

CONTRIBUTIONS FOR REPORTS

Written Contribution to European Commision 2022 Annual Report on Serbia

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FURTHER FLEXIBILIZATION OF LABOUR STANDARDS

Previous year was marked with an attempt for additional flexibilization of the labor law. The Ministry of Labor, Employment, Veteran and Social Affairs prepared the Draft Law on Employment Due to the Increased Volume of Work in Certain Activities. This Draft Law was prepared with the aim of regulating the work of seasonal workers and thus reducing undeclared work, but due to poor legal solutions it only deepened the bad position of seasonal workers.¹

The Draft Law extended its effect to areas that no longer include only seasonal work, but it includes all those engaged in activities in the sector of agriculture, forestry and fisheries, physical work on construction, in the sector of services, accommodation and food, jobs in catering, tourist guides, hostesses, providers of domestic work, such as cleaning and babysitting, as well as cleaning of residential buildings.

If adopted, individuals engaged in these jobs will be left without the rights guaranteed by the Labor Law, because their work will not be considered an employment relationship. Individuals engaged under this law cannot exercise the right to maternity leave, leave from work for childcare, as well as leave for special childcare. Bearing in mind that it refers to activities related to professional cleaning, adult care, babysitting children, tourism, catering, which are all jobs that are mostly performed by women, the application of this Law will have negative effect on women's rights.

Moreover, the provisions of the Draft Law are completely contrary to the existence of labor protection of workers from dismissal. The right to associate with other workers, to have sick leave, paid annual leave, the right to a reasonable number of daily and weekly hours of rest is also limited.

The Draft Law also envisages that the employment agreement is concluded orally, which leads to further flexibility and precarization of work, especially in situations where there is discrimination, mobbing and other violations of rights, while the possibility of proving work and working conditions is almost impossible. The "Life outside the season" initiative, of which Initiative A 11 is a part, demanded the Ministry to withdraw this piece of legislation from the procedure. However, after the public debate, the Ministry neither accepted any of the proposals, nor did it further explain the intention to propose the disputed provisions. Nevertheless, the report from the public hearing states that additional consultations will be held with the International Labor Organization (ILO) regarding the circumstances whether some of the ILO conventions

¹ "THE CYNICISM OF THE SEASONAL LAW", [HTTPS://WWW.BILTEN.ORG/?P=38468](https://www.bilten.org/?P=38468) SERBIAN ONLY
DEBATE "SEASONAL WORK IN SERBIA" [HTTP://WWW.CENTARONLINE.ORG/SR/DOGADJAI/12306/DEBATA-SEZONSKI-RAD-U-SRBIJI](http://www.centaronline.org/sr/dogadjai/12306/debata-sezonski-rad-u-srbiji) SERBIAN ONLY

have been violated.² It remains to be seen what the outcome of this process after the composition of the new Government will be.

The Draft Law violates a significant number of international agreements and ratified conventions of the International Labor Organization.³ In addition, this Law is contrary to the provisions of the Revised European Social Charter⁴.

NO INVESTIGATION IN THE CASE OF POTENTIAL HUMAN TRAFFICKING WITH THE AIM OF LABOUR EXPLOITATION IN LINGLONG FACTORY

Due to activists and journalists' efforts and communication with the Vietnamese citizens hired to construct the Linglong tire factory in Zrenjanin, in November 2021 the public got acquainted with the inhumane and unlawful situation in which these workers were held.⁵ Having in mind numerous indicators pointing out to them being potential victims of human trafficking, the A 11 – Initiative for Economic and Social Rights, together with ASTRA - Action against Trafficking in Human Beings, immediately conducted several field visits and witnessed first-hand the severe issues related to the workers' employment status and living conditions.⁶

Human rights organizations mapped the following indicators of human trafficking with the aim of labour exploitation being present in this case:

1. The workers were recruited using misleading information about the working and living conditions, the promise of a legal job and a decent salary. However, many of them did not even have work permits, which was admitted by the National Employment Service, providing information in January 2022 that only 176 work

2 REPORT FROM THE PUBLIC HEARING <https://www.minrzs.gov.rs/sr/dokumenti/predlozi-i-nacrti/sektor-za-rad-i-zaposljavanje/javni-poziv-za-ucescje-u-javnoj-raspravi-o-nacrtu-zakona-o-radnom-angazovanju-zbog-повecanog-obima-posla-u-odredjenim-delatnostima>

3 THE LAW IS CONTRARY TO CONVENTION 156 OF THE INTERNATIONAL LABOR ORGANIZATION ON EQUAL OPPORTUNITIES AND TREATMENT FOR WORKERS (WORKERS WITH FAMILY RESPONSIBILITIES); CONVENTION 183 OF THE INTERNATIONAL LABOR ORGANIZATION ON MATERNITY PROTECTION; CONVENTION 11 OF THE INTERNATIONAL LABOR ORGANIZATION ON THE RIGHTS OF ASSOCIATIONS OF AGRICULTURAL WORKERS OF 1921; CONVENTION 87 OF THE INTERNATIONAL LABOR ORGANIZATION ON FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANIZE; CONVENTION 98 OF THE INTERNATIONAL LABOR ORGANIZATION ON THE APPLICATION OF THE PRINCIPLES OF THE RIGHT TO ORGANIZE AND COLLECTIVE BARGAINING AND CONVENTION 132 OF THE INTERNATIONAL LABOR ORGANIZATION ON PAID HOLIDAYS.

4 WE FIND THAT IT IS CONTRARY TO THE FOLLOWING PROVISIONS OF PART II OF THE REVISED EUROPEAN SOCIAL CHARTER: ARTICLE 2, PARAGRAPH 1; ARTICLE 2, PARAGRAPH 2; ARTICLE 2, PARAGRAPH 3; ARTICLE 4, PARAGRAPH 4; ARTICLE 5; ARTICLE 6 AND ARTICLE 8.

5 VOICE, VIŠE OD 750 VIJETNAMACA I KINEZA U INDUSTRIJSKOJ ZONI ZRENJANIN: BEZNAĐE NEVIDLJIVIH, ONLINE, AVAILABLE AT: <https://voice.org.rs/vise-od-750-vijetnamaca-i-kineza-u-industrijskoj-zoni-zrenjanin-beznađe-nevidljivih/>

6 FOR MORE INFORMATION ABOUT THE LIVING AND WORKING CONDITIONS OF VIETNAMESE WORKERS, PLEASE SEE: A 11 – INITIATIVE FOR ECONOMIC AND SOCIAL RIGHTS, ASTRA, LIVING AND LABOR CONDITIONS OF THE LINGLONG FACTORY CONSTRUCTION WORKERS FROM VIETNAM, ONLINE, AVAILABLE AT: https://www.a11initiative.org/wp-content/uploads/2021/12/REPORT_LING-LONG_ENG.PDF

permits for the Vietnamese citizens have been issued⁷, while it was confirmed by the officials that at least 400 Vietnamese citizens have been engaged in the Linglong construction site.⁸ In the inspection reports which the Ministry of Labour, Employment, Veteran and Social Affairs sent to A 11 Initiative it is stated that the labour inspectors have found *total of 1 worker* without working permit.

2. The workers were hired through complex referral system, involving various different actors, agencies and private companies - subcontractors of the Linglong International Europe Ltd, to construct the tire factory in Zrenjanin, and they had to pay 2000 – 4000 USD to recruitment agencies in Vietnam in order to get hired in Serbia. For many of them with whom the A 11 representatives have been in contact, this meant taking a loan in order to get this employment.

3. As Vietnamese citizens, the workers do not speak or understand the local language in Serbia, and only some of them understand the language used by the managers that are Chinese citizens. Thus, only few of them that could speak English to some extent were able to communicate their position and working and living conditions to the management, activists, journalists, or institutions.

4. In the November 2021, when the story broke out, workers were not in a possession of their personal documents.⁹ On 17 November 2021 activists from Solidarity Kitchen witnessed the situation in which some of the workers explicitly asked the managers to return them their passports and they denied to do so. Moreover, the activists then referred to the Zrenjanin police station, where police officer told them that the situation in which the managers are refusing to return the documents to the workers must be resolved by themselves, and that the police cannot interfere.

5. Both managers and private security hired by the managers at multiple occasions restricted communication between the workers and the activists and journalists, even outside of the factory and their accommodation units.¹⁰ Moreover, for a certain period of time, they also restricted their movement, not allowing them to leave their accommodation units. In December 2021, the A 11 Initiative filed criminal charges against the responsible persons at legal entities related to the engagement and work of 400 Vietnamese workers, based on reasonable doubt that they committed a criminal offense, that is, arbitrary deprivation of liberty.

7 N1, NSZ IZDAO VIJETNAMSKIM RADNICIMA 176 RADNIH DOZVOLA, AKTIVISTI: GDE JE JOŠ 574? 16.1.2022, AVAILABLE AT: [HTTPS://RS.N1INFO.COM/VESTI/NSZ-IZDAO-VIJETNAMSKIM-RADNICIMA-176-RADNIH-DOZVOLA-AKTIVISTI-GDE-JE-JOS-574/](https://rs.n1info.com/VESTI/NSZ-IZDAO-VIJETNAMSKIM-RADNICIMA-176-RADNIH-DOZVOLA-AKTIVISTI-GDE-JE-JOS-574/)

8 POLITIKA, PAŠALIĆ: SVI RADNICI IZ VIJETNAMA IMAJU UREDNE PAPIRE, 19.11.2021, AVAILABLE AT: [HTTPS://WWW.POLITIKA.RS/SR/CLANAK/492589/PASALIC-SVI-RADNICI-IZ-VIJETNAMA-IMAJU-UREDNE-PAPIRE](https://www.politika.rs/sr/CLANAK/492589/PASALIC-SVI-RADNICI-IZ-VIJETNAMA-IMAJU-UREDNE-PAPIRE)

9 INTERVIEWS WITH THE WORKERS, 14 NOVEMBER 2021, INFORMATION ON FILE WITH THE A 11 – INITIATIVE FOR ECONOMIC AND SOCIAL RIGHTS AND ASTRA.

10 N1, NOVINARKA VOICE: VIJETNAMSKI RADNICI PRESTRAŠENI, NE KOMUNICIRAJU S NOVINARIMA, 24.11.2021, AVAILABLE AT: [HTTPS://RS.N1INFO.COM/VESTI/NOVINARKA-VOICE-VIJETNAMSKI-RADNICI-PRESTRASENI-NE-KOMUNICIRAJU-S-NOVINARIMA/](https://rs.n1info.com/VESTI/NOVINARKA-VOICE-VIJETNAMSKI-RADNICI-PRESTRASENI-NE-KOMUNICIRAJU-S-NOVINARIMA/)

6. The workers were grouped in barracks extremely unsuitable for living and did not have the access to adequate nutrition. The camp where they were accommodated was not provided with heating, it had bunk beds in the overcrowded rooms, without sufficient ventilation and natural light. Workers also had only two toilets, with no safe and steady electricity plug and with no safe drinking water. In addition to that, there were only 2 water heaters (120 litres each), for more than 400 workers. Also, their accommodation did not have dining room or any other facility for free time. The workers had to wash their clothes by hand, since there were no washing machines.¹¹

7. Workers employment status is regulated through unlawful contracts. Among other things, their contracts stipulate that they are not allowed to engage in trade union activities, and that in case of contract cancellation due to their liability, they have to pay the tickets back home on their own.¹² In December 2021, the A 11 Initiative filed criminal charges against the responsible persons at legal entities related to the engagement and work of 400 Vietnamese workers, based on reasonable doubt that they committed a criminal offense, that is, the violation of the right to strike.

8. Furthermore, their contracts implied intense labour utilization, with workers being engaged for 234 working hours per month. Their work takes place in shifts lasting 9 hours, with one lunch break lasting one hour, 26 days a month, which is against the Labour Law standards in Serbia.

9. The workers have been continuously threatened and intimidated by the employers, both during their stay in Serbia, and prior to coming. In Vietnam they signed the *commitment forms* provided by the recruitment agencies, which, among other things, included information about the law in Serbia prescribing hands and heads cutting in case of conducting certain criminal offences.¹³

10. Workers were paid irregularly. During the firsts field visits and communication with the workers in November 2021, the A 11 Initiative representatives found out that some of the workers have not received any financial compensation for their work thus far, even though they had been brought to Serbia and had been working for several months. This only increased their dependency on the employer.

11. Not only that they have been paid irregularly, they have also been threatened with financial penalties - in cases they leave the employer, their relatives and/or

11 PHOTOS DOCUMENTING THESE LIVING CONDITIONS CAN BE FOUND IN THE A11 AND ASTRA REPORT AVAILABLE AT: [HTTPS://WWW.A11INITIATIVE.ORG/WP-CONTENT/UPLOADS/2021/12/REPORT_LING-LONG_ENG.PDF](https://www.a11initiative.org/wp-content/uploads/2021/12/REPORT_LING-LONG_ENG.PDF)

12 EMPLOYMENT CONTRACT WITH VIETNAMESE WORKERS, ONLINE, AVAILABLE AT: [HTTPS://PESCANIK.NET/WP-CONTENT/UPLOADS/2021/12/UGOVOR-O-RADU.PDF](https://pescanik.net/wp-content/uploads/2021/12/UGOVOR-O-RADU.PDF)

13 BIRN, DOCUMENTS REVEAL EXTENT OF EXPLOITATION AT CHINESE TIRE SITE IN SERBIA, 29.11.2021, AVAILABLE AT: [HTTPS://BALKANINSIGHT.COM/2021/11/29/DOCUMENTS-REVEAL-EXTENT-OF-EXPLOITATION-AT-CHINESE-TIRE-SITE-IN-SERBIA/](https://balkaninsight.com/2021/11/29/documents-reveal-extent-of-exploitation-at-chinese-tire-site-in-serbia/)

friends are obliged to pay for their escape.¹⁴ For many of them, this, in combination with not knowing the language and having signed the commitment forms, has implied the inability to stop working and return home in Vietnam.

12. The workers were exposed to unsafe working and living conditions. There was no regular access to healthcare or COVID-19 prevention measures. The employer did not provide them personal protective equipment, and deducted the costs of this equipment from their salaries.

On 17 November, after the initial field visits, the A 11 Initiative and Astra sent an official letter and the report on the situation of Vietnamese workers, potential victims of human trafficking for the purpose of labour exploitation and a request for the reaction of the competent authorities.¹⁵ Shortly after that, the Emergency Management Sector of the Ministry of Interior issued an order declaring the workers' barracks as dangerous and not suitable accommodation, due to gas leaks. Because of that, majority of the workers were relocated to several other locations. According to available information, this new accommodation is to some extent better than the one in which they were before. However, even in these locations, they are under constant surveillance by private security, and threatened by their employers.¹⁶

Even though the evidence of labour exploitation have been made public, different Government officials continuously cited that the company Linglong International Europe Ltd is one of the largest investors in the country, and there is a strong pressure to portray the presented evidence as irrelevant.¹⁷ Furthermore, it was stated that since the start of the construction, the company was inspected 18 times by the inspections working under the jurisdiction of the Ministry of Labour, Employment, Veteran and Social Affairs¹⁸ and "more than 50 times" by inspections working under the jurisdiction of the Ministry of Construction, Transportation and Infrastructure.¹⁹ However, after the request for access to information of public importance were submitted to relevant

14 COMMITMENT "NOT TO ESCAPE", SIGNED BY THE WORKERS, ONLINE, AVAILABLE AT: [HTTPS://PESCANIKNET/WP-CONTENT/UPLOADS/2021/12/IZJAVA-DA-NECE-POBECI.PDF](https://PESCANIKNET/WP-CONTENT/UPLOADS/2021/12/IZJAVA-DA-NECE-POBECI.PDF)

15 THE LETTERS WERE SENT TO THE FOLLOWING INSTITUTIONS: REPUBLIC PUBLIC PROSECUTOR'S OFFICE, HIGHER PUBLIC PROSECUTOR'S OFFICE IN ZRENJANIN, OFFICE FOR COORDINATION OF ACTIVITIES IN COMBATING HUMAN TRAFFICKING, POLICE DEPARTMENT IN ZRENJANIN, MINISTRY OF LABOR, EMPLOYMENT, VETERANS AND SOCIAL AFFAIRS / SECTOR FOR SOCIAL PROTECTION / CENTER FOR PROTECTION OF VICTIMS OF HUMAN TRAFFICKING, LABOR INSPECTORATE, LABOR INSPECTORATE IN ZRENJANIN, MINISTRY OF HEALTH – DEPARTMENT OF SANITARY INSPECTION AND THE OMBUDSMAN OFFICE.

16 AUDIO RECORDING OF THE ATTEMPTED VISIT TO THE WORKERS, A 11 – INITIATIVE FOR ECONOMIC AND SOCIAL RIGHTS, 21 NOVEMBER 2021.

17 BALKAN INSIGHT, DOCUMENTS REVEAL EXTENT OF EXPLOITATION AT CHINESE TIRE SITE IN SERBIA, 29 NOVEMBER 2021, AVAILABLE AT: [HTTPS://BALKANINSIGHT.COM/2021/11/29/DOCUMENTS-REVEAL-EXTENT-OF-EXPLOITATION-AT-CHINESE-TIRE-SITE-IN-SERBIA](https://BALKANINSIGHT.COM/2021/11/29/DOCUMENTS-REVEAL-EXTENT-OF-EXPLOITATION-AT-CHINESE-TIRE-SITE-IN-SERBIA)

18 EURONEWS, MINISTARSTVO: RADNICI IZ VIJETNAMA KOJI SU ANGAŽOVANI NA GRADNJI FABRIKE LINGLONG PREMEŠTENI NA DRUGU LOKACIJU, ONLINE, AVAILABLE AT: [HTTPS://WWW.EURONEWS.RS/SRBIJA/POLITIKA/25578/MINISTARSTVO-RADNICH-IZ-VIJETNAMA-KOJI-SU-ANGAZOVANI-NA-GRADNJI-FABRIKE-LINGLONG-PREMESTENI-NA-DRUGU-LOKACIJU/VEST](https://WWW.EURONEWS.RS/SRBIJA/POLITIKA/25578/MINISTARSTVO-RADNICH-IZ-VIJETNAMA-KOJI-SU-ANGAZOVANI-NA-GRADNJI-FABRIKE-LINGLONG-PREMESTENI-NA-DRUGU-LOKACIJU/VEST)

19 MINISTRY OF CONSTRUCTION, TRANSPORTATION AND INFRASTRUCTURE, MOMIROVIĆ: FABRIKA LINGLONG NAJKONTROLISANIJE GRADILIŠTE U SRBIJI, IZVRŠENO DO SADA PEDESET INSPEKCIJSKIH NADZORA, ONLINE, AVAILABLE AT: [HTTPS://WWW.MGSI.GOV.RS/CIR/AKTUELNOSTI/MOMIROVITSH-FABRIKA-LINGLONG-NAJKONTROLISANIJE-GRADILISHTA-U-SRBIJI-IZVRSHENO-DO-SADA](https://WWW.MGSI.GOV.RS/CIR/AKTUELNOSTI/MOMIROVITSH-FABRIKA-LINGLONG-NAJKONTROLISANIJE-GRADILISHTA-U-SRBIJI-IZVRSHENO-DO-SADA)

ministries, the Ministry of Labour, Employment, Veteran and Social Affairs provided total of 9 inspection reports, while the Ministry of Construction, Transportation and Infrastructure provided none.²⁰

On 16 December 2021 the European Parliament adopted the Resolution on forced labour in the Linglong factory.²¹ On 21 January 2022, the group of United Nations Human Rights Experts (Special Rapporteur on Trafficking in Human Beings, Special Rapporteur on Modern Forms of Slavery, Special Rapporteur on Migrant Rights and the Working Group on Discrimination and Transnational Corporations) issued a statement, expressing serious concern about the alleged forced labour of a group of approximately 400 Vietnamese migrant workers, who are reported to be victims of trafficking in Serbia.²² The urgency of adequately dealing with the Linglong case of potential victims of human trafficking and economic exploitations was also pointed out by the UN Committee on Economic, Social and Cultural Rights through its concluding observations on the third periodic report of Serbia.²³

Nevertheless, social and any other protection to these workers, potential victims of human trafficking and labour exploitation, has still not been provided by the authorities. As a results of workers, activists and journalists' efforts to make their story public, they were transported at the slightly better accommodation facilities, but still working under exploitative working conditions, while some of them managed to go back home in Vietnam. This case is a part of broader political and economic tendencies of importing foreign workers in Serbia as a cheap labour force, susceptible to exploitation.²⁴

LAW ON SOCIAL CARDS

At the beginning of 2021, the Law on the Social Card was passed with a delayed effect, and its implementation begun on 1 March 2022. The Law on Social Card raised a

20 A 11 – INITIATIVE FOR ECONOMIC AND SOCIAL RIGHTS, FREEDOM OF INFORMATION REQUESTS SUBMITTED TO THE MINISTRY OF INTERIOR, MINISTRY OF LABOR, EMPLOYMENT, VETERAN AND SOCIAL AFFAIRS AND MINISTRY OF CONSTRUCTION, TRANSPORTATION AND INFRASTRUCTURE SUBMITTED ON 25 NOVEMBER 2021 AND 10 JANUARY 2022.

21 EUROPEAN PARLIAMENT, RESOLUTION OF 16 DECEMBER 2021 ON FORCED LABOR IN THE LINGLONG FACTORY AND ENVIRONMENTAL PROTESTS IN SERBIA, AVAILABLE AT: [HTTPS://WWW.EUROPARLEUROPA.EU/DOCEO/DOCUMENT/TA-9-2021-0511_EN.HTML](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0511_EN.html)

22 OHCHR, UN EXPERTS DEEPLY CONCERNED BY ALLEGED TRAFFICKING OF VIETNAMESE MIGRANT WORKERS TO SERBIA, 21.1.2022, AVAILABLE AT: [HTTPS://WWW.OHCHR.ORG/EN/2022/01/UN-EXPERTS-DEEPLY-CONCERNED-ALLEGED-TRAFFICKING-VIETNAMESE-MIGRANT-WORKERS-SERBIA](https://www.ohchr.org/en/2022/01/un-experts-deeply-concerned-alleged-trafficking-vietnamese-migrant-workers-serbia)

23 COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, CONCLUDING OBSERVATIONS ON THE THIRD PERIODIC REPORT OF SERBIA, 4.3.2022, AVAILABLE AT: [HTTPS://DRIVE.GOOGLE.COM/FILE/D/1JH7I_GE7CkvXOBGfEUGSL0IOAPMBN_WD/VIEW](https://drive.google.com/file/d/1JH7I_GE7CkvXOBGfEUGSL0IOAPMBN_WD/view)

24 BLIC, DOLAZI NAM 12.000 RADNIKA IZ AZIJE! SAMO IZ INDIJE KREĆE IH HILJADU: RADE ZA MINIMALAC, I PO DESETORO IH ŽIVI U JEDNOM STANU, ŠTEDE SVAKI DINAR I ISPLATI IM SE!?, 8.2.2022, AVAILABLE AT: [HTTPS://WWW.BLIC.RS/BIZNIS/PRIVREDA-I-FINANSIJE/DOLAZI-NAM-12000-RADNIKA-IZ-AZIJE-SAMO-IZ-INDIJE-KRECE-IH-HILJADU-RADE-ZA-MINIMALAC-I-PO-DESETORO-IH-ZIVI-U-JEDNOM-STANU-SJEDE-SVAKI-DINAR-I-ISPLATI-IM-SE!?](https://www.blic.rs/biznis/privreda-i-finansije/dolazi-nam-12000-radnika-iz-azije-samo-iz-indije-krece-ih-hiljadu-ra-de-za-minimalac-i-po-desetoro-ih-zivi-u-jednom-stanu-sjede-svaki-dinar-i-isplati-im-se-17), 8.2.2022, AVAILABLE AT: [HTTPS://WWW.BLIC.RS/BIZNIS/PRIVREDA-I-FINANSIJE/DOLAZI-NAM-12000-RADNIKA-IZ-AZIJE-SAMO-IZ-INDIJE-KRECE-IH-HILJADU-RADE-ZA-MINIMALAC-I-PO-DESETORO-IH-ZIVI-U-JEDNOM-STANU-SJEDE-SVAKI-DINAR-I-ISPLATI-IM-SE!?](https://www.blic.rs/biznis/privreda-i-finansije/dolazi-nam-12000-radnika-iz-azije-samo-iz-indije-krece-ih-hiljadu-ra-de-za-minimalac-i-po-desetoro-ih-zivi-u-jednom-stanu-sjede-svaki-dinar-i-isplati-im-se-17)

number of questions relevant for functioning of the social protection system and the protection of the most vulnerable population in the Republic of Serbia.

First, it is envisaged that personal data of *persons related* to the user or potential user of the social protection system will be collected and processed through the Social Card system.²⁵ However, in this regard, the problem arises due to the fact that the definition of related persons is too wide, so that even a former extramarital partner is considered a related person. In addition to the fact that it is not precisely defined whether this applies only to the former extramarital partner living in the household with the applicant or to the former extramarital partner who is obliged to participate in maintenance, or to some other, third situation, the question is and how the administrative authorities will act in cases where there are several former extramarital partners - whether they are all considered related persons and when this connection of importance for the Law on Social Card ceases.

In addition to that, the Law stipulates that the Social Card may exceptionally process personal data on persons from socially endangered and vulnerable groups whose right is determined by the Government, in cases of providing assistance according to the conditions it defines for each individual case.²⁶ The definition of these exceptional cases is imprecise and leaves space for flexible interpretations, as well as the expansion of the originally determined circle of persons to whom the Social Card refers and whose data are collected and processed in this register. It is also noticeable that the database will not contain data of importance for determining the degree of vulnerability of users or potential users, which is crucial for the provision of social protection services based on the needs of individuals who are in a state of social need.²⁷

In addition, the scope of personal data processing introduced by the Social Cards is clearly disproportionate to the purpose and goal sought by the Law. The adoption of this piece of legislation brought the question of equal treatment of social protection beneficiaries and potential beneficiaries of this system, i.e. respect of the principle of equality of all citizens. The processing of an extremely large number of data (up to 140 different personal information) established by this Law is of such scope and is so poorly regulated that the question of the existence of systemic discrimination of beneficiaries of the social protection system in this regard might be raised.

25 ARTICLE 9 OF THE LAW ON SOCIAL CARD

26 ARTICLE 6, PARAGRAPH 4 OF THE LAW ON SOCIAL CARD

27 ARTICLE 10 OF THE LAW ON SOCIAL CARD

ADOPTION OF THE NATIONAL HOUSING STRATEGY

Between 20 December 2021 and 10 January 2022, the Ministry of Construction, Transport, and Infrastructure opened *online public debate* on the adoption of the National Housing Strategy in the Republic of Serbia for the period from 2022 to 2032.²⁸ This period of 20 days represents the prescribed minimum needed for public debates. Moreover, it took place during both Christmas and New Year holidays, when most of the stakeholders cannot participate meaningfully, or even get informed that this process is open and ongoing. The information about public debate and the draft of the Strategy were only published on the website of the Ministry of Construction, Transport, and Infrastructure, giving the opportunity for only written submissions as a response to the draft, while no public meetings and discussions were foreseen nor scheduled. After CSO representatives submitted the comments on the draft, they were mostly rejected as not relevant. Furthermore, the public was not aware of who the members of the working group drafting the Strategy are and whether the representatives of different sectors have been involved. This information is still not disclosed to the public.

Aside from these procedural issues, the Strategy is not aligned with the provisions of the Law on Prohibition of Discrimination²⁹ and the Law on Planning System³⁰. Namely, in accordance with Article 14, par. 4 the Law on Prohibition of Discrimination, when adopting the Draft of the Strategy, the proposer has to make an impact assessment containing a comprehensive description of the situation in the area covered by the strategic document, with special reference to the situation of the socio-economically disadvantaged persons, necessity and proportionality assessment for the proposed goals and measures in terms of respect of the principles of equality and rights of socio-economically vulnerable persons, and risk assessment for the rights, obligations and law-based interests of persons considered to be socio-economically endangered. However, this has not been done while drafting the National Housing Strategy, even though this document impacts the wide scope of citizens of the Republic of Serbia, especially the ones socio-economically disadvantaged.

Secondly, Article 31 of the Law on Planning System prescribes that public policy documents, such as the National Housing Strategy, are prepared in accordance with the results of ex-ante analysis of effects and ex-post analysis of valid public documents

28 MGSI, JAVNA RASPRAVA O PREDLOGU NACIONALNE STAMBENE STRATEGIJE ZA PERIOD OD 2022 – 2032. GODINE SA AKCIONIM PLANOM SPROVOĐENJE ZA PERIOD OD 2022 – 2024. GODINE, 17.12.2021, AVAILABLE AT: [HTTPS://WWW.MGSI.GOV.RS/LAT/AKTUELNOSTI/JAVNA-RASPRAVA-O-PREDLOGU-NACIONALNE-STAMBENE-STRATEGIJE-ZA-PERIOD-OD-2022-2032-GODINE](https://www.mgsi.gov.rs/LAT/AKTUELNOSTI/JAVNA-RASPRAVA-O-PREDLOGU-NACIONALNE-STAMBENE-STRATEGIJE-ZA-PERIOD-OD-2022-2032-GODINE)

29 OFFICIAL GAZETTE OF RS, 22/2009 AND 52/2021

30 OFFICIAL GAZETTE OF RS, 30/2018

in the subject area. However, the draft only reflects on the current situation and does not systematically consider the changes that should be achieved with its realization.

Alongside with procedural aspects of adopting the Strategy being problematic, the document also does not adequately address some of the key housing issues in Serbia:

1. It does not in any way deal with completely unregulated rental sector, which is the key source of unsecure and unaffordable housing for tenants.³¹
2. Instead of developing methods for increasing the insufficient housing stock in public ownership³², the Strategy envisages the sale of these apartments. This only worsens the issue of housing affordability, which the Strategy itself considers one of the most prevalent ones.
3. It does not comprehensively deal with the long-term development of new, efficient, and sustainable housing models, such as non-profit housing cooperatives.
4. It does not systematically address the most vulnerable population without access to adequate housing. This implies not targeting efficiently the issue of resettlements of informal substandard settlements³³ and the issue of forced evictions as one of the key factors increasing homelessness. The strategy also does not prescribe even one goal or measure to tackle the issue of homelessness, as the most severe form of housing deprivation. Moreover, it does not deal with the position of refugees and displaced persons, as one of the most vulnerable categories of citizens when it comes to housing issues.
5. Even though it recognizes the problems of market predominance in regulating housing sector, the Strategy ignores the growing residential segregation while failing to bring long-term measures to address this issue. These tendencies contribute to creating homogeneous housing estates in terms of socio-economic and ethnic structure of the residents.
6. It does not establish the basis for harmonization of criteria and models for solving the accumulated problems of fragmented and unaffordable social housing and housing support programs for different categories of vulnerable citizens. Currently, these programs are donor-driven, hence the vulnerable citizens in different local self-governments are faced with different requirements, costs and conditions related to the housing options offered to

31 BASED ON THE DATA PROVIDED BY THE STRATEGY, 60% OF HOUSHOLDS IN SERBIA CANNOT AFFORD THE EXPENCES OF MINIMUM CONSUMER BASKET AND MARKET RENT OF THE APARTMENT.

32 BASED ON THE DATA PROVIDED IN THE STRATEGY, OUT OF THE WHOLE HOUSING STOCK IN SERBIA, ONLY 0.78% OF HOUSING UNITS ARE PUBLICLY OWNED.

33 THERE IS A TOTAL OF 702 INFORMAL SETTLEMENTS IN SERBIA, IN WHICH OVER 167,000 PEOPLE LIVE, ALMOST EXCLUSIVELY MEMBERS OF THE ROMA COMMUNITY. DATA FROM THE OHCHR 2020 REPORT „MAPPING OF SUBSTANDARD ROMA SETTLEMENTS ACCORDING TO RISKS AND ACCESS TO RIGHTS IN THE REPUBLIC OF SERBIA“, AVAILABLE AT: [HTTPS://SERBIA.UN.ORG/SITES/DEFAULT/FILES/2020-12/WEB-MAPIRANJE_PODSTANDARDNIH_ROMSKIH_NASELJA-27-11-ENG%20%28002%29.PDF](https://serbia.un.org/sites/default/files/2020-12/web-mapiranje_podstandardnih_romskih_naselja-27-11-eng%20%28002%29.pdf)

them, depending on the donor in question. Current donor-driven approach in housing field targets only certain social groups, leaving some of them – for instance homeless people, completely out of the scope of implemented housing programs.

To add to this - Serbia has not thus far met even one recommendation from the Report made by the UN Special Rapporteur on the right to adequate housing during their visit to the Republic of Serbia in 2015.³⁴ Alongside those lines, the new National Housing Strategy does not comply with principles developed by the UN Special Rapporteur on the right to adequate housing in 2018.³⁵ Namely, it is not visible that the needs of the most vulnerable ones are addressed as a matter of priority; it does not address the issues of different levels and sectors of government and their competencies in resolving accumulated housing problems; it does not establish mechanisms for responsible budgeting and responsible tax policies that would improve the exercise of the right to adequate housing; it does not establish the system of accountability and monitoring over the implementation of measures and activities envisaged; it does not specify the obligations of private actors and establish the basis for regulating the financial and real estate markets.

These concerns were raised and submitted to the UN Special Rapporteur on adequate housing in January 2022, by the Housing Equality Movement,³⁶ an informal coalition of organizations that are fighting for the right to adequate, safe, and affordable housing in Serbia.

UNAFFORDABILITY OF SOCIAL HOUSING AND FORCED EVICTIONS FROM SOCIAL HOUSING UNITS

The lack of sustainability of the existing model of social housing in terms of its affordability for beneficiaries of financial social assistance, as well as low-income tenants, is indicated in data collected by the A 11 Initiative. Namely, in Kamendin settlement in Zemun Polje, where the largest number of social housing in the city of Belgrade is located, 11% of users were disconnected from the electricity distribution network due to debts, while a procedure for forced collection of debt for communal services (heating, water costs, etc.) was initiated against 47% of tenants. Due to debts

34 REPORT OF THE SPECIAL RAPPORTEUR ON ADEQUATE HOUSING AS A COMPONENT OF THE RIGHT TO AN ADEQUATE STANDARD OF LIVING, AND ON THE RIGHT TO NON-DISCRIMINATION IN THIS CONTEXT ON VISITS TO SERBIA AND KOSOVO A/HRC/31/54

35 REPORT OF THE SPECIAL RAPPORTEUR ON ADEQUATE HOUSING AS A COMPONENT OF THE RIGHT TO AN ADEQUATE STANDARD OF LIVING, AND ON THE RIGHT TO NON-DISCRIMINATION IN THIS CONTEXT A/HRC/37/53

36 LETTER OF CONCERN REGARDING THE NATIONAL HOUSING STRATEGY FOR THE PERIOD FROM 2020 TO 2030 IN THE REPUBLIC OF SERBIA. MORE ABOUT THE HOUSING EQUALITY MOVEMENT AT: [HTTPS://STAMBENIPOKRET.RS/EN/STAMBENI-POKRET/](https://stambenipokret.rs/en/stambeni-pokret/)

for lease costs, the City of Belgrade has initiated and finalized court proceedings for eviction against 12 users of social housing, while eight court proceedings for the eviction are still ongoing. Beneficiaries of social housing are additionally financially burdened by paying property taxes, even though this is a property that does not represent their private property.³⁷

Forced eviction from social housing

The case of B.S. illustrates the problems with the lack of affordability of social housing in Belgrade. In this case, the city of Belgrade filed a lawsuit against B.S. for eviction because he did not regularly pay the rent. The A 11 Initiative has, on numerous occasions, pointed to the unaffordability of social housing and solutions in the implementation of housing policies that are unsustainable and for social housing beneficiaries. Considering that the forced eviction of B.S, person in a highly vulnerable position would violate the right to life and constitute inhuman and degrading treatment, the A 11 Initiative submitted the request to the European Court of Human Rights to impose an interim measure. The emergency measure was declared on the same day, and the Government of the Republic of Serbia was ordered to refrain from performing the forced eviction until the beneficiary of social housing is provided with adequate alternative accommodation, which implies housing affordability.

Displacement of informal Roma settlement near Vinča landfill

Due to violations of the Environmental and Social Policy of the European Bank for Reconstruction and Development (EBRD), which finances the project of building a waste incinerator at the city landfill in Vinča, the A 11 Initiative filed a complaint with the Independent Project Accountability Mechanism (IPAM) of the EBRD. The complaint was filed with IPAM for violating EBRD policies and domestic and international regulations and standards during the resettlement of 19 families from informal Roma settlement near the Vinča landfill. The families were displaced on the territory of the City of Belgrade, the City of Šabac and the Municipality of Vladimirci. After the evaluation process, IPAM, as a mediator, started the problem-solving process.

The goal of the problem-solving process is to provide adequate and affordable accommodation for displaced families, resolve the issue of accumulated debts for communal services of families housed in social housing in Belgrade, provide adequate alternative accommodation for those left homeless after displacement, ensure renewal of income through some kind of employment and solve the issue of compensation for destroyed movable property of greater value that occurred during the demolition of buildings in which they previously lived. Similarly, to previously mentioned case, this

37 21 LAW ON PROPERTY TAX ("OFFICIAL GAZETTE OF THE RS", No. 26/2001, "OFFICIAL GAZETTE OF THE FRY", No. 42/2002 - DECISION OF THE SUS AND "OFFICIAL GAZETTE OF THE RS", No. 80/2002, 80 / 2002 - OTHER LAW, 135/2004, 61/2007, 5/2009, 101/2010, 24/2011, 78/2011, 57/2012 - DECISION US, 47/2013, 68/2014 - OTHER LAW, 95 / 2018, 99/2018 - DECISION US, 86/2019 AND 144/2020), ART.2. PAR. 1. PTS. 2.

process also illustrates systemic challenges in the housing sector and the lack of mechanisms for the protection of the right to adequate housing.

DENIAL OF PARENTAL AND CHILD ALLOWANCE TO ROMA CHILDREN

The Law on Financial Support to the Family with Children (hereinafter: LFSFC) remains in direct contravention with efforts to ensure social inclusion of Roma. The Article 25 paragraphs 1 – 6 of the Law, as amended in 2018³⁸ and 2021,³⁹ denies the access to parental allowance to certain disadvantaged and marginalized groups by conditioning it with school attendance and vaccination of children, which has a significant discriminatory effect on Roma families. Although conditions regarding immunization and school and pre-school attendance are neutral at first site, they have a disproportionate impact on vulnerable Roma children.

All available data points to the existence of a gap between Roma and non-Roma children in school and pre-school attendance, as well as in the immunization coverage. Thus, a regional UNDP research about Roma shows that about one in six marginalized Roma children of school age is still not participating in the education system.⁴⁰ The same research shows that the completion rate of compulsory education among Roma girls is only 57%, compared to 93% among non-Roma girls and 95% non-Roma boys.⁴¹ According to 2019 data from UNICEF and the Republic Statistical Office, the percentage of Roma children enrolled in school in early childhood is only 7% compared to 61% for the general population. The primary school completion rate among children living in Roma settlements is 64%.⁴² School attendance rates for children from Roma settlements are lower compared to the national average at all three levels, particularly at the level of early childhood education (7%). The completion rates for primary and secondary education in the general population are high, while these rates are significantly lower for children coming from Roma settlements.⁴³ As pointed out in

38 THE LFSFC (OFFICIAL GAZETTE OF THE RS, NO. 113/2017 AND 50/2018) WAS AMENDED IN AN URGENT PROCEDURE IN JUNE 2018 AND ENTERED INTO FORCE ON 1 JULY 2018.

39 LAW ON AMENDMENTS TO THE LAW ON FINANCIAL SUPPORT FOR FAMILIES WITH CHILDREN, OFFICIAL GAZETTE OF THE RS, NO. 66/2021 OF 30 JUNE 2021.

40 UNDP, ROMA AT GLANCE, SERBIA, AVAILABLE AT:

[HTTPS://WWW.EURASIA.UNDP.ORG/CONTENT/DAM/RBEC/DOCS/FACTSHEET_SERBIA_ROMA.PDF](https://www.eurasia.undp.org/content/dam/rbec/docs/factsheet_serbia_roma.pdf), PAGE 2.

41 IBID.

42 UNICEF AND STATISTICAL OFFICE OF THE REPUBLIC OF SERBIA, SERBIA, MULTIPLY INDICATOR CLUSTER SURVEY 2019 AND SERBIA ROMA SETTLEMENTS MULTIPLE INDICATOR CLUSTER SURVEY 2019, SURVEY FINDINGS REPORT, BELGRADE, OCTOBER 2020, XVII; HEREINAFTER: MICS 2019, AVAILABLE AT:

[HTTPS://WWW.UNICEF.ORG/SERBIA/MEDIA/16726/FILE/MICS%206%20MULTIPLE%20INDICATOR%20CLUSTER%20SURVEY%20FOR%202019.PDF](https://www.unicef.org/serbia/media/16726/file/MICS%206%20MULTIPLE%20INDICATOR%20CLUSTER%20SURVEY%20FOR%202019.PDF)

43 SERBIA MULTIPLE INDICATOR CLUSTER SURVEY 2019 AND SERBIA ROMA SETTLEMENTS MULTIPLE INDICATOR CLUSTER SURVEY 2019, STATISTICAL SNAPSHOT, PAGE 37, AVAILABLE AT:

European Commission Report for Serbia for 2021, school drop-out rates remain high for Roma children, especially for Roma girls.⁴⁴ Among children in the general population, the attendance rate in the preparatory preschool program remained very high (97%), while being substantially lower in Roma settlements (76%).⁴⁵

Immunization coverage is also lower among Roma children. According to 2019 data from UNICEF and the Republic Statistical Office, only around one-third (35%) of Roma children have received all vaccines on time, compared to 69% of children in the general population who have received all vaccines on time.⁴⁶

Presented data on school and preschool attendance and immunization coverage among Roma and non-Roma children clearly suggest that conditions for parental allowance have a disparate impact upon Roma children.

Roma children who remain outside the education system and who are not covered by immunization are among the most marginalized in Serbia and conditions for parental allowance are putting them in an even worse situation and increasing the gap between Roma and non-Roma children.

The LFSFC was amended in December 2021, including minor changes to the Article 25⁴⁷, but these amendments didn't lead to any improvement regarding eligibility of Roma children to parental allowance. Therefore, provisions that discriminated against Roma children were retained with minor changes that did not improve their position in any way.

Limiting the number of children eligible for parental and child allowance is another condition that affects disproportionately most vulnerable Roma children and families. Families are eligible to receive parental and child allowance for up to four children, apart from several exceptional cases. This limitation of the number of children who are eligible for parental and child allowance disproportionately affects the most vulnerable families with children. The data of the Statistical Office of the Republic of Serbia from the 2011 Census demonstrates that there are only 5,264 families with over five children in Serbia. Out of this number, there are as many as 1,719 families in which one or both parents stated that they are Roma. Although Roma make up 2.05 % of the population according to the 2011 Census, their share in families with five or more children is 32.66 %. Furthermore, out of this number, in 782 families one or both parents

[https://www.unicef.org/serbia/media/16301/file/Serbia%20\(National%20and%20Roma%20Settlements\)%202019%20MICS%20Statistical%20Snapshots_English.pdf](https://www.unicef.org/serbia/media/16301/file/Serbia%20(National%20and%20Roma%20Settlements)%202019%20MICS%20Statistical%20Snapshots_English.pdf)

44 EUROPEAN COMMISSION, SERBIA 2021 REPORT, PAGE 40.

45 SERBIA MULTIPLE INDICATOR CLUSTER SURVEY 2019 AND SERBIA ROMA SETTLEMENTS MULTIPLE INDICATOR CLUSTER SURVEY 2019, STATISTICAL SNAPSHOT, PAGE 35. SEE ALSO EUROPEAN COMMISSION, SERBIA 2021 REPORT, PAGE 104.

46 MICS 2019, xv.

47 LAW ON AMENDMENTS TO THE LAW ON FINANCIAL SUPPORT FOR FAMILIES WITH CHILDREN, OFFICIAL GAZETTE OF THE RS, No. 66/2021 OF 30 JUNE 2021..

are illiterate, while there are 1,024 families in which both parents have no school education or have completed a maximum of three grades of primary school.

These insights into the more detailed characteristics of families with five or more children show that the most vulnerable families are particularly affected by the limitation regarding number of children who can receive the parental and child allowance. In addition, having in mind the ethnicity of parents with five or more children, the mentioned limitation raises the issue of discrimination.

It is pertinent to mention that in March 2022, the **Committee on Economic, Social and Cultural Rights** expressed its concerns about certain conditions attached to social assistance benefits, which effectively deny access by certain disadvantaged and marginalized groups to social security benefits. These include the **conditioning of parental allowances on certain criteria, such as school attendance and vaccination of children, which has a significant discriminatory effect on Roma families.**⁴⁸

The Committee recommended that the State party review the conditions attached to social assistance benefits, particularly to the parental allowance and financial social assistance, with a view to removing the conditions that are discriminatory or have a discriminatory effect and contradict human rights norms.⁴⁹

In order to ensure social inclusion of Roma, in the field of financial support to families with children Serbia needs to amend the Law on Financial Support to Family with Children with a view to remove discriminatory conditions from Article 25 which excludes marginalized Roma children and prevents them from exercising the right to parental allowance and abandon the limitation on the number of children who are eligible for the children and parental allowance which deny these entitlements to the most vulnerable families and children.

COVID-19 CRISIS MITIGATION MEASURES AND THE MOST VULNERABLE CITIZENS

In 2021, order to mitigate the economic effects of the COVID-19 pandemic, the government of Serbia continued to provide financial assistance to all adult citizens of Serbia with permanent residence and ID card. Payment of this assistance in 2021 was regulated by the Law on the Provisional Register of Adult Citizens of the Republic of Serbia to which financial assistance is paid to mitigate the consequences of the

48 COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, CONCLUDING OBSERVATIONS ON THE THIRD PERIODIC REPORT OF SERBIE/C.12/SRB/CO/3, PARA. 50.

49 IBID, PARA. 51 B.

COVID-19 pandemic caused by the SARS-CoV-2 virus (hereinafter: the Law on the Temporary Register), which first envisaged the payment of a one-time financial aid of 60 EUR, while the amendments to that law adopted in October 2022 envisaged additional financial aid. All adult Serbian citizens with an ID and registered permanent residence were eligible for this form of assistance. However, **persons who do not have an ID card and registered permanent residence (and these are almost exclusively Roma) were not eligible for this assistance.** These measures are among the most obvious examples of the exclusion of vulnerable Roma from measures aimed at mitigating the economic consequences of the COVID-19 pandemic.

In September 2022, **the Commissioner for the Protection of Equality pointed out that the requirement of a residence registration and ID card for access to support measures mainly affected Roma individuals, and recommended that the competent Ministry of Finance take measures to include these persons in the support measures,** either by amending the relevant regulation or by passing a new regulation.⁵⁰ However, the Ministry of Finance ignored the recommendation and took no steps to include Roma without an ID card and residence registration in measures intended to mitigate the consequences of pandemic. In the meantime, the law regulating this type of assistance was amended and envisaged additional financial assistance of 20 EUR, but the same conditions regarding residence registration and ID card were maintained – once again confirming the discriminatory position towards undocumented Roma.⁵¹ The same conditions were maintained for payment of financial assistance introduced in January 2022 to youth aged between 16 and 29.⁵²

The exclusion of undocumented Roma from the possibility of receiving this cash assistance is fundamentally at odds with the recommendations of international organizations and human rights treaty bodies regarding the response to the epidemic, which indicate that the needs of marginalized groups should be prioritized in the response to the epidemic and the allocation of resources.⁵³ In March 2022, in its Concluding observations on the third periodic report of Serbia, **the Committee on Economic, Social and Cultural Rights expressed its concern about the absence of specific COVID-19 response measures to protect disadvantaged and marginalized individuals and groups and the failure to reach out to the most disadvantaged and**

50 THE COMMISSIONER FOR THE PROTECTION OF EQUALITY, RECOMMENDATION OF MEASURES TO PUBLIC AUTHORITIES – RECOMMENDATIONS OF MEASURES TO THE MINISTRY OF FINANCE, No. 07-00-00353/2021, FROM 26 AUGUST 2021, AVAILABLE (IN SERBIAN ONLY) AT: [HTTP://RAVNOPRAVNOST.GOV.RS/RS/PREPORUKA-MERA-MINISTARSTVU-FINANSIJA-2/](http://RAVNOPRAVNOST.GOV.RS/RS/PREPORUKA-MERA-MINISTARSTVU-FINANSIJA-2/).

51 LAW ON AMENDMENTS TO THE LAW ON THE TEMPORARY REGISTRY OF ADULT CITIZENS OF THE REPUBLIC OF SERBIA ELIGIBLE FOR FINANCIAL ASSISTANCE FOR MITIGATING THE CONSEQUENCES OF THE COVID-19 PANDEMIC CAUSED BY THE SARS-COV-2 VIRUS (OFFICIAL GAZETTE OF THE RS, No. 96/2021).

52 LAW ON THE TEMPORARY REGISTRY OF CITIZENS OF THE REPUBLIC OF SERBIA AGED 16 TO 29 ELIGIBLE FOR FINANCIAL ASSISTANCE FOR MITIGATING THE CONSEQUENCES OF THE COVID-19 PANDEMIC CAUSED BY THE SARS-COV-2 VIRUS (OFFICIAL GAZETTE OF THE RS, No. 3/2022 AND 20/2022).

53 CESCR, STATEMENT ON THE CORONAVIRUS DISEASE (COVID-19) PANDEMIC AND ECONOMIC, SOCIAL AND CULTURAL RIGHTS, 17 APRIL 2020, PARA. 14.

marginalized individuals and groups.⁵⁴ The Committee also recommended to the State to immediately rectify the situation by providing the COVID-19 - related cash benefits to those who were excluded, including due to a lack of permanent residence and identity documents.

In the context of COVID-19 crisis mitigation measures Serbia should ensure access to financial assistance for citizens who were unable to receive financial assistance to mitigate the consequences of the pandemic due to the lack of an ID card and registered permanent residence and include undocumented Roma and other vulnerable citizens in future pandemic mitigation measures.

⁵⁴ COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, CONCLUDING OBSERVATIONS ON THE THIRD PERIODIC REPORT OF SERBIA, E/C.12/SRB/CO/3, PARAS 20(B) AND (C).