

Submission to the UN Human Rights Committee in advance of the List of Issues prior to reporting in relation to the Republic of Serbia

For 137 Session (27 February 2023 – 24 March 2023)



INITIATIVE FOR
ECONOMIC AND
SOCIAL RIGHTS

1. The [A 11 – Initiative for Economic and Social Rights](#) is non-profit, non-partisan and non-governmental organization based in Serbia, which promotes and protects the rights of individuals from vulnerable, marginalized and discriminated groups, with specific focus on economic and social rights. The A 11 Initiative monitors the implementation of public policies, national and international regulations and recommendations of the UN Treaty and Charter-based bodies, and documents, reports and litigates cases of human rights violation.
2. The A 11 Initiative is a member organisation of the [Platform of organizations for cooperation with the UN mechanisms for human rights](#) and has been granted with the ECOSOC consultative status.
3. A 11 Initiative welcomes the opportunity to provide the Human Rights Committee (hereinafter: the Committee) with information in relation to the Republic of Serbia, for the adoption of the List of Issues at its 137th Session. This submission focuses on the issue of Roma exclusion, particularly:
 - Article 26 (Discrimination of Roma children in the access to parental and children allowance and exclusion of undocumented Roma from pandemic-related measures),
 - Limiting the number of children eligible for parental and child allowance,
 - Right of Roma women and children and access to healthcare,
 - Labor exploitation and human trafficking at the construction site of Linglong Tire factory in Zrenjanin.

Roma Exclusion

ARTICLE 26

DISCRIMINATION OF ROMA CHILDREN IN THE ACCESS TO PARENTAL ALLOWANCE

4. In strong contrast to the need to take additional steps to improve the position of vulnerable Roma, **the Law on Financial Support to the Family with Children** (hereinafter: the Law, LFSFC) **discriminate against Roma children**. Article 25 of the Law, as amended in 2018¹ and 2021,² introduced **additional conditions for parental allowance**, i.e., that children must be fully and timely vaccinated and that they must regularly attend elementary school and obligatory preschool education. Although these conditions, on the face of it, are neutral, their effects disproportionately affect vulnerable Roma children.
5. All data points to the existence of a **gap between Roma and non-Roma children in school and pre-school attendance, as well as in 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.³ 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**.⁴ 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%**.⁵ 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.⁶ 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%).⁷ Immunization coverage is also lower among Roma children. According to 2019 data

1 Law on Amendments to the LFSFC, Official Gazette of the RS, No. 50/2018 of 29 August 2018.

2 Law on Amendments to the LFSFC, Official Gazette of the RS, No. 66/2021 of 30 June 2021 and 130/2021 of 29 December 2021.

3 UNDP, Roma at glance, Serbia, available at:

https://www.eurasia.undp.org/content/dam/rbec/docs/Factsheet_SERBIA_Roma.pdf, page 2.

4 Ibid.

5 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>

6 Serbia Multiple Indicator Cluster Survey 2019 and Serbia Roma Settlements Multiple Indicator Cluster Survey 2019, Statistical Snapshot, page 37, available at:

[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)

7 Ibid, 35.

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.⁸

6. 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 on 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.
7. At the end of 119th session the UN Human Rights Committee requested Serbia to provide the Committee with follow-up information on implementation of recommendations contained in paragraphs 15 (Roma exclusion). After the State submitted its follow-up report, the Human Rights Committee concluded that Serbia failed to act on the recommendations related to the exclusion of Roma and **requested that, within the next reporting cycle, Serbia should provide, *inter alia*, specific information on how amendments to the Law on Financial Support for Families with Children, and especially Article 25 of that Law, which regulates the right to parental allowance, affect the Roma community.**⁹
8. In the fourth periodic report submitted by Serbia the State did not provide any information about amendments to the Law on Financial Support for Families with Children, nor about its impact on Roma children, despite the Committee's questions about this issue.
9. In the meantime, the Law was amended,¹⁰ but without any effect or substantial changes to the provisions of the LFSFC that make it difficult to access the right to parental allowance for particularly vulnerable Roma children – those who due do marginalization did not timely receive mandatory vaccines and/or are left outside the education system.
10. Just like in the reporting process before the Human Rights Committee, during the consideration of the Republic of Serbia under the International Covenant on Economic, Social and Cultural Rights and addressing the list of issues supplied by the Committee on Economic, Social and Cultural Rights, the state did not answer any questions in the field of financial support to families with children that refer to the Roma community.
11. Upon examining the report of the Republic of Serbia under the International Covenant on Economic, Social and Cultural listed among its 'principal subjects of concern' the concern about conditioning the parental allowance on certain criteria, such as school attendance and vaccination of children, which has a significant discriminatory effect on Roma families.¹¹ The **Committee on Economic, Social and Cultural Rights recommended that Serbia review the conditions attached to the parental**

8 MICS 2019, xv.

9 Report on follow-up to the concluding observations of the Human Rights Committee, page 4.

10 Law on Amendments to the LFSFC, Official Gazette of the RS, No. 66/2021 of 30 June 2021 and 130/2021 of 29 December 2021.

11 CESCR, Concluding observations on the third periodic report of Serbia, 6 April 2022, E/C.12/SRB/CO/3, para. 50.

allowance, with a view to removing the conditions that are discriminatory or have a discriminatory effect and contradict human rights norms.¹²

12. No steps have been taken to act on the recommendations of the Committee on Economic, Social and Cultural Rights and to change the conditions that prevent the realization of the right to parental allowance for the most vulnerable Roma children. Moreover, the Constitutional Court decided on the initiative to assess the constitutionality of the disputed conditions referred to in Article 25 of the Law on Financial Support for Families with Children, which the Committee pointed out has a significant discriminatory effect on Roma families. However, the Constitutional Court rejected the initiative for a constitutional review, without considering whether the conditions for parental allowance, which disproportionately affect Roma children, represent indirect discrimination. The Constitutional Court ignored the views of the Committee for Economic, Social and Cultural Rights on the contested provisions of the Law, despite the fact that Serbia is a State Party to the International Covenant on Economic, Social and Cultural Rights, which is why the conclusions and recommendations of the Committee responsible for monitoring the implementation of this international treaty, should have been considered when deciding. Two separate dissenting opinions were filed, stressing that there was not a reasonable relationship of proportionality between the means employed and the aim sought to be achieved and pointing that the Court did not consider the question of indirect discrimination, i.e. failure of the Court to answer to the claims that Roma children would be disproportionately affected by the conditions for parental allowance when compared to non-Roma children.
13. Described issue and conditions for parental allowance not only undermine the efforts related to the promotion of non-discriminatory access to opportunities and services in all fields for Roma – they contravene the Article 26 that prescribes that principles of equality and non-discrimination are set as general principles not only in the said Covenant, but in terms of economic and social rights, with no restrictions.¹³ Therefore, these provisions are applicable to the right to parental allowance, and legislation regulating parental allowance (LFSFC) must be in line with the principles of equality and non-discrimination. The Covenant does not require the State to enact legislation to provide for parental allowance or other specific form of financial support to the families with children. However, when such legislation is adopted in the exercise of a State's sovereign power, then such legislation must comply with article 26 of the Covenant.¹⁴ **Having in mind the disproportionately negative impact Roma children and lack of proportionality between the means employed and the aim sought to be achieved, conditions for parental allowance regarding immunization and school attendance do not comply with the Article 26.**
14. Having in mind all the above mentioned, the A 11 Initiative kindly asks the Committee to ask the Republic of Serbia the following:

¹² Ibid, para. 51 (b).

¹³ Human Rights Committee, General Comment No. 18, Non-discrimination (1989); F.H. Zwaan-de Vries vs. the Netherlands, appeal no. 182/1984, para. 12.1).

¹⁴ Ibid.

- a. Please explain how the State intends to take forward the recommendation of the Committee on Economic, Social and Cultural Rights to review the conditions attached to the parental allowance, with a view to removing the conditions that are discriminatory or have a discriminatory effect and contradict human rights norms.
- b. Please describe the impact of the Article 25 of the Law on Financial Support to the Family with Children regarding school attendance and immunization on vulnerable Roma children.

LIMITING THE NUMBER OF CHILDREN ELIGIBLE FOR PARENTAL AND CHILD ALLOWANCE

15. 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**.
16. 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 made up to 2.05% of the population according to the 2011 Census, their share in families with five or more children is 32.66%.¹⁵ Furthermore, out of this number, in 782 families one or both parents are illiterate, while there are 1,024 families in which both parents have no 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 the 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 and non-compliance with the Article 26 of the Covenant.
17. Having in mind all the above mentioned, the A 11 Initiative kindly asks the Committee to ask the Republic of Serbia the following:
 - a. Please explain if the State assessed the effects of this legislation on the most vulnerable population groups, such as Roma minority.

¹⁵ Please note that the data from 2022 Census is still not fully available.

- b. Please explain what the rationale for the introduction of the limitation of the number of children is eligible for parental and child allowance.
- c. Please explain what measures were taken in order to address the concerns about the limitation of the number of children eligible for parental and child allowance.

EXCLUSION OF ROMA WITHOUT ID AND PERMANENT RESIDENCE FROM CASH ASSISTANCE TO MITIGATE CONSEQUENCES OF THE PANDEMIC

18. **Roma without an ID card and permanent residence were excluded from the cash benefit of € 100¹⁶ in 2020 and € 80¹⁷ in 2021** – state measures introduced to mitigate consequences of the **COVID-19 pandemic**, which all adult Serbian citizens with an ID and registered permanent residence were eligible for. However, persons who do not have an ID card and registered permanent residence (and these are almost exclusively Roma) were not eligible for this form of 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.
19. It should be recalled that requiring documents (such as birth certificates, ID cards, or permanent residence) to access certain rights can discriminate against ethnic minorities who are not in possession or have been denied such documents.¹⁸ Furthermore, the exclusion of undocumented Roma from the possibility of receiving this cash assistance is fundamentally at odds with recommendations of international organizations and human rights treaty bodies regarding the response to the pandemic, which indicate that the needs of marginalized groups should be prioritized in the response to the pandemic and the allocation of resources.¹⁹ On the contrary, Serbia has allocated significant resources for the payment of financial assistance to all adult citizens (with valid ID cards), many of whom are certainly not in a state of vulnerability.²⁰ Contrary to the principle of social justice and prohibition of discrimination, Roma without ID and permanent residence, who are the most

16 Article 15 of the Decree on Fiscal Benefits and Direct Benefits to Private Sector Companies and Financial Assistance to Citizens to Mitigate the Economic Consequences of COVID-19 stipulates that all adult citizens of the Republic of Serbia be paid one-time financial assistance in the amount of € 100 in dinars equivalent.

17 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. 40/2021 and 96/2021) stipulates that all adult citizens of the Republic of Serbia will receive financial assistance in the amount of 60 €, paid in two installments. Later amendments of this Law (Official Gazette of the RS, No. 96/2021) introduced additional financial assistance in the amount of 20 which was also available only to adult Serbian citizens with registered permanent residence and valid ID card.

18 For a similar conclusion see CESCR, General comment no. 20 (Non-discrimination), para. 10(b).

19 CESCR, Statement on the coronavirus disease (COVID-19) pandemic and economic, social and cultural rights, 17 April 2020, para. 14.

20 A 11 – Initiative for Economic and Social Rights, Human Rights in Serbia during the First Wave of Coronavirus: from denial of danger to state of emergency, August 2020, pp. 20-21.

marginalized and have no access to other types of assistance because they have no personal documents, could not receive this assistance.

20. The **Commissioner for the Protection of Equality** pointed out that the requirement of 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.**²¹ 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 the pandemic. In the meantime, the law regulating this type of assistance was amended and envisaged additional financial assistance in two occasions, but the same conditions regarding residence registration and ID card were maintained – once again confirming the discriminatory position towards undocumented Roma.²² The same conditions were maintained for payment of financial assistance introduced in January 2022 to youth aged between 16 and 29.²³
21. 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 marginalized individuals and groups.²⁴ The **Committee on Economic, Social and Cultural Rights also recommended 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.**
22. It is pertinent to remind once again that in the view of the Human Rights Committee, article 26 of the Covenant does not merely duplicate the guarantee already provided for in article 2 but provides in itself an autonomous right.²⁵ It prohibits discrimination in law or in fact in any field regulated and protected by public authorities. Article 26 is therefore concerned with the obligations imposed on States parties in regard to their legislation and the application thereof. Thus, when legislation is adopted by a State party, it must comply with the requirement of Article 26 that its content should not be discriminatory. In other words,

21 The Commissioner for the Protection of Equality, 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/>.

22 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).

23 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).

24 CESCR, Concluding observations on the third periodic report of Serbia, E/C.12/SRB/CO/3, paras 20(b) and (c).

25 Human Rights Committee, General Comment No. 18, Non-discrimination (1989).

the application of the principle of non-discrimination contained in Article 26 is not limited to those rights which are provided for in the Covenant. Therefore, the **legislation providing for one-time financial assistances to mitigate the consequences of the pandemic must be in accordance with the requirements of Article 26 and must not be discriminatory.**

The Committee emphasizes that not every differentiation of treatment will constitute discrimination, if the criteria for such differentiation are reasonable and objective and if the aim is to achieve a purpose which is legitimate under the Covenant.²⁶ Excluding persons who do not have an ID card from the possibility of receiving a financial assistance is in essential contradiction with the recommendations of the Committee for Economic, Social and Cultural Rights regarding the COVID-19 pandemic. Allocation of resources should prioritize the special needs of marginalized groups.²⁷ Quite the opposite, the Republic of Serbia has allocated significant resources for the allocation of one-time financial social assistances to all adult citizens (with a valid ID card), many of whom were certainly not in a state of vulnerability. This assistance could not be received by those who are most marginalized and most vulnerable, who do not have access to all other types of assistance. This circumstance additionally indicates that **it would be difficult to offer a reasonable and objective justification for the unfair distribution of resources, which put the members of a particularly vulnerable national minority in a disadvantageous position.** Therefore, exclusion of undocumented Roma from financial assistance for mitigating consequences of the pandemic does not comply with the Article 26.

23. Having in mind all the above mentioned, the A 11 Initiative kindly asks the Committee to ask the Republic of Serbia the following:

- a. Please inform the Committee what measures were taken in order to implement the recommendation of the Committee on Economic, Social and Cultural Rights and to rectify the situation caused by exclusion of Roma without ID and permanent residence from cash assistance for mitigation of the consequences of the COVID-19 pandemic.

²⁶ Ibid, para. 13.

²⁷ CESCR, Statement on the coronavirus disease (COVID-19) pandemic and economic, social and cultural rights, 6 April 2020, para. 14

THE RIGHT OF ROMA WOMEN AND CHILDREN AND ACCESS TO HEALTH CARE

24. In its report, State mentions that all pregnant women and mothers up to 12 months after the birth of a child have the right to complete health care, including the right to medication and reimbursement of transportation costs, regardless of whether *their health insurance documents* are certified.²⁸ However, what **the state report does not mention is that those pregnant women, new mothers and children who do not have at least uncertified health insurance documents, are left out from abovementioned guarantees to health care.** The Law on the Realization of Health Care for Children, Pregnant Women and New Mothers,²⁹ adopted back in 2013, regulates the manner of exercising the right to health care for children, pregnant women and new mothers whose health insurance documents (health insurance cards) are not certified. However, this piece of legislation **ignores those pregnant women and children who are not able to obtain health insurance cards at all, such as undocumented Roma.** For example, the A 11 Initiative came across cases of Roma women (including one undocumented 17-year-old Roma) who received hospital bills amounting to more than € 2,000 (for childbirth in a hospital) or even more than € 3,000 (for hospitalization related to pregnancy).
25. Although the Law on the Exercising of Rights to Health Care of Children, Pregnant Women and New Mothers regulates the access to health care to those people who already have the health insurance card (regardless of whether it is valid or not), the access to health care should be ensured to other children, pregnant women and new mothers as well, aimed at fulfilling obligations of Serbia under international treaties and recommendations of human rights treaty-bodies.
26. The situation of Roma women and children in the area of health care led the **Committee on the Rights of the Child to the conclusion that Roma mothers and young children are “particularly vulnerable and continue to have limited access to adequate maternal and general health care, resulting in high mortality rates (...)”**.³⁰ This Committee further recommended the State to “strengthen efforts to ensure that access to adequate health care, including prenatal care for pregnant women without health insurance, is extended to families living in the most vulnerable situations, particularly those living in marginalized and remote areas”. Data collected by the Protector of Citizens for the purpose of the Special Report of the Protector of Citizens on Reproductive Health of Roma Women also show that there are still cases of undocumented Roma and cases in which Roma are unable to register

28 State report, para. 56.

29 Official Gazette of Republic of Serbia, No. 104/2013.

30 Committee on the Rights of the Child, Concluding observations on the combined second and third periodic reports of Serbia, 7 March 2017, para. 45 (b).

their permanent residence at the address of the social welfare centers, which presents an obstacle for them when it comes to accessing health care.³¹

27. Having all the above mentioned in mind, the A 11 Initiative kindly asks the Committee to ask the Republic of Serbia the following:

- a. Please provide information on how the State plans to ensure access to adequate healthcare, including prenatal healthcare, for uninsured pregnant women, particularly undocumented Roma?
- b. Please provide information if the State intends to take steps to remove charges/hospital bills for childbirth for undocumented and uninsured pregnant women?
- c. Please provide information about the access of undocumented Roma children to preventive health care in legislation and in practice.

LABOR EXPLOITATION AND HUMAN TRAFFICKING AT THE CONSTRUCTION SITE OF LINGLONG TIRE FACTORY IN ZRENJANIN

28. Republic of Serbia demonstrated that there are still **no effective mechanisms for the protection of the victims of labor exploitation and human trafficking**. In its report to the Committee, the Government of Serbia failed to report on the most significant case of labor exploitation and human trafficking involving at least 400 Vietnamese workers in Serbia. At the end of 2021, journalists³² and human rights activists found out about a case of mass labor exploitation of workers engaged in the construction of the Linglong Tire Factory in Zrenjanin. After the information published by the independent media about the poor living and working conditions at the construction site, the representatives of the A11 Initiative and another organization - ASTRA - Action against Trafficking in Human Beings visited the workers engaged in the construction of the factory and documented the situation on site. Afterwards, the report about the living and working conditions at the construction site was made public.³³
29. At the moment of the visit, none of the workers had their passport with them; passports were "kept" in the company that employed them - Linglong International Europe.³⁴ These workers were hired through subcontractors of the Linglong International Europe,

31 The Protector of Citizens, Special Report of Reproductive Health of Roma Women with Recommendations, 2017, available at:

<https://www.ombudsman.rs/attachments/article/5536/Poseban%20izvestaj%20ZG%20Rep%20zdravlje%20Romkinja%202011.pdf>, pages 3 and 11.

32 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-indus-trijskoj-zoni-zrenjanin-beznade-nevidljivih/>.

33 For more information, please see: A 11 Initiative and NVO Astra, Living and labour conditions of the Linglong factory construction workers from Vietnam, November 2021, available at: https://www.a11initiative.org/wp-content/uploads/2021/12/Report_Ling-Long_ENG.pdf.

34 Interviews with the workers, 14 November 2021, information on file with the A 11 – Initiative for Economic and Social Rights.

to construct the tire factory in Zrenjanin, Serbia, and they had to pay between \$ 2000 and 4000 to recruitment agencies in their home country. They were working in shifts lasting 9 hours, with one lunch break lasting one hour, 26 days a month, which was against the minimum protection requirements set up in the Labor Law in Serbia. Their contracts stipulated 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.³⁵ Also, in cases they leave the employer, their relatives and/or friends were obliged to pay if they “escape”.³⁶

30. The camp where they were accommodated was not heated, it had bunk beds in the overcrowded rooms, without sufficient air circulation and natural light. Workers also had only two toilets, with no safe and steady electricity plug and with no safe drinking water. There were only two water heaters (120l each), for more than 400 workers. Also, their accommodation was not equipped with the dining room or any other facility for recreation and time. The workers had to wash their clothes by hand, since they were not provided with a single washing machine. At the moment of the visit, they reported that they were not getting their salaries regularly, and there was no access to healthcare or COVID-19 prevention measures.
31. After the report was published and the official letters³⁷ about the situation of Vietnamese workers submitted to competent authorities, the Emergency Management Sector of the Ministry of Interior issued an order declaring the workers' barracks as dangerous and not suitable for accommodation, due to gas leaks. Because of that, majority of the workers were relocated to several other locations, while part of them remained living at the original facilities that had been declared dangerous.
32. However, in this new accommodation, the workers were under constant surveillance by private security, threatened by their employers, and prevented from getting in touch with media and human rights organizations.³⁸
33. It is important to note that so far there was no official investigation, and the Centre for the Protection of Victims of Trafficking never informed the public on the number of workers this institution interviewed and the measures for their protection it implemented. Also, high-level Government officials cited that the Linglong International Europe is one of the largest investors in the country, and even though the evidence of labor exploitation has been made public, there was strong pressure to portray them as irrelevant.³⁹ Finally, it was stated that since the start of the construction,

35 Employment Contract with Vietnamese workers, online, available at: <https://pescanik.net/wp-content/uploads/2021/12/ugovor-o-radu.pdf>.

36 Commitment “Not to Escape”, signed by the workers, online, available at: <https://pescanik.net/wp-content/uploads/2021/12/izjava-da-nece-pobeci.pdf>.

37 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 Protector of Citizens.

38 Audio recording of the attempted visit to the workers, A 11 – Initiative for Economic and Social Rights, 21 November 2021.

39 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>.

the company was inspected 18 times by the inspections working under the jurisdiction of the Ministry of Labor, Employment, Veteran and Social Affairs⁴⁰ and “more than 50 times” by inspections working under the jurisdiction of the Ministry of Construction, Transportation and Infrastructure.⁴¹ However, not all the reports from these inspections were made public, even after the access to information of public importance were submitted to these ministries.⁴²

34. 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 the collected evidence of human trafficking and labor exploitation, but there was no investigation or follow-up on these communications. Also, **even though the Protector of Citizens announced it will publish the report once their investigation is over, this never happened.**
35. In January 2022, the Mandates of the **Special Rapporteur on trafficking in persons, especially women and children; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the human rights of migrants; and the Special Rapporteur on contemporary forms of slavery, including its causes and consequences addressed the Government of Serbia⁴³**, together with the Government of the People's Republic of China, the Government of Socialist Republic of Vietnam, and the companies involved in this case, **but the Government of Serbia failed to reply to this communication.** Also, **Committee on Economic, Social and Cultural Rights expressed its concern with the narrow scope of labor inspections carried out by the Labor Inspectorate, which has led to situations such as the case of workers at the Linglong Tire factory** and recommended the State to expand the scope of labor inspections, strengthen the capacity and powers of the Labor Inspectorate and improve the quality of labor inspections. The Committee also recommended the State party to provide sufficient financial and human resources to the Labor Inspectorate and specialized training for labor inspectors.⁴⁴
36. Having all this in mind, the A 11 – Initiative for Economic and Social Rights kindly asks the Committee to ask the Republic of Serbia the following:
- What measures were taken in order to investigate the situation happening at the Linglong Tire factory in Zrenjanin, Serbia involving concerns about the labor

40 Euronews, 17 November 2021, available at: <https://www.euronews.rs/srbija/politika/25578/ministarstvo-radnici-iz-vijetnama-koji-su-angazovani-na-gradnji-fabrike-linglong-premesteni-na-drugu-lokaciju/vest>

41 Ministry of Construction, Transportation and infrastructure, Momirović: Fabrika Linglong najkontrolisanije gradilište u Srbiji, izvršeno do sada pedeset inspeksijskih nadzora, online, available at: <https://www.mgsi.gov.rs/cir/aktuelnosti/momirovitsh-fabrika-linglong-najkontrolisanije-gradilishte-u-srbiji-izvrsheno-do-sada>

42 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.

43 Special Rapporteur on trafficking in persons, especially women and children, the Working Group on the issue of human rights and transnational corporations and other business enterprises, the Special Rapporteur on the human rights of migrants and the Special Rapporteur on contemporary forms of slavery, including its causes and consequences. Letter to the Government of Serbia, 18 January 2022, Ref.: UA SRB 1/2022.

44 Committee on Economic, Social and Cultural Rights, Concluding observations on the third periodic report of Serbia, 6 April 2022, UN Doc no. E/C.12/SRB/CO/3.

exploitation and human trafficking of more than 400 Vietnamese workers hired at the construction site of this factory.

- b. When does the State party intends to respond to the communication from the letter of the mandates of the Special Rapporteur on trafficking in persons, especially women and children; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the human rights of migrants; and the Special Rapporteur on contemporary forms of slavery, including its causes and consequences addressed form January 2022.
- c. What measures were introduced in order to prevent such situation from happening in future.