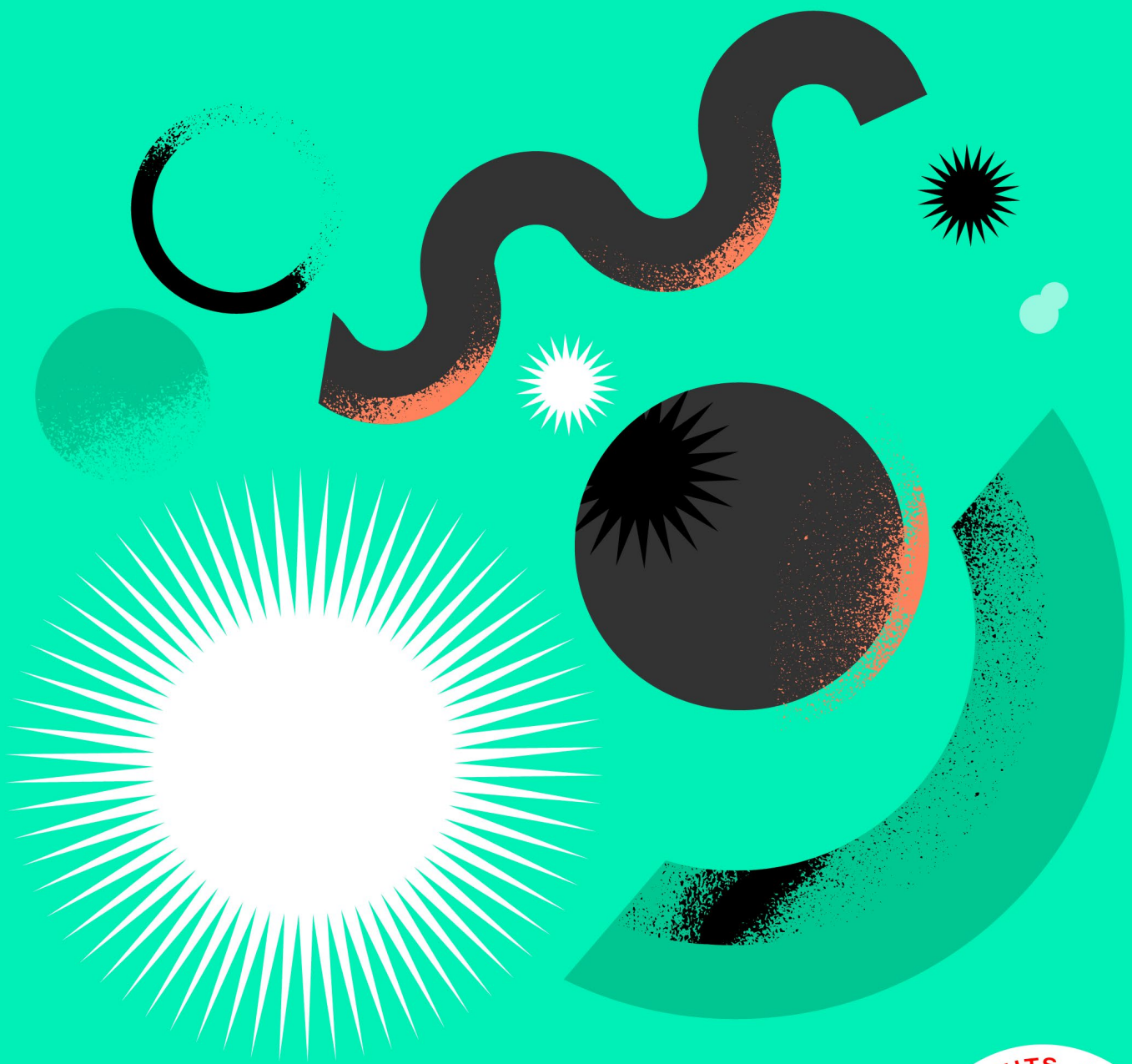


Recommendations



for better protection of economic and social rights during and immediately after the crisis caused by the pandemic of coronavirus



Recommendations

for better protection of economic and social rights during and immediately after the crisis caused by the pandemic of coronavirus



These Recommendations were conceived as proposals for opening a discussion about some of the key issues identified during the first wave of the crisis caused by coronavirus.

They can serve decision-makers, expert bodies and public authorities in proposing and creating new measures, and civil society organizations, trade unions, activist groups and others in creating activities aimed at promoting economic and social rights during the crisis caused by the pandemic of coronavirus.

1

Data based on which decisions are made

Serbia does not have good enough data (and in some cases does not have any at all), which should serve as a basis for making decisions aimed at reducing the consequences of the pandemic of coronavirus to the most socially vulnerable. For example, there is no data on the number of households that are without electricity and water, and therefore without the ability to take measures to combat the epidemic. Also, data on the number of school-age children who need technological support or Internet access, as well as additional pedagogical work, are not known. In addition, long-standing problems in the desegregation of data by gender, age structure, place of residence, property status and other criteria, are additionally expressed by the outbreak of the pandemic of coronavirus. As a result, some of the measures being implemented, either have too wide a scope or exclude those who are less visible in society.

Therefore, it is necessary to:

- improve the process of **collecting data** relevant to the creation and implementation of measures to combat the effects of the pandemic of coronavirus and **map the needs of the most vulnerable** citizens (Roma, displaced persons, the elderly, people with disabilities, children, precarious workers and workers in the informal economy and the like);
- insist and consistently implement **desegregation of data** and improve their collecting by competent public authorities;
- make basic data on the spread of coronavirus that are regularly collected more **transparent** and understandable, classify them by cities and improve their collection;
- explore how to contribute to the quality of data collected through the **involvement of non-state and other entities** that possess data relevant to making decisions on measures for controlling coronavirus;
- improve **transparency and exchange of data** on the most urgent needs for the provision of humanitarian and other assistance throughout Serbia, throughout decentralization of the data exchange and direct connection of donor community and providers of humanitarian and other assistance.

Decision-making processes on measures for combating the effects of coronavirus

Despite the dizzyingly increased number of decisions made to combat negative effects of the pandemic of coronavirus on citizens and economy, as well as the functioning of the state as a whole, decision-making processes are undemocratic, closed to the public and often contradictory. In such circumstances, decisions are first made in relation to those issues that regulate the situations closest to the decision-making centres. Thus, the poorest and socially most vulnerable do not even have an opportunity to have their voices heard. The latest example of such approach is the fact that children and young people with autism, as well as people placed in old people's homes, have suffered or are still suffering violations of their guaranteed rights, solely for reasons related to the fact that the competent public authorities do not take their interests into account and their representatives fail to reach out to the wider public to support them in demanding changes of their position.

Therefore, it is necessary to:

- Urgently **establish "the third crisis staff"**, which will deal with the protection and improvement of the position of the most vulnerable and with consequences that the fight against coronavirus had on their economic, social and other rights;
- involve **independent institutions for protection of human rights** (Protector of Citizens, Commissioner for Protection of Equality, Commissioner for Free Access to Information of Public Importance and Personal Data Protection), **civil society organizations and trade unions in public hearings and other consultations prior to deciding** on measures to be undertaken to combat the consequences of the pandemic of coronavirus on the economy and citizens;
- **analyze the effects of the decisions made** and their impact on the exercise of economic, social and other rights of citizens (with special reference to the most vulnerable citizens) and their **amendments** in order to better protect these rights.

Protection and improvement of economic and social rights during and immediately after the crisis

The consequences of the pandemic of coronavirus exceeded those characteristic for a health crisis long ago, and in every way they endanger the exercise of economic and social rights in countries around the world, including Serbia as well. As expected, those who are the most marginalized suffer the most from the consequences of the spread of coronavirus, from movement ban measures to other decisions imposed to prevent the spread of the virus. The protection and promotion of economic and social rights must be based on the provisions of the International Covenant on Economic, Social and Cultural Rights and the obligation to make maximum use of available resources for the progressive exercise of economic and social rights.

Therefore, it is necessary to:

- in decision-making processes, **be guided by the principle of proportionality and a human rights-based approach** that includes:

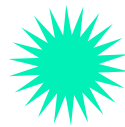
GOAL: respect for the economic, social and other rights of all citizens, with a special focus on the most vulnerable, and harmonization of decisions taken to suppress the spread of the coronavirus with international human rights obligations;

PROCESS: human rights standards and principles are used as guiding standards in making decisions. These standards include the principles of non-discrimination, gender equality, participation and proportionality;

OUTCOME: through decision-making processes, the state fulfils its obligation to respect the economic and social rights of all citizens, especially those who are most vulnerable.

- pay special attention to the **interdependence of economic and social and civil and political rights** and ensure that the consequences of decisions concerning the prevention of the spread of coronavirus do not contribute to the restriction or violation of human rights;
- **analyse** bylaws and other decisions of importance for suppressing the spread of coronavirus **from the aspect of the principle of non-discrimination**, both in their content and effects, and in case of discriminatory effects, urgently annul discriminatory decisions;

- **harmonize** the effects of economic measures for economic recovery **with the obligations of the state** to make maximum use of available resources for the progressive realization of economic and social rights and conduct a budget analysis of the measures implemented so far;
- with regard to each individual economic and social right guaranteed by the International Covenant on Economic, Social and Cultural Rights (right to work, right to social security and protection, right to education, right to adequate housing and right to the highest attainable standard of mental and physical health), **define the minimum obligation of the state below which the exercise of an individual right cannot be lowered** even during a state of emergency or emergency situation.





Individual economic and social rights

In regard to exercise and protection of individual economic and social rights, the state is obliged to take a number of steps that are crucial for the exercise of these rights.

WORK AND EMPLOYMENT

- provide additional financial support to workers who are employed “in the black market” and who are in a precarious position **by establishing a special support program** for this type of workers;
- ensure **consistent implementation of employee assistance programs** for those employers whose salaries have been partly paid from the budget;
- ensure **consistent implementation of measures to achieve safety and health at work**, with special emphasis on the application of measures to prevent the spread of coronavirus in the premises of the employer;
- further **regulate teleworking and off-site work**;
- provide additional support to workers employed **in sectors particularly affected by the outbreak of the pandemic** of coronavirus.

HOUSING

- provide **additional capacity to accommodate homeless people** sleeping on the street;
- **suspend all eviction procedures** carried out by local self-government units in accordance with Art. 77 of the Law on Housing and Building Maintenance, as well as eviction and **relocation** procedures in accordance with Art. 78 - 87 of the Law on Housing and Building Maintenance;
- improve **control in order to prevent abuses** in terms of raising rents and attempts of forced evictions of tenants in private leases, who do not have protection because they have not concluded lease contracts but have oral agreements on housing conditions;
- **consider the introduction of a lower tariff for the use of electricity** or additional support to beneficiaries who have been recognized as energy protected purchasers;
- consider **postponing the payment of due property tax instalments in 2020 and reducing this tax** for the most vulnerable citizens.

HEALTH CARE

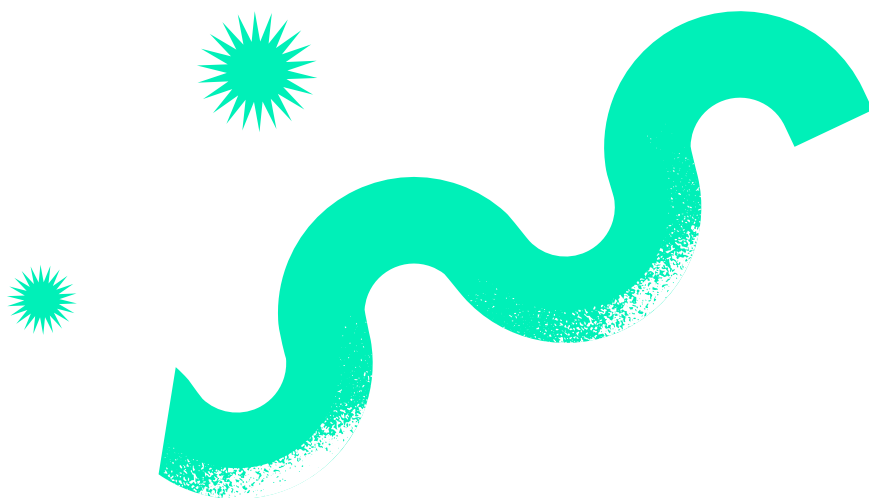
- ensure the **smooth exercise of rights and services that are provided in regular circumstances in the health system**, especially for chronic patients, patients with serious illnesses, as well as those patients who come from socially vulnerable categories of the population;
- establish a **free and effective coronavirus testing system** for socially vulnerable groups, especially those with chronic diseases or otherwise representing groups at additional risk of coronavirus;
- provide **completely free therapy for COVID-19**, especially for the most vulnerable, including not only drugs, but also supplements and other means prescribed within the therapy for COVID-19;
- **establish the work of health mediators** in informal Roma settlements and enable them to provide basic information on how the virus can be spread, as well as to be a “link” between the most vulnerable Roma and the health system;
- **provide drinking water** and water for maintaining hygiene, allocation of **hygiene packages and disinfectants** to all those who do not have water or the opportunity to buy it with their own funds (inhabitants of informal settlements and informal collective centres, homeless people, social welfare assistance beneficiaries and others).

SOCIAL PROTECTION

- simplify the procedures for exercising the right to cash benefits exercised before social welfare centres by **excluding from the assessment those criteria that are not relevant in emergency situations** (lost earnings, agricultural land and other income specified in the Article 2, paragraph 1, item 9 of the Regulation on Income and Revenues that affects the exercise of the right to financial social assistance);
- **facilitate the procedures for exercising the right** to financial social assistance by enabling the submission of requests by telephone, the possibility of online application for the right in certain cases and shortening the deadlines for deciding on requests;
- for particularly vulnerable categories of citizens who are not beneficiaries of cash social benefits, **introduce categorical benefits** through the allocation of a one-time cash transfer;
- **activate the possibility of earmarked funds, in accordance with Art. 110, paragraphs 7 and 8 of the Law on Social Protection**, which prescribes that the budget of the Republic of Serbia provides funds for the allocation of one-time assistance in cases of extreme threat to the living standards of a large number of citizens.

EDUCATION

- it is necessary to find ways for **children living in difficult financial conditions, who do not have access to television programs, electricity and the Internet** to have **unhindered access to classes**, by organizing attending online classes in the settlements where these children live;
- it is necessary to provide **additional teaching support** for children living in difficult financial conditions, who do not have access to television programs, electricity and the Internet through enhanced participation of pedagogical assistants in providing this support;



Access to justice and protection of economic and social rights

During the state of emergency, the access to justice was particularly hindered to citizens, given that the courts worked in an extremely limited number of cases. The administrative bodies did not work directly with citizens, and only those services that could be transferred to the online sphere were operating while the others were postponed. As a result, those citizens who are poorer, illiterate, technologically ignorant or without access to the Internet could not protect or initiate the exercise of their rights in the vast majority of cases.

It is therefore necessary, in the event of the second wave of the corona virus pandemic and a new lockdown to:

- ensure **the smooth functioning of courts and prosecutor's offices** / enable the work of courts and prosecutor's offices, even in those cases when it is not a matter of urgent proceedings in which courts acted during the state of emergency (detention cases, cases against minors and domestic violence, proceedings in processes in which there is a danger of obsolescence, procedures in which temporary measures are imposed, etc.);
- enable **the smooth operation of independent human rights institutions** (Protector of Citizens, Commissioner for Protection of Equality, Commissioner for Free Access to Information of Public Importance and Personal Data Protection), in order to improve the protection and exercise of economic and social rights during and immediately after the crisis caused by coronavirus;
- enable **free legal aid services to work smoothly** and receive requests for the provision of legal aid both online and in direct contact with citizens;
- enable **direct work** of employees in public authority bodies responsible for working with **the most vulnerable beneficiaries** to provide support in the field activities for the exercise of economic and social rights of the most vulnerable (pedagogical assistants, health mediators, Roma coordinators, social workers, etc.).



B | T | D The Balkan Trust
for Democracy
A PROJECT OF THE GERMAN MARSHALL FUND



Norwegian Embassy
Belgrade

This project is funded by the Royal Norwegian Embassy in Belgrade.

<https://www.norway.no/en/serbia/>

The views expressed in this publication do not necessarily represent those of the Royal Norwegian Embassy, the Balkan Trust for Democracy, the German Marshall Fund of the United States or their partners.