

YOUTH SPECIFIC ALTERNATIVE REPORT

to the **Committee on
Economic, Social
and Cultural
Rights**

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for the examination of the Third
Periodic Report of the Republic
of Serbia



Submitted by



We, the undersigned organisations, and youth initiatives from the Republic of Serbia, have the honour to hereby present the first **youth specific** alternative report for the 71st Session of the Committee on Economic, Social and Cultural Rights to consider the third periodic report of the Republic of Serbia.

The purpose of this Report is to present the situation and identify the existing challenges and obstacles to the exercise of the youth in the Republic of Serbia when it comes to their economic and social rights. The report of the position of young persons is based on the fact that, despite the fact that all people have the same rights, it is important to zoom into the current situation when it comes to youth and their needs. Since the youth group is heterogeneous, with characteristic challenges for certain categories of youth - such as, for example, young Roma women and men, young people in the LGBTI community, or young people with disabilities - the Report addresses both generally youth and specifically certain categories of youth.

The Report is mostly following the List of Issues in relation to the third periodic report of Serbia. However, there are certain topics of great importance for youth that could not fit under any issue in the LOI. Hence, those topics have dedicated subheadings, while answers to the LOI are clearly indicated. For the purposes of this Report, the categorisation of young people set out in the 2011 Law on Youth of the Republic of Serbia is used, according to which young people are persons from the age of 15 to the age of 30. The estimated number of young people aged 15 to 30 in 2020 was 1,218,789, that is 17.7% of the total population, by gender of young people, 48.7% are women (592,995) and 51.3% are men (625,794).

The Report was prepared by the Youth Programme of the Belgrade Centre for Human Rights, Civic Initiatives, National Association of Practitioners of Youth Work, the Union of Secondary School Students of Serbia, Mental Disability Rights Initiative of Serbia, Association of Women FemPlatz, IMPACT-21, Za Tebe #VAŽNOJE, the Initiative of Roma Women Students, Organisation for the Promotion of Activism (Project Femix), and Youth with Disabilities Forum. The Belgrade Open School contributed with the subheading “Youth and Traineeships”.

I. General Information

LOI 2

1. Although the Ministry of Justice has identified certain problems in the free legal aid system, there is no official data on young people as beneficiaries of free legal aid provided by the state.¹ The only reference to youth in the system of free legal aid is to ‘children’ as a vulnerable and marginalized group² based on their status or based on the type of legal proceedings in question. From all 13 groups enumerated in the Law on Free Legal Aid, in the first six months of its application, 606 requests were submitted. The most numerous group concerned children (324 requests).³ Finally, it is problematic that the Law does not require special training of registered free legal aid providers (e.g. lawyers) to work with young people and other vulnerable categories of free legal aid beneficiaries.

2. Uneven economic development has a significant impact on the availability of services funded by local self-government budgets including access to supported housing or personal assistance services for children and young people with disabilities.⁴ The share of users of social services provided through the public sector was 58% in 2018 and is significantly lower compared to 74% in 2015.⁵ Additionally, compared to 2012 and 2015, in 2018 there was a decrease in the participation of users who receive services from public sector providers, which is especially pronounced in day-care services for adults and children in conflict with the law.⁶

¹ On the number of young people requesting free legal aid and the number of adopted, rejected and rejected youth requests.

² Art. 4, para. 3 of the Law on Free Legal Aid.

³ “Law on Free Legal Aid - The first six month of implementation”, *Lawyers’ Committee for Human Rights*, 2020, p. 44. Available at: <http://en.yucom.org.rs/wp-content/uploads/2020/07/Law-on-Free-Legal-Aid—The-First-Six-Months-of-Implementation.pdf>.

⁴ “Mapping of social protection services under the jurisdiction of local self-government units in the Republic of Serbia”, Team for Social Inclusion and Poverty Reduction of the Government of the Republic of Serbia, December 2016. Available in Serbian at: <http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2016/12/Mapiranje-usluga-socijalne-zastite.pdf>.

⁵ “Mapping of social protection services under the jurisdiction of local self-government units in the Republic of Serbia”, Team for Social Inclusion and Poverty Reduction of the Government of the Republic of Serbia, June 2020, p. 23. Available in Serbian at: http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2020/09/Mapiranje_usluga_socijalne_zastite_i_materijalne_podrske_u_nadleznosti_JLS_u_RS.pdf.

⁶ “Mapping of social protection services under the jurisdiction of local self-government units in the Republic of Serbia”, June 2020, p. 24.

LOI 3

3. There is considerable deterioration in the Ombudsman's cooperation with CSOs,⁷ including organisations for youth and youth organisations. When it comes to the Ombudsman's attention to young people (other than children), it cannot be characterized as satisfactory. Ombudsman produced four special reports in 2020,⁸ and out of those four reports only one paragraph⁹ can be indirectly linked to the rights of a young person.¹⁰ When asked by the Belgrade Centre for Human Rights how many young people (15-30 years old) filed a complaint with the Ombudsman in 2020, and for violations of which rights, the Ombudsman stated that complaints are neither kept nor systematized according to age parameters of young people. In a follow-up meeting in December 2021, the Deputy Ombudsperson for the Rights of the Child stated that there is no plan to begin with this practice. Having that in mind, it is impossible to determine how many young people turned to the Ombudsman for protection and impossible to determine what economic, social, and cultural rights of young people are endangered in the Republic of Serbia (RS).

In this regard, submitting organisations recommend that the State party envisages a way for the Ombudsman to keep records of specific age groups and sex-disaggregated data that address and submit complaints, especially records of the addresses of the legal category of young people (15-30 years).

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Maximum available resources (art. 2 (1))

LOI 5(a)

4. One in three children and young persons in Serbia are exposed to poverty and are unable to grow up in developmentally friendly surroundings. According to UNICEF data in 2019 115.000 children in Serbia lived in absolute poverty, while as many as 30.2% of children live at the poverty line.¹¹ Children under 17 and young persons up to 30 years of age are at the highest risk of poverty, with 33% of boys and 32% of girls at risk of spending their lives in poverty.¹²

LOI 5(d)

5. Funds for the improvement of the position of young people are allocated from the budget of Serbia¹³ and provincial and local level governments, according to the Law on Youth.¹⁴ Due to the lack of a comprehensive system for data collection, there is no precise information on the total budget allocated for young people. The only available research on the percentage of funding for budget allocations for young people at the local level is from 2017. This research shows that the rate of planned investment in the implementation of youth policies within the budget program 1301 within the local government budget amounts to 3.26% if we look only at municipalities that invest in youth policies, which is only 0.14% of the total municipal budgets.¹⁵ The funds are usually directed to sports organizations and various related activities (over 95%), which shows that the strategic commitment is financing sports activities under the slogan of investing in young people.

Non-discrimination (art. 2 (2))

LOI 7

6. Persons living in residential institutions in Serbia (i.e. social welfare institutions for placement of children and young people, institutions for children with disabilities), and among them especially girls with disabilities, are being exposed to

⁷ “5 Years: Analysis of the Work of the Protector of Citizens of the Republic of Serbia 2015-2019”, *Lawyers' Committee for Human Rights*, 2020, p. 127. Available at: <http://en.yucom.org.rs/wp-content/uploads/2020/01/Analiza-rada-Ombudsmana-2015-2019-ENG.pdf>.

⁸ The Special report on the work of groups for coordination and cooperation in the city of Belgrade, the Special report on the activities of the Ombudsman during the state of emergency, the Special report of the Protector of Citizens: Conditions in Roma settlements in a state of emergency and application of protection measures due to coronavirus epidemic (COVID-19), and the Special report of the Protector of Citizens with recommendations: Analysis of the situation in the field of exercising public authority of national councils of national minorities, from 2014 to 2018. Reports are available at: <https://ombudsman.rs/index.php/izvestaji/posebnii-izvestaji>.

⁹ Of the Special Report on the Activities of the Protector of Citizens During a State of Emergency.

¹⁰ “Report on the Youth Rights in the Republic of Serbia in 2020”, *Belgrade Centre for Human Rights*, 2021, p. 164. Available at: <http://www.bgcentar.org.rs/bgcentar/eng-lat/wp-content/uploads/2014/01/Youth-Rights-in-Serbia-2020.pdf>.

¹¹ “UNICEF: U Srbiji 115.000 dece živi u apsolutnom siromaštvu”, *Danas*, 6 March 2019. Available in Serbian at: <https://www.danas.rs/vesti/drustvo/unicef-u-srbiji-115-000-dece-zivi-u-apsolutnom-siromastvu/>.

¹² “Zero Report on Youth Rights in the Republic of Serbia in 2019”, *Belgrade Centre for Human Rights*, 2020, p. 28. Available at: http://www.bgcentar.org.rs/bgcentar/eng-lat/wp-content/uploads/2020/02/zero_report_on_youth_rights-2019-eng-04-02-comp_007.pdf.

¹³ Through the Ministry of Youth and Sport and line ministries.

¹⁴ Article 12 reads: “The funds for National Youth Strategy implementation shall be provided in the budget of Serbia, as well as the budget of the autonomous province and local self-government unit, and from other sources, in accordance with the Law”.

¹⁵ “Koliko lokalne samouprave ulazu u omladinsku politiku?” (How much do local governments invest in youth policy?), *Divac Foundation*, 2017, available in Serbian at: https://www.divac.com/upload/document/ybh4wbt_-_koliko_ls_ulazu_u_sprovođenje_omladinsk.pdf.

discrimination on the grounds of their disability, the fact they live in an institution, and gender.¹⁶ In Serbia, the situation of disabled girls living in confined institutions is worse than that of disabled men and other women,¹⁷ indicating that social reform is not well-paced. Furthermore, when it comes to public policies on the matter, young people with disabilities, and especially women with disabilities,¹⁸ are not included in the planning process. Even in the arena of civil society, young women with disabilities are included in a negligible percentage in the governing structures of organisations for persons with disabilities.¹⁹ Serbia has forgotten about children with disabilities, who make up about 80% of children living in residential institutions, where they are often mixed with adults and where they are threatened with lifelong segregation.²⁰

7. Unfortunately abuse and violence towards LGBTI persons in Serbia is still a reality with 41% of LGBTI people in Serbia suffering harassment.²¹ Almost one third of LGBTI youth has suffered violent abuse with 40% of respondents stating they suffered physical violence, most of which usually happens at schools where young LGBTI people do report the incidents to school authorities, but in half the cases with no end result and complete dismissal of the complaint.²² Especially worrying is the fact that 73% of documented cases of hate-motivated incidents were committed against young people (up to 30 years of age).²³

8. Research shows that the closure of dormitories in 2020 led to an increased risk of domestic violence with one-fifth of LGBTI people suffering from fear of violence.²⁴ The vulnerability of this category of young people was heightened during the state of emergency and restrictions on movement, especially regarding the risks of depression, anxiety, and suicidal thoughts.²⁵ In Serbia, a survey from April 2020 emphasized that due to an inability to earn and pay for rented apartments, every tenth LGBTI person had to leave the area in which they had been living up to that point, with five percent of this population at risk of homelessness.²⁶ One in five same-sex couples (30-34 years of age) were refused rental of an apartment, and even when accepted were faced with significant hesitations.²⁷

In this regard, submitting organisations recommend that State party puts in place mechanisms for reporting and effectively resolving incidents of discrimination in residential institutions and schools on any grounds, including but not limited to sexual orientation, gender identity, disability, or nationality.

Roma

LOI 8

9. Young people gathered through the then newly formed Serbian Roma Youth Organisation participated in the process of adopting the 2016 Strategy for social inclusion of Roma men and Roma women in the Republic of Serbia for the period from 2016 to 2025 and proposed additional measures related to young Roma. Despite the encouragement of such initiatives, the advocacy process has not led to the desired changes. In the process of revising this document in 2021, young Roma people did not have their own representatives in the working group. The action plans have not consistently followed the Strategy since the very beginning of implementation. Although the Strategy was created for the period of almost 10

¹⁶ "What Worries Youth in Enlargement Countries: Human Rights and Youth in the Western Balkans and Turkey, vol. 2", *Civil Rights Defenders*, Sarajevo, 2020, p. 39. Available at: https://www.femplat.org/library/2021-01-12_EUTH_Youth_Advocating_in_EU.pdf.

¹⁷ Mental Disability Rights Initiative MDRI-S, Kosana Beker, Tijana Milosevic, "Violence against women with disabilities in residential institutions", 2017.

¹⁸ "What Worries Youth in Enlargement Countries: Human Rights and Youth in the Western Balkans and Turkey, vol. 2", *Civil Rights Defenders*, Sarajevo, 2020, p. 39.

¹⁹ "Mapping of Women and Girls at Leading Positions in Organisations for People with Disabilities and Women's Civil Society Organisations in the Republic of Serbia", *Centar za samostalni život osoba sa invaliditetom Srbije, UN Women, Belgrade, 2019*, p. 53. Available in Serbian at: <http://www.cilsrbija.org/ebib/202005110926090.Mapiranje%20zena%20i%20devojaka%20sa%20invaliditetom%20na%20rukovoddecim%20pozicijama.pdf>.

²⁰ "Zaboravljena deca Srbije", *MDRI-S*, 2021, p. 2. Available in Serbian at: <https://www.mdri-s.org/wp-content/uploads/2021/06/Sazetak-final.pdf>

²¹ "A long way to go for LGBTI equality", *European Union Agency for Fundamental Rights*, Luxembourg, 2020, p. 44. Available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-lgbti-equality-1_en.pdf.

²² "Report on Hate-Motivated Incidents Against LGBT+ Persons in Serbia for the Period of 2017-2020", *Da se zna!*, Belgrade, 2021, p. 25. Available at: <https://dasezna.lgbt/wp-content/uploads/2021/11/PNZP-4-Report-engleski.pdf>.

²³ "Report on Hate-Motivated Incidents Against LGBT+ Persons in Serbia for the Period of 2017-2020", *Da se zna!*, Belgrade, 2021, p. 48.

²⁴ Consequences of COVID-19 on the position of vulnerable and at-risk groups - causes, outcomes and recommendations, the United Nations Human Rights Team in Serbia (supported by the Office of the UN High Commissioner for Human Rights - OHCHR) and the Government's Social Inclusion and Poverty Reduction Team of Serbia, 2020, available at: <https://serbia.un.org/sites/default/files/2020-12/Posledice%20Kovid%2019%20na%20polo%C5%BEaj%20osetljivih%20grupa%20i%20grupa%20u%20riziku.pdf>.

²⁵ "Implications of COVID-19 for LGBTQ Youth Mental Health and Suicide Prevention," *The Trevor Project*, available at: <https://www.thetrevorproject.org/wp-content/uploads/2020/04/Implications-of-COVID-19-for-LGBTQ-Youth-Mental-Health-and-Suicide-Prevention.pdf>.

²⁶ "LGBT and Corona: rights on hold," *Optimist*, September 14, 2020. Available in Serbian at: <https://www.optimist.rs/lgbt-i-korona-prava-na-ckanju>.

²⁷ "Discrimination against sexual minorities in education and housing: Evidence from two field experiments in Serbia", *World Bank Group*, 2018, p. 13. Available at: <https://www.lgbti-era.org/sites/default/files/pdfdocs/0351-124587-WP-P156209-DISCRIMINATION-AGAINST-SEXUAL-MINORITIES-IN-EDUCATION-AND-HOUSING-EVIDENCE-FROM-TWO-FIELD-EXPERIMENTS-IN-SERBIA-PUBLIC-ENGLISH.pdf>.

years, the Action Plan for the implementation of the Strategy for Social Inclusion of Roma in the Republic of Serbia for the Period from 2016 to 2025 was adopted only in June 2017, valid for the period from 2017 to 2018.²⁸

10. In March 2017, the Coordination Body for Monitoring the Implementation of the Strategy was established, in which representatives of young people from the Roma population were included as experts (4 out of 13 members)²⁹ as members of the Expert Group by the Government, at the initiative of the National Council of the Roma National Minority. Government's Decision from March 3 2017, established a Coordination Body for Monitoring the Implementation of the Strategy for Social Inclusion of Roma, but it should be noted that this body published the last report on the implementation of the Strategy in 2017, in the framework of reporting for Chapter 23 in the negotiation process with the European Union. No special reports on the implementation of the Strategy have been prepared for 2018 and 2019.

Refugees, asylum seekers, migrants, returnees and internally displaced persons

LOI 10

11. In the 2008 Law on Asylum, children (up to 18 years of age) were superficially mentioned in provisions for the vulnerable categories. The new Law on Asylum and Temporary Protection³⁰ (LATP) from 2018 introduced dedicated provisions for the protection of the best interest of the child (art. 10). Yet, there are still shortcomings in the identification of unaccompanied and separated children by the relevant authorities including the Asylum Office, and their alternative care and guardianship protection.³¹ However, because child registration in Serbia is *ad hoc* rather than systematic, the actual number of children cannot always be determined. Even though asylum applications filed by unaccompanied children are to have priority under the LATP (art. 12(9)), many minors had to wait an unreasonably long time for the Asylum Office to undertake official actions or rule on their asylum applications in previous years.³²

Submitting organisations recommend that the State party puts in place a comprehensive system for identification of young asylum seekers, especially unaccompanied and separated children and respect the principle of the best interests of the child at all stages of the procedure and without exception.

LOI 11

12. There are still no officially designated reception centres for children including young asylum seekers under the age of 18, although there are some short-lived good practices, such as the *de facto* designation of the Asylum Centre (AC) in Bogovađa for the accommodation of unaccompanied and separated children, in addition to the Sjenica AC. However, Bogovađa AC lacks adequate accommodation facilities and staff sufficiently trained to care for young asylum seekers, and especially children.³³ Both asylum centres still have inhabitants of various ages. In its welfare system, Serbia still does not have institutions specialised for providing alternative care for young asylum seekers. We call on the Committee to pay attention to the incident which occurred in 2020 about ill-treatment and excessive use of force by private security guards on unaccompanied migrant children living in the AC in Bogovađa, in whose follow-up the UN special procedures were informed.³⁴ Some of the children are referred to in total only three youth homes/orphanages in Serbia. Outside of the state welfare system exist two humanitarian institutions which also take in unaccompanied children and young asylum seekers - Jesuit Pedro Arrupe Integration House in Belgrade and the House of Rescue in Loznica.³⁵ Finally, the guardianship system's efficiency has been harmed by its large caseload,³⁶ which hinders young asylum seekers' and children's ability to enjoy their economic, social and cultural rights in the Republic of Serbia.

In line with the above mentioned information, the Committee should recommend to the State party to introduce both *de iure* and *de facto* designation of institutions for under aged asylum seekers.

²⁸ Action plan for the implementation of the strategy for social inclusion of Roma and Roma women in the Republic of Serbia for the period from 2016 to 2025 - For the period 2017-2018. Available in Serbian at: <https://www.rcc.int/romaintegration2020/files/admin/docs/c36fbc3e0c587cb2b7cafe1e351e8c56.pdf>.

²⁹ Decision on the establishment Coordination Body for Monitoring the Implementation of the Strategy for Social Inclusion of Roma, available in Serbian at: https://www.mgsi.gov.rs/sites/default/files/Odluka_o_osnivanju_Koordinacionog_tela_Strategija_za_inkluziju_Roma_i_Romkinja.pdf.

³⁰ *Official Gazette of the Republic of Serbia*, 24/2018-23.

³¹ "Right to Asylum in the Republic of Serbia in 2020", *Belgrade Centre for Human Rights*, 2021, p. 103. Available at: <http://azil.rs/en/right-to-asylum-in-the-republic-of-serbia-2020/>.

³² "Right to Asylum in the Republic of Serbia in 2020", pp. 108-109.

³³ "Right to Asylum in the Republic of Serbia in 2020", p. 114.

³⁴ Communication of 2 December 2020, Reference: AL SRB 4/2020.

³⁵ "Right to Asylum in the Republic of Serbia in 2020", p. 115.

³⁶ "Right to Asylum in the Republic of Serbia in 2020", p. 106.

III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Right to work (art. 6)

LOI 14

13. According to the official data of the National Employment Service (NES), **the number of young people who are unemployed in April 2021 is 115,533, which represents 21.04% of the total number of unemployed. More than one fifth of the unemployed in the Republic of Serbia are young people aged 15 to 30. Compared to last year, youth unemployment increased by 10,831 young people or 10.34%.**³⁷ In the National Employment Strategy 2011–2020, the goal was to allocate 0.5% of GDP to active employment policy measures. Instead, for 2020, the allocation from the state budget for such measures amounted to 0.08% of GDP; 550 million dinars were allocated to encourage the employment of persons with disabilities on the open labour market, while 23.6 million dinars were provided through the Instrument for Pre-Accession Assistance (IPA) 2013 program. This amount in 2020 is lower compared to the 2019, when the state budget allocated four billion dinars, plus 550 million dinars for incentives for employment of persons with disabilities. This was again far less than planned and amounts to close to 0.1% of GDP - not in line with statements by officials on GDP growth from year to year.³⁸ It should be noted that in 2020 additional 700 million dinars were allocated for the subsidies for the enterprises for professional rehabilitation of persons with disabilities despite the calls of CSOs and the CRPD Committee to ensure the transition of workers from segregated working environment to open labour market. Furthermore, according to ILO report, in 2020, the revenue of the Budget for professional rehabilitation and employment of persons with disabilities was 4.3 billion of dinars and only 1.2 was spent for the purposes of supporting the employment of persons with disabilities while there is no data how remaining 3.1 billion was spent³⁹. Although the National Employment Action Plan (NEAP) for 2020 states that the focus of employment policy should be young people with lower levels of education and young people looking for work, and that it is necessary to improve access to unemployed young people who do not turn to institutional support systems and who are not active in searching for a job, the content of the planned measures and the coverage of the unemployed do not confirm that these groups are truly in focus. Data on the implementation of active labour market policies (ALMP) in 2019 show that the most vulnerable groups of young people, especially those multiply vulnerable, are not a priority. Based on the data for the registered unemployed from the aspect of age structure, young Roma men and women make 29% of the total number of unemployed members of this national minority. **None of the ALMP were available to young people who are not in NES records, and the largest number of young people were covered only by measures aimed at the highly educated.**⁴⁰

14. Jobseekers with disabilities have mostly used employment fairs, active job search trainings, and public works programs, while, for example, only 12 young people with disabilities used the Trainee Program for Youth with Secondary and Higher Education in the period between 2015 and 2019 (all in 2019).⁴¹ The issue is the inefficiency of existing national policies aimed at improving the employment prospects of people with disabilities. NES implements packages of measures for PWD, but there is a low number of people involved. For instance, the number of young people with disabilities that in 2020 attended NES active labour measure Internship is 0, and My first salary,⁴² is 3. There is a need for redesigning measures to tailor them according to the needs of the people involved. Since the effects of these measures and programs are questionable, it is necessary to conduct a thorough evaluation and review their appropriateness, and to establish innovative forms of support for people with disabilities in employment, such as job coaching, a service that has been successfully piloted by the Our House Association with the support of UNDP and which has shown in practice that it is of special importance for young people with intellectual disabilities.⁴³ Young people with disabilities have significantly lower employment compared to the general population (only 9% employed),⁴⁴ with a significant share of them long-term unemployed (71% of unemployed PWDs are long-term unemployed).⁴⁵ Among the youth population (20–29 years), there

³⁷ *Alternative report on the position and needs of young people in 2021*, the National Youth Council of Serbia (KOMS), p. 51. Available at: <https://koms.rs/wp-content/uploads/2021/09/Alternative-report-on-the-position-and-needs-of-youth-in-the-Republic-of-Serbia—2021-2.pdf>.

³⁸ See: "The state gives five times less for employment than promised in the strategy," *Danas*, February 3, 2020. Available at: <https://www.danas.rs/ekonomija/drzava-daje-za-zaposljavanje-pet-puta-manje-od-obecanog-u-strategiji/>.

³⁹ ILO Serbia, *Assessment of the Implementation of the Law on Professional Rehabilitation and Employment of Persons with Disabilities*, 2020.

⁴⁰ *Red Alarm for Labour Rights*, Centre for Democracy Foundation, 2020.

⁴¹ ILO Serbia, *Assessment of the Implementation of the Law on Professional Rehabilitation and Employment of Persons with Disabilities*, 2020, p. 19.

⁴² More on *My first Salary* initiative in LOI 15 below.

⁴³ Breclj, V. et. al, *Support Employment Manual*, Association for Support of Persons with Developmental Disabilities "Our House," 2019.

⁴⁴ Marković, M. M., *Persons with Disabilities in Serbia*, Republic Statistical Office, 2014, p. 71.

⁴⁵ ILO Serbia, *Assessment of the Implementation of the Law on Professional Rehabilitation and Employment of Persons with Disabilities*, 2020, p. 7.

is a large difference in economic activity between young people with disabilities (31.3%) and young people from the general population (59 %).⁴⁶

15. Young people with intellectual and mental disabilities are still at risk of being deprived of their legal capacity, which **automatically deprives them of their right to work**. In case they are not deprived of legal capacity, they must pass the assessment of working capacity. Very often they are classified in the so-called “Group III” which means that they cannot be employed under general or special conditions.⁴⁷

16. **Every fourth young person in Serbia is not in education, employment, or training (NEET), true for only one in ten young people in the EU.**⁴⁸ It follows that the situation in the labour market and employment policies in Serbia exacerbate the lack of hope amongst young people in the NEET situation for finding quality and dignified employment opportunities. This further affects their level of activity, potentially leading to a decline in the level of skills competitiveness and increased discouragement among young people, which directly results in a lack of market-competitive skills and competencies.⁴⁹

17. At the beginning of 2021, the Employment Strategy of the Republic of Serbia for the period from 2021 to 2026⁵⁰ and the Action Plan for the period from 2021 to 2023⁵¹ for the implementation of the Employment Strategy in the Republic of Serbia were adopted. Within the goal of the 2nd Strategy - Improved position of the unemployed in the labour market, measure 2.5 refers to young people.⁵² Referring to EU regulations and recommendations, the Strategy addresses the Youth Guarantee program. However, the Employment Strategy for a period of six years has not set a goal to introduce and implement the Youth Guarantee mechanism.⁵³ It is important to emphasize that when it comes to young people, this Strategy envisions the possibility of cross-sectoral cooperation between the National Employment Service and CSOs, which can reach young people who do not have or have difficult access to institutions. The strategy envisions the possibility of developing intersectoral services, which is part of its Action Plan for the period 2021-2023.

In line with the above-mentioned information, the Committee may wish to recommend that the State party ensures that relevant youth civil society organizations are fully included into the process of amending the legislative framework in the field of employment, in intersectoral cooperation with relevant state institutions, in all activities and actions stipulated under relevant strategies.

We call on the Committee to pay special attention to the situation of young people with disabilities, especially those with mental disabilities, when it comes to exercising their right to work, which is closely linked to the issue of deprivation of legal capacity.

LOI 15

18. During the summer of 2020, by the Decree on the Youth Employment Incentive Program “**My First Salary**” was adopted,⁵⁴ which by its legal nature and by provisions it contains, is not in accordance with the legal framework in Serbia. This Decree,⁵⁵ created a new type of employment - a program of employment incentives that is not considered an

⁴⁶ Marković, M. M., *Persons with Disabilities in Serbia*, Statistical Office of the Republic of Serbia, 2014, p. 76.

⁴⁷ “Employment of Persons With Mental Disabilities In Serbia - Problems Of Assessment of Working Capacity and the Convention on the Rights of Persons With Disabilities”, *MDRI-S*, 2021, p. 5. Available in Serbian at: <https://www.mdri-s.org/wp-content/uploads/2021/11/rad-i-zaposljavanje-CRPD.pdf>.

⁴⁸ According to the key findings of the study *Developmental Qualitative Research on Young People in NEET Situations*, the great inactivity of young people in the labour market can be explained primarily by the increase of precarious among young people. Here, it must also be highlighted that the number of young people engaged through non-employment contracts has doubled every two years. Also, the trend of working in positions demanding a lower level of qualifications than those employees actually have almost surely has a demotivating effect on the activity of young people in searching for a job. The negative correlation between the duration of registration in the NES records and the positivity of their experiences when it comes to job interviews also has a discouraging effect on young people with unemployed person status. The most common result is their eventual deregistering, thus moving them into the NEET.

⁴⁹ *Developmental Qualitative Research on Young People in NEET Situations – Key Findings*, Belgrade Centre for Human Rights, 2020.

⁵⁰ Employment Strategy of the Republic Of Serbia 2021–2026, available at: http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2021/08/Strategija_zaposljavanja_u_Republici_Srbiji_2021-2026_engleski.pdf.

⁵¹ Action Plan 2021–2023 For the Implementation of the Employment Strategy Of The Republic Of Serbia 2021–2026, available at: http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2021/08/Akcioni_plan_2021-2023_zasprovođenje_Strategije_zaposljavanja_u_Republici_Srbiji_engleski.pdf

⁵² Section “Improving the position of young people in the labour market”.

⁵³ *Alternative report on the position and needs of young people 2021*, the National Youth Council of Serbia (KOMS), pp. 182-183. Available at: <https://koms.rs/wp-content/uploads/2021/08/Alternativni-izvestaj-o-polozaju-mladih-2021-4.pdf>.

⁵⁴ *Official Gazette of the Republic of Serbia*, 107/20.

⁵⁵ “The fact is that we do not know what the legal basis of this decree is, nor by what kind of contract these people will be engaged in practice. It is a contract between the NES, the employer, and that person, but the problem is that this type of contract does not exist in the Labor Law (*Official Gazette of the Republic of Serbia*, 24/2005, 61/2005, 54/2009, 32/2013, 75/2014, 13/2017 – decision CCR, 113/2017 i 95/2018 – authentic interpretation). The decree cannot change the

employment relationship according to the provisions of the Labour Law. Firstly, the introduction of such a measure must be harmonized with the existing legal provisions. Thus, it is not legal to introduce a new modality of employment by regulation, or any other bylaw, even if aimed at improving the employability of persons. Such a legal regulation is also unconstitutional - because a sub-legal act would then assume powers possessed only by legislators.⁵⁶ In addition to the above conflicts, the Decree introduces a different definition of professional training than the one provided in the Labour Law.⁵⁷ According to the Decree, however, anyone under the age of 30 without work experience and on the records of the National Employment Service can enter this "training" regime. The decree does not mention what form contract is to be concluded by young people who are engaged in this way; it seems that they do not have a bilateral contract with the employer, yet provides a modality of a tripartite contract, which is not an adequate vehicle for regulating the rights and obligations between employees and employers. Finally, a very problematic norm of the Decree stipulates that the unemployed persons covered by the measure do not have a pension or disability insurance. This is clear from Article 4 (2) of the Decree, which deals exclusively with the payment of health insurance contributions of limited capacity, which means that young people would be insured only for injuries resulting from work and occupational diseases.⁵⁸

19. Yet through this mentioned measure established by the legally questionable Decree, 17,061 candidates applied for a total of 12,559 positions with 7,524 employers and its implementation began in mid-December 2020.⁵⁹ The compensations guaranteed by this program do not contribute to young people's autonomy and economic independence and create an environment in which the amount of benefits guaranteed by this program is deemed sufficient to meet their needs. The amount of compensation also encourages geographical discrimination of young people looking for work in large, urban areas), where prices and living standards are much higher, and such low compensation is insufficient for basic living needs. For that reason, it is important that the measures that are created do not further deepen the already vulnerable position of young people. The regulation also stated that the user of this program would receive a monthly financial compensation of 20,000 dinars for secondary education and 24,000 dinars for higher education for a period of nine months. Although it is possible to read shorter reports⁶⁰ from meetings on different internet portals and media⁶¹ on the evaluation of the pilot program My First Salary for 2020 conducted in the premises of Serbian Chamber of Commerce and Industry of Serbia, the official evaluation document is not publicly available. The program continued with the implementation in 2021 with the same elements, and the compensation was raised to 22,000 dinars for secondary education and 26,000 dinars for higher education, and in a way that unemployed persons can participate in the Program only once.⁶²

Youth and Traineeships⁶³

20. In the last couple of years, it has been recognized that it is necessary to improve the quality of traineeships in Serbia and to prevent their misuse. Several research studies and surveys,⁶⁴ have found that quality problems affect a significant share of traineeships. Many young people who have participated in traineeship programs reported that they did not sign any contract and that they did not receive remuneration. To improve the situation CSOs have advocated for the improvement of the legal framework for traineeships which has been assessed as inadequate. In 2021, the Ministry of Labour, Employment, Veteran and Social Affairs formed a Working group (WG) for the regulation of traineeships.⁶⁵ The WG was presented with the proposal for "Law on Traineeships" which was discussed within the group and then with other stakeholders and citizens through public debate which was organised in December. This process has not been transparent,

law, just as the technical government should not pass decrees," the expert opinion stated in its response. Source: <https://www.paragraf.rs/dnevne-vesti/200820/200820-vest1.html>.

⁵⁶ Reljanović, M., "My First Salary," Peščanik.net, 2020, available at: <https://pescanik.net/moja-prva-nadnica/>.

⁵⁷ Article 201, paragraph 1 reads: "a contract on professional training may be concluded for that which is delineated by the law, i.e., the rulebook, as a special condition for independent work in the profession."

⁵⁸ That is, less than nine months, because according to the text of the public invitation, it refers to those who "have no work experience, i.e., have previously acquired work experience shorter than the duration of this program (9 months)." *Ibid.*

⁵⁹ "17,000 successful applications! Contracts within the program "My first salary,"" from November 28 "Blic, November 10, 2020. Available at: <https://www.blic.rs/biznis/moj-biznis/17000-uspesnih-prijava-ugovori-u-okviru-programa-moja-prva-plata-od-28-novembra/hebl0ly>.

⁶⁰ For more information see the statement of National Youth Council of Serbia: <https://koms.rs/2021/07/13/kako-da-moja-prva-plata-stvarno-bude-plata/>.

⁶¹ For more information please check some media press releases: <https://www.srbijadanas.com/biz/vesti/moja-prva-plata-2020-iskustva-i-evaluacija-prvog-ciklusa-programa-2021-07-12>.

⁶² Amendments to the Decree on the Youth Employment Promotion Program "My First Salary", *Official Gazette of the Republic of Serbia* No. 79/2021.

⁶³ This part of the Report is the contribution from the Belgrade Open School.

⁶⁴ Youth and Internships in Serbia – An Overview of the Latest Researches, Belgrade Open School. Available at: <https://www.bos.rs/uz-eng/news/247/9265/youth-and-internships-in-serbia--an-overview-of-the-latest-researches.html>.

⁶⁵ The WG gathered representatives of the institutions dealing with employment, education and youth, labour unions, employers' associations and civil society organizations.

as the public was not informed about the beginning of the process of drafting the Law nor about the activities of the Working group for the regulation of traineeships.

21. However, some provisions of the Draft Law on Traineeships are worrying and may limit the use of Law in the organisation of quality traineeships. For instance, the Draft Law on Traineeships proposed that trainees receive remuneration, which is **less than minimum wage**, which could lead to employers using them as a replacement for paid full-time workers. Moreover, Draft Law also included some restrictions regarding who can participate in traineeships including age restriction, level of formal education of trainees and unemployment status, which was under the critique of many participants in public debate.

Youth and Volunteering

22. The importance of volunteering as a precondition for an enabling environment for youth activism and social inclusion is recognized in the Law on Youth (Article 9).⁶⁶ However, the legal framework for volunteering is not in line with international standards.⁶⁷ According to the World Giving Index for 2021, Serbia ranks 113 out of 114 countries when it comes to participation in volunteerism.⁶⁸ This data is not segregated by age, however, the 2020 Youth Development Index places Serbia 113 out of 181 countries with regard to political and civic participation of youth, where one of the indicators is the amount of time persons between the ages of 15 and 29 report having spent volunteering.⁶⁹ At present, there is no comprehensive data on volunteers in Serbia, their age and gender, volunteer hours or monetary value of volunteer work. Some of this data is collected by the Ministry of Labour, Employment, Veterans', and Social Affairs, but no statistical information related to volunteering is made public.

23. The central problem with the current framework, as identified in the *ex post* analysis of the effects of the Law on Volunteering,⁷⁰ as well as in earlier analyses conducted by CSOs,⁷¹ is that volunteering is not treated as a form of civic participation, but as unpaid labour, with a lack of an adequate definition of volunteering, over-regulation and unjustifiably high administrative obligations, in addition to a lack of incentives for volunteers (and volunteering organizers), as well as the inconsistency of the Law on Volunteering with other laws that presuppose voluntary engagement. It has also been noted that employers often use volunteers to replace the labour of paid employees, and young, educated professionals are especially vulnerable to this sort of exploitation.⁷² There is no framework in place that would allow for volunteering experience to be adequately recognized and valued by a competent body (i.e., by volunteers being awarded university credits for completing a set number of volunteering hours). This further disincentivizes young people.

24. Work is ongoing on a new Law on Volunteering, which is currently in the process of public debate and expected to be adopted in 2022.⁷³ While over-regulation is still present, the current Draft Law contains some positive changes, introducing an obligation for the competent Ministry to publish statistical information about volunteering on a yearly basis, including the number of volunteer hours and age and gender segregated data about volunteers. However, the process of drafting the new Law has been criticized as not sufficiently transparent and participative, with certain solutions being introduced without previous consultation with civil society representatives in the Working Group for Drafting the Law, in order to hasten the process of the Law's adoption.⁷⁴

⁶⁶ Law on Youth ("Official Gazette of the Republic of Serbia", No. 50/2011), available at: <https://www.mos.gov.rs/wp-content/uploads/download-manager-files/The%20Law%20on%20Youth.pdf>

⁶⁷ "Monitoring Matrix on Enabling Environment for Civil Society Development: Country Report for 2020", 2021, Civic Initiatives, p. 45, available at: <https://www.gradjanske.org/wp-content/uploads/2022/01/Monitoring-Matrix-2020-.pdf>.

⁶⁸ "CAF World Giving Index 2021: A Global Pandemic Special Report", Charities Aid Foundation, 2021, available at: https://www.cafonline.org/docs/default-source/about-us-research/cafworldgivingindex2021_report_web2_100621.pdf.

⁶⁹ "Global Youth Development Index and Report 2020", Commonwealth Secretariat, 2021, available at: https://thecommonwealth.org/sites/default/files/inline/5023_V3_Book_lores_smaller.pdf.

⁷⁰ Ex Post Analysis of the Effects of the Law on Volunteering, Ministry of Labor, Employment, Veterans' and Social Affairs, 2020, available (in Serbian) HERE.

⁷¹ "Towards a New Law on Volunteering: A Decade of Missed Opportunities", Civic Initiatives, 2019, available (in Serbian) at: <https://www.gradjanske.org/ususret-novom-zakonu-o-volontiranju/>.

⁷² "Monitoring Matrix on Enabling Environment for Civil Society Development: Country Report for 2020", 2021, Civic Initiatives, p. 45.

⁷³ Draft Law on Volunteering, available (in Serbian) at: <https://www.minrzs.gov.rs/sr/dokumenti/predlozi-i-nacrti/sektor-za-rad-i-zaposljavanje-0>.

⁷⁴ "Open Letter to the Ministry of Labour, Employment, Veterans' and Social Affairs, the Prime Minister and Members of the Working Group for Drafting the Law on Volunteering", Civic Initiatives, 2021, available at: <https://www.gradjanske.org/en/open-letter-to-the-ministry-of-labor-employment-veterans-and-social-affairs-the-prime-minister-and-members-of-the-working-group-for-drafting-the-law-on-volunteering/>.

In line with the abovementioned information, the Committee may wish to recommend that the State party sets goals, measures and indicators for youth employment programs and policies and establish corresponding mechanisms for monitoring and evaluation which will include young people and youth CSOs.

Employment and youth support programs should respect international standards in the field of social security and guarantee dignified work conditions including the national minimum wage and all other work-related rights set out in the Labour Law.

Right to just and favourable conditions of work (art. 7)

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25. Young people have a 20% lower monthly income, and one in three employees under the age of 30 has a salary that is lower than 2/3 of the median income.⁷⁵ Eight in ten young persons earn salaries that are lower than the national average, while one in five earns less than the minimum wage a month. In terms of earnings, young persons differ significantly by gender, type of employment, place of residence and place in which they exercise their right to work, education and sector in which they work. Half of the young people who work illegally belong to the lowest income category. There are marked differences in the earnings of young women who are twice as numerous as men in the lowest income category.⁷⁶

26. What puts young people further at risk is the high participation of young workers in limited duration contracts (55%), who are typically among the first to lose their jobs, as well as their high level of engagement in low-status occupations (33%).⁷⁷ Youth employment is characterized by marked sectoral segregation. Namely, more than half of the total number of employees in Serbia under the age of 25 work in three sectors.⁷⁸ Also, the most vulnerable employees are those in the informal economy, which, according to available data, is 24.3% composed of young people aged 15-24.⁷⁹

Right to an adequate standard of living (art. 11)

27. Lack of sustainable support programs for establishing independence of young people from parents and for starting their own households⁸⁰, especially young people who leave social care institutions and do not have a primary family and those belonging to vulnerable categories (young people with disabilities, young Roma, etc.). According to the available data, about 66% of young people live in a family apartment, 19% rent an apartment, and less than 10% live in their own apartment.⁸¹

28. In 2019, the Government of the Republic of Serbia launched an initiative to build 50,000 apartments at subsidized prices for young married couples, under the authority of the then Minister Without a Portfolio for Demographic Policy.⁸² At the beginning of 2020, an initiative was launched from the Cabinet of the Prime Minister with the working title National Program for Youth Housing, which was not a direct consequence of the aforementioned process. This program made housing support for young people a priority through subsidized loans and leasing apartments, yet the process has still not been finalized. In the Program of the Government of the Republic of Serbia, in the section regarding population policy, it is stated that 50 housing units for young married couples have been provided thus far, and that one of the priorities of the new Government is solving the housing issue for young married couples. However, in the housing support program, categories of youth are not explicitly mentioned.⁸³

⁷⁵ S. Bradaš, Mladi i dostojanstven rad, Fondacija Centar za demokratiju, (Youth and Decent Work, Centre for Decent Work), 2018, available at: <http://www.centaronline.org/sr/publikacija/1785/mladi-idostojanstven-rad>.

⁷⁶ Ibid.

⁷⁷ Salespeople, cooks, waiters, and auxiliary and manual workers.

⁷⁸ Manufacturing (26% of men and 27.5% of women), wholesale and retail trade (18.5% of men and 15.2% of women), and accommodation and food services (11.1% of men and 10.3% of women).

⁷⁹ Bradaš, S., Reljanović, M., Sekulović, I., The impact of the COVID-19 pandemic on the position and rights of workers in Serbia, Centre for Democracy Foundation & OHCHR, 2020, available at: <http://www.centaronline.org/userfiles/files/publikacije/fcd-uticaj-epidemije-covid-19-na-polozaj-i-prava-radnica-i-radnika-u-srbiji.pdf>.

⁸⁰ Results of relevant research show that young people in the countryside stay longer in the parental/family home and become independent later (82%) than do young people in the city (70%). In rural areas, about 16% of young people live in residential buildings where the roof is leaking, with damp walls and floors, and with rot in window frames or floors, while in the city this percentage is slightly lower (about 14%).

⁸¹ *Alternative report on the position and needs of young people*, the National Youth Council of Serbia (KOMS), Belgrade, 2020, available at:

<https://koms.rs/wp-content/uploads/2020/09/Alternativni-izves%CC%8Ctaj-o-poloz%CC%8Caju-i-potrebama-mladih-u-RS-2020.pdf>.

⁸² "DW: Is 500 million euros for young married couples realistic and enough?" *NI*, December, 14 2019. Available at: <https://rs.n1info.com/vesti/a552411-dw-da-li-je-500-miliona-evra-za-mlade-bracne-parove-realno-i-dovoljno/>.

⁸³ Program of the Government of the Republic of Serbia, candidate for Prime Minister Ana Brnabić, October 2020.

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29. It is evident that the availability of social services for disabled persons for independent living in the community are still not sufficiently developed or properly designed to support the process of deinstitutionalization. While in personal assistance - a key service for independent living of persons with disabilities outside institutions - a slight increase in the prevalence of local governments (17 LSGs in 2018) providing such services has been documented, as well as the total number of users, one of the burning issues is that the criteria for exercising the right to personal assistance do not meet international human rights standards in this area and have a discriminatory effect. Namely, the criteria for exercising the right to personal assistance prescribe that a person must have "the ability to make independent decisions,"⁸⁴ which discriminates against people with intellectual disabilities based on their mental capacity and effectively denies them access to this service, essential to independent living for all persons with disabilities - regardless of the type of difficulties. Also, one of the criteria that reduces the number of persons who can exercise the right to assistance is that only those persons with severe impairments who successfully qualified for carer's allowance can become eligible for personal assistance service. That means that there is no separate independent procedure to apply for personal assistance and to go through related needs assessment and no complaint mechanism. Further, it means that the personal assistance is not an individual right and entitlement which can be legally enforced but it merely depends on political will at the municipal level whether the service will be funded or not, leading to differing outcomes geographically.

30. Another social service of special importance for independent living is supported housing for people with disabilities. In 2019, this service was available for only 27 people with disabilities in the whole of Serbia, of which only two were young people,⁸⁵ with a decreasing trend since 2015.⁸⁶ On the other hand, the most widespread social service for people with disabilities "in the community" is day care service, which is provided for both children and youth (in 64 LSGs) and for adults with disabilities (in 20 LSGs) - to almost 2500 users⁸⁷, of which over a third are young (18–25 years old).⁸⁸ It should be emphasized that a day care centre for people with disabilities can in no way be considered a service that supports independent living and inclusion in the community. In truth, it goes against it - day care for people with disabilities is a segregated environment where users are in contact almost exclusively with other disabled persons, while contact with non-disabled peers from the community is minimized.⁸⁹

31. The COVID-19 pandemic has further highlighted the many weaknesses and risks of the institutional care system for people with disabilities. Because residential social care facilities present an environment where there is an increased risk of transmission, due to the inability to maintain physical distance and other prescribed measures, there was a need to urgently relocate those receiving care in such institutions into the community during the pandemic.⁹⁰ Unfortunately, rather than take such action, the government instead decided to completely close the facilities during the pandemic, with the abolition of visits to users, which consequently led to the spread of the infection among both users and employees. On January 14, 2021, data were published indicating 5132 cases of infection among users of social protection institutions since the beginning of the pandemic, which amounts to over one fifth of the total capacity of these institutions.⁹¹

In line with the above, the Committee should recommend speeding up the deinstitutionalisation process in the State party by State party providing various community-based support services for children and young people with disabilities and their families. The Committee should recommend an end to the practice of placing children under the age of 3 in institutions, given that upon entering the institution, the child, as a rule, stays there in most cases for the rest of his life, only moving to an institution for adults.

⁸⁴ Article 99 of the Rulebook on detailed conditions and standards for the provision of social protection services, *OGRS*, 42/13, 89/18, 73/19.

⁸⁵ "Adult beneficiaries in the social protection system 2019," *Republic Institute for Social Protection*, 2020.

⁸⁶ Matković, G. i Stranjaković, M., "Mapping of social protection and material support services under the jurisdiction of local self-government units in the Republic of Serbia" (Biljana Mladenović ed., RS Government Team for Social Inclusion and Poverty Reduction 2020), p. 21.

⁸⁷ *Ibid*, p. 15, p. 18.

⁸⁸ "Adult beneficiaries in the social protection system 2019," *Republic Institute for Social Protection*, 2020.

⁸⁹ Orla, K., "Myth Buster Independent Living," *European Network on Independent Living*, 2014.

⁹⁰ "Consequences of Covid-19 on the position of vulnerable and at-risk groups", OHCHR & SIPRU Team, 2020.

⁹¹ See more at: <https://www.minrzs.gov.rs/sr/aktuelnosti/vesti/u-ustanovama-socijalne-zastite-za-smestaj-korisnika-i-domovima-za-smestaj-odraslih-i-starih-zarazeno-968-korisnika-i-563-zaposlena?fbclid=IwAR2tSsmzQeSugWGHtw5sE6r1333TnA5Lecu8tz7EFcShGm9x1y9a3bpmDGw>.

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32. The research of the National Youth Council of Serbia shows that less than one third of young people (30.7%) had stress levels within normal values. More than two thirds of respondents (68.5%) have anxiety. More than half of the respondents (51.9%) have symptoms of moderate or severe depression. More than a third of the respondents (34.2%) stated that they needed the services of a psychologist or psychotherapist during the last six months, but that they did not talk to a psychologist or psychotherapist.⁹²

33. The youth is recognized as a sensitive category in the Public Health Strategy 2018-2026. However, the Strategy for Youth Development and Health adopted in 2006 is no longer relevant and has never been revised again. The key challenge is the lack of publicly available data on the implementation of measures and programs related to youth, as well as measuring their effects over time. Regarding state measures to combat COVID-19 aimed at preserving the mental health of young people, authorities do not address young people in a sensible way. Also lacking is a person to address young people more precisely and clearly on behalf of the Crisis Staff. Although the state has established youth support platforms to some degree, there is no reliable data on how many young people used these communication channels or asked for help in their communities or within self-organized online support groups. The reason for this may be insufficient information about the existence of different types of support by the state or insufficient trust by young people this type of support can help them.

34. **Insufficient availability of experts in the field of protection and improvement of mental health** is one of the burning problems, especially in smaller communities. The existing network of institutional and non-institutional psychosocial support for young people is not sufficient to cover the needs. We remind that Serbia still has only 5 centres for mental health, although the Action Plan of the National Program for the Protection of Mental Health (2019-2026) foresaw that the number would be doubled in 2020. The mentioned program also states that Serbia has only 47 specialists in child and adolescent psychiatry,⁹³ of which 38 work in psychiatric institutions, and the remaining 9 work in regional health centres or private practice.⁹⁴

35. For material reasons, private practice is not available to many young people (as well as adults). In addition, we note that **Serbia still does not have a law on psychotherapeutic activities** that would clearly define who and under what conditions they can perform them (the existing law on psychological activities does not regulate them) - this was also pointed out at the social dialogue on protection and promotion of citizens' rights in the field of mental health organized by the Ministry of Human and Minority Rights and Social Dialogue on July 8, 2021. This item was found in the binding recommendations adopted at the dialogue, but no further progress has been made.⁹⁵ There is no single register of providers of psychosocial support services in the community for young people, whether individuals (private practice), CSOs, or institutions, so the need to create a single database would provide easier and faster access to reliable and verified information on service providers found among the binding recommendations.

36. Although the media could be key allies in promoting the importance of mental health care, most media in Serbia further deepen their deep-rooted prejudices against people with mental health problems or disorders, as well as their stigmatization. The initiative "For You #ITMATTERS" has repeatedly appealed to the authorities in the country to stop this practice. The last time it was done was in December 2021, when it was publicly appealed to the highest bearers of executive power to react,⁹⁶ in accordance with the authority they have. Apart from the general support of the Ministry of Culture and Information and the Ministry of Human and Minority Rights and Social Dialogue, no concrete response has been received.

In line with the abovementioned information, the Committee may wish to recommend that the State party strengthens and expands the network of support in the community by opening youth centres with free counselling,

⁹² Zdravlje mladih, položaj i potrebe mladih u Republici Srbiji: <https://koms.rs/wp-content/uploads/2021/12/Istrazivanje-Zdravlje-mladih-.pdf>, 2021, available at: <https://koms.rs/wp-content/uploads/2021/12/Istrazivanje-Zdravlje-mladih-.pdf>, p. 48.

⁹³ Action Plan for Implementation Of The Program On The Protection Of Mental Health In The Republic Of Serbia For The Period 2019-2026, available in Serbian at: https://www.zdravlje.gov.rs/view_file.php?file_id=1200&cache=sr.

⁹⁴ Mental Health Protection Program In The Republic Of Serbia For The Period 2019-2026, 2.3. State of services and personnel, available in Serbian at: https://www.zdravlje.gov.rs/view_file.php?file_id=1199&cache=sr.

⁹⁵ See, i.e. <https://bfpe.org/u-fokusu/zastita-i-unapredjenje-prava-gradjana-u-oblasti-mentalnog-zdravlja-u-srbiji/>.

⁹⁶ The President of the Republic, the Prime Minister, and the competent ministers (of health, labour and social affairs, culture and information, education, youth and sports, human and minority rights, and social dialogue).

and to work on prevention and protection of mental health of young people through, inter alia, establishing a single register of providers of psychosocial support services. As it is pointed out in the National Program on Mental Health Protection, it is necessary that in order to prevent mental disorders, educational programs on techniques for preserving and improving mental health be included in the education system.

LOI 25.1

37. Regarding the sexual and reproductive health of girls with disabilities, a UNFPA study found only half of women with a disability have access to sexual and reproductive health services on equal terms with women without a disability. Barriers that prevent many girls with disabilities from accessing these services include: inaccessibility of gynaecological clinics and surgeries, inaccessibility of equipment such as gynaecological desks, untrained health workers to treat and communicate with people with disabilities (often contacting an assistant instead of an appropriately trained person), and lack of accessible information and communication, including sign language translation.⁹⁷ Young women with disabilities living in institutional housing facilities are exposed to forced abortions, forced sterilization, and taking contraceptives without their consent.⁹⁸

38. Serbia has laws and bylaws that regulate the rights of persons with disabilities and especially their rights to mobility aids, devices, and assistive technologies, but the content of regulations is not in line with international documents and standards. The Rulebook on medical-technical aids is one of the basic legal acts that regulate the conditions and procedure for obtaining aids. Eligibility criteria for medical-technical aids are exclusively based on medical diagnosis and human rights-based approach to needs assessment is lacking. Bylaws should regulate the conditions and procedure in more detail, as well as be clear and precise. However, the analysis of the content of the Rulebook and the two accompanying acts show that they are not adapted to the needs of users, nor that they meet the criteria for the protection of human rights of persons with disabilities. One of the significant problems relates to composition of the medical commission, the manner of decision-making, the application of law, transparency of work and the content of decisions. Deficiencies in each of these groups directly negatively affect the exercise of the right to aids for persons with disabilities. Mechanisms of protection, submission of legal remedies (complaints, objections) are not defined in the Rulebook, and the document does not have any article that prescribes this phase of the procedure. The research has shown that the state funding allocated for these needs is far from sufficient to cover the existing needs. Nearly two thirds of respondents (half of the respondents were youth with disabilities) stated that they have to contribute with their own financial means to get the aids they need and 23% stated that they obtained their aids and devices through charity organisations or humanitarian actions⁹⁹. Further, 48.5% of the respondents are not satisfied with the set conditions and timeframes to renew or repair the aids and devices they are using and one third is not satisfied with their quality. Finally, 27.5% said that the assistive technology they need is not at all envisaged in the aforementioned Rulebook and is not eligible to be applied for from the state budget¹⁰⁰. Aforementioned data indicate that the right to personal mobility is not adequately guaranteed to young people with disabilities making their transition to adulthood harder.

In this regard, submitting organisations recommend that the State party reforms the system of provision of mobility aids, devices and assistive technologies, moving away from diagnostic categories as eligibility criteria towards human rights-based approach to needs assessment and gradually increases the annual budget allocated for these purposes and actively involves organisations of persons with disabilities in the reform process.

39. During the COVID-19 pandemic, young people with disabilities have been confronted with the inaccessibility of covid clinics and hospitals, the lack of protocols for people with disabilities and their families to be hospitalized, and the unavailability of regular therapies, treatment, or rehabilitation due to systematic re-orientation of health care in response to a pandemic,¹⁰¹ which has put them at risk of the effects of their disabilities further worsening.

⁹⁷ "Report on the Youth Rights in the Republic of Serbia in 2020", *Belgrade Centre for Human Rights*, 2021, pp. 182-183.

⁹⁸ Beker, K. i Milošević, T., *Violence against women with disabilities in residential institutions*, Initiative for the Rights of Persons with Mental Health Invaliditetom MDRI-S, 2017.

⁹⁹ Keravica, R., Mijatović, M., i Veljković M., "Youth with Disabilities Fighting for Freedom and the Right to Live Independently - Access to mobility aids, devices and assistive technologies", IM-PACT 21 (forthcoming 2022).

¹⁰⁰ *Ibid.*

¹⁰¹ *Adult beneficiaries in the social protection system 2019*", *Republic Institute for Social Protection*, 2020.

40. The strategy for social inclusion of Roma men and women specifies that the largest part of an individual's income is spent on food, so the poor can allocate only minimal funds for additional health services and therapies. About 10% of the poorest Roma families spend only 290 dinars or 3.3% of available spending per month for these purposes. Taking this into account and following the attitude of young people in the Roma population, it is clear that a large percentage of this multiply vulnerable group will not, in the pandemic situation, have the means to pay for adequate therapy and treatment from COVID-19. The findings of the research of the SeConS Group for Development Initiative are also relevant here, according to which children and youth are exposed to higher risks of poverty than adults and the elderly, as shown by the data of the Statistical Office of the Republic of Serbia (2016).¹⁰² The data supports the claim that young people from the Roma community, especially those living in substandard settlements, are at the very top of the poverty pyramid, and that they are at the highest risk of not being able to procure adequate therapy. The abuse of nicotine, alcohol, and psychoactive substances has a negative impact on the health of young people from the Roma population, but there is no complete data on the frequency of these risk factors.

41. The first documented cases of COVID-19 infection among students from student dormitories appeared at the end of May 2020 and the first days of June. While each was at first an individual case, this was enough for the infection to quickly and easily spread despite all preventive measures taken, primarily due to dense collective accommodation and living conditions in dormitories (shared bathrooms, collective cafeterias, the unresolved issue of isolating positive students from the collective). In the first and second week of June the number of sick students who reported to medics in the respiratory clinic of the Institute for Students' Healthcare (Zavod za zdravstvenu zaštitu studenata Belgrade – ZZZZS) increased daily, but until June 12, 2020, only serology was available as a diagnostic tool to doctors of ZZZZS Belgrade, those tests are able to show the infection after 9-10 days of infection. Due to the great pressure and large number of sick students, the epidemiological service of ZZZZS Belgrade enabled the use of nasopharyngeal swabs for diagnostic purposes to be administered on students starting on June 12 2020, in cooperation with the City Institute for Public Health in ZZZZS Belgrade.¹⁰³

42. Youth in Serbia, remains exposed to the pollution of all parameters of the environment, approximately 1 300 000 representatives of the youth population, is exposed to excessively polluted air, primarily due to high particulate matter pollution. Challenges persist in other areas such as water and waste management, with only 11 regional sanitary landfills being completed, followed with 100 non-sanitary landfills and over 2000 wild dumps, as well as only 13% of population being encompassed with at least secondary water treatment.¹⁰⁴ High exposure to environmental pollution places Serbia in the ninth place in the world and in the first place in Europe in terms of premature deaths attributable to pollution per 100 000 people¹⁰⁵. Poor air quality is dangerous for children and youth as a vulnerable group, causing respiratory illness, such as asthma, bronchitis, and broncho-pneumonia, as well as longer-term effects like diabetes and cardiovascular conditions (arrhythmias, cardiac failure, and stroke).¹⁰⁶

Right to education (arts. 13–14)

43. Regarding the level of education, most young people had completed secondary education 56.6%, followed by completed primary education 28.4%, while 11.9% of this age group had completed higher education in 2019. There were 2.9% of young people with no schooling or incomplete primary education. Observed by sex, there are more men in all categories except for higher education, where there are 96,970 women and 60,184 men. There are 15.3% with higher education in urban areas and only 6.6% in rural areas. The ratio is reversed when it comes to the percentage of young persons with primary education and lower because there are 27.4% of them in urban areas and 37.3% in rural areas.¹⁰⁷ The European Commission (EC) report on Serbia notes that the student population has continued to decrease due to negative

¹⁰² "Caution, poverty! - Monitoring Poverty within the UN Development Agenda until 2030," SeConS Group for Development Initiative Belgrade, 2017. Available at: <https://www.secons.net/files/publications/79-publication.pdf>.

¹⁰³ Since then, accurate records have been kept of the number of PCR swabs taken and the number of students testing positive for SARS-CoV-2. The second epidemic wave had its peak in the second half of November 2020, while the third and fourth wave, from January to April 2021, were almost merged, without much break between them, so they are named as one, long (third) wave. The fourth epidemic wave began at the end of July 2021, was stirred up rapidly in August and September, and especially in October, to subside in November 2021, and then to maintain at about 20 students who tested COVID-positive per week during December.

¹⁰⁴ Coalition 27, Progress in lockdown, 2021: <https://www.koalicija27.org/wp-content/uploads/2021/10/K27-izvestaj-2021-EN-web.pdf>.

¹⁰⁵ Global Alliance on Health and Pollution – GAHP - <https://gahp.net/pollution-and-health-metrics/>.

¹⁰⁶ UNICEF – Climate landscape analysis and its impact on children in Serbia, <https://www.unicef.org/serbia/media/18361/file/CLAC%20Report%20ENG.pdf>.

¹⁰⁷ Osnovni pokazatelji položaja mladih u Srbiji – komparativna analiza sa drugim evropskim zemljama i trendovima Basic indicators of the position of young people in Serbia, MYoS, Snezana Klasnja, November 2020, p. 16, available at: [https://www.mos.gov.rs/public/documents/upload/sport/inspekcija/Analiza%20osnovnih%20pokazatelja%20polozaja%20mladih,%20MOS%20S.%20Klasnja%20novembar%202020.%20godine%20\(2\).pdf](https://www.mos.gov.rs/public/documents/upload/sport/inspekcija/Analiza%20osnovnih%20pokazatelja%20polozaja%20mladih,%20MOS%20S.%20Klasnja%20novembar%202020.%20godine%20(2).pdf).

demographic trends and emigration.¹⁰⁸ Regarding the continuity of education, 83.3% of young people from minority groups do not want to continue education after secondary education, which is the case with only 9.1% of school students who don't declare themselves as minorities.¹⁰⁹

44. In order to modernise the education system, the Dual Education Act was adopted in 2017.¹¹⁰ Its adoption was justified by the fact that young persons need to acquire practical knowledge and that such educational models have been successful in developed countries decades ago. However, in order to apply this model of education in Serbia and have it give positive effects, it was necessary to analyse the effects of these legal provisions. Specifically, some provisions of the Act threaten the labour rights of young persons between the ages of 15 and 18 and are not consistent with the Labour Act and the ILO Convention on Forced Labour. Dual education is conceived in a way that leads to labour exploitation of children since they are not employed, they do not sign a contract for learning through work independently, but this is instead done for them by their parents, and they receive remuneration which is lower than the minimum guaranteed wage in Serbia (during 2020, school students received remuneration which is less than half of minimum wage in Serbia) and only 60% of them have work insurance.¹¹¹ In addition, there are no planning and strategic documents to justify such a system of education, nor any guarantees that young persons who go through the dual education system will have the advantage of being more competitive in the labour market.¹¹²

45. The closing of schools in 2020 as a measure to prevent the spread of the coronavirus disproportionately negatively affected members of vulnerable groups, who are more likely to drop out of school or leave school prematurely.¹¹³ The measure of closing schools and educational institutions has had the most negative impact on: young people from minority groups, poor young people and those from rural areas without access to electricity, internet, computers, and other means necessary for communication, information, and distance learning; among other challenges; and young people with disabilities who are not self-employed, due to restrictive measures that included staying at home during the ban.¹¹⁴ Many LGBTI young people also found themselves in a hostile family environment.¹¹⁵ Aiming to prevent the spread of the coronavirus during the state of emergency, a decision was made in March to move university students out of dormitories within 24 hours of the notification - which is an extremely short deadline having in mind the restrictions on freedom of movement and a curfew that was in place at the time.¹¹⁶ Although it is clear that the COVID-19 pandemic has had a significant impact on education of high school and university students in Serbia, even in 2021 it is still not possible to see how much knowledge is lost in distance learning programmes implemented by the State party.¹¹⁷

Right to education of young people in institutions for the execution of criminal sanctions

46. Young people serving prison sentences, juvenile imprisonment, and those in prison convicted of misdemeanours represent a significant share of the convicted population. On December 31 2019, young people comprised about 24% of those in these institutions (2,642 young people out of a total of 11,077 people).¹¹⁸ Exercising the right to education of convicted young people is of utmost importance for the successful reintegration of convicted young people into society. However, a large number of district prisons do not organize a primary education program due to the short sentences served by those housed in those institutions, while some institutions indicated that the organization of the program is prevented by technical, human, and spatial impossibilities.¹¹⁹ In addition, the Penitentiaries in Pančevo, Šabac, and Belgrade-

¹⁰⁸ European Commission Annual Report Serbia, 2020, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf.

¹⁰⁹ Izveštaj o nastavi tokom školske 2020/21 godine iz perspektive učenika, 2021. <https://www.srednjoskolci.org.rs/wp-content/uploads/2021/11/Izves%cc%8ctaj-20-21-FINAL.pdf>.

¹¹⁰ Official Gazette of the Republic of Serbia, No. 101/2017-3.

¹¹¹ Izveštaj o nastavi tokom školske 2020/21 godine iz perspektive učenika, 2021. <https://www.srednjoskolci.org.rs/wp-content/uploads/2021/11/Izves%cc%8ctaj-20-21-FINAL.pdf>.

¹¹² Alternativni izveštaj o stanju ekonomskih i socijalnih prava u Srbiji, (Alternative Report on the State of Economic and Social Rights in Serbia), CDR.

¹¹³ Western Balkans - Regular Economic Report no. 17, Economic and Social Impacts COVID-19 - Education, *World Bank*, 2020. Available at: <http://pubdocs.worldbank.org/en/687451590708742492/WBRER17-04-Education-BOS.pdf>.

¹¹⁴ "Report on the Youth Rights in the Republic of Serbia in 2020", *Belgrade Centre for Human Rights*, 2021, p. 37.

¹¹⁵ "Consequences of Covid-19 on the position of vulnerable and at-risk groups", *OHCHR & SIPRU Team*, Belgrade, 2020. Available at: [https://serbia.un.org/sites/default/files/2020-](https://serbia.un.org/sites/default/files/2020-12/Posledice%20Kovid%2019%20na%20polo%C5%BEaj%20osetljivih%20grupa%20i%20grupa%20u%20riziku.pdf)

[12/Posledice%20Kovid%2019%20na%20polo%C5%BEaj%20osetljivih%20grupa%20i%20grupa%20u%20riziku.pdf](https://serbia.un.org/sites/default/files/2020-12/Posledice%20Kovid%2019%20na%20polo%C5%BEaj%20osetljivih%20grupa%20i%20grupa%20u%20riziku.pdf).

¹¹⁶ "Report on the Youth Rights in the Republic of Serbia in 2020", *Belgrade Centre for Human Rights*, 2021, p. 38.

¹¹⁷ "Alternativni izveštaj o položaju i potrebama mladih u Republici Srbiji 2021 - Mladi i obrazovanje", *Krovna organizacija mladih Srbije*, Belgrade, 2021 ("Alternative report on the position and needs of youth in the Republic of Serbia 2021 - Youth and education", *National Youth Council of Serbia*), p. 11. Available in Serbian at:

<https://koms.rs/wp-content/uploads/2021/11/Mladi-i-obrazovanje-brosura-4.pdf>.

¹¹⁸ "Report on the Youth Rights in the Republic of Serbia in 2020", *Belgrade Centre for Human Rights*, 2021, p. 41.

¹¹⁹ "Report on the Youth Rights in the Republic of Serbia in 2020", *Belgrade Centre for Human Rights*, 2021, p. 44.

Padinska Skela did not organize a primary education program during 2019 and 2020, despite a large number of young people sentenced to imprisonment at these institutions having sentences of up to three years (479 in 2019, 207 in 2020).¹²⁰

In this regard, submitting organisations recommend that the State party organizes secondary education in a systematic way in institutions for the execution of criminal sanctions, especially in penitentiary institutions and institutions holding a large number of young people, illiterate persons, and persons in need of additional support.

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47. The system of secondary education for young people with disabilities in Serbia continues to run through two parallel systems - regular and special. Although a number of strategic documents, including the latest Strategy for Improving the Position of Persons with Disabilities in RS from 2020 to 2024, clearly indicate the state's orientation towards inclusive education, almost half of young people with disabilities attend segregated special education. Moreover, a step back has been taken with legal changes that have again enabled the formation of special classes within regular schools,¹²¹ as well as within distance education,¹²² which cannot be considered in line with the concept of inclusive education. Although there is a noticeable increase in the availability of social services – i.e., a personal companion (709 beneficiaries in 2015 vs. 1762 in 2019),¹²³ for years there has been a lack of pedagogical assistants for students with disabilities, whose task would be to provide support in teaching in terms of adaptation and mastering school materials.¹²⁴ It should be emphasized that children and young people with disabilities living in institutions for children and youth with disabilities are especially at risk of exclusion from the education system, since 61.2% of children and young people of school age in these institutions are not included in education.¹²⁵ At the tertiary level of education, despite documented shifts, there remain challenges of inaccessibility of higher education institutions, including a lack of contact points for providing support to students with disabilities at many faculties and obstacles in providing reasonable accommodation in the study process for students with disabilities.¹²⁶

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48. The Strategy for Social Inclusion of Roma men and women found severely low coverage in secondary education. While in the general population the coverage of young people is 90%, this percentage among young people from the Roma population is only about 22%. The coverage of boys is slightly higher compared to girls (28% vs. 15%), which indicates the gender dimension of this problem. A worrying fact is that the coverage of high school students of young people from the Roma community living in conditions of deep poverty is only 5%.¹²⁷ During the 2019/20 school year 2.009 Roma students were enrolled through affirmative action programs.¹²⁸ However, with the introduction of the state of emergency in 2020, educational programs were realized at a distance and the internet learning platform. With that the risks for Roma young men and women in the field of inclusive education have increased during the duration of restrictive measures, and the main manifestations of these risks are seen in the lack of technical prerequisites for accessing and monitoring teaching (electricity, internet, computers, tablets, smartphones), as well as in the lack of systemic measures for learning support.¹²⁹ About 24.104 inhabitants of 64 substandard Roma settlements have either no or irregular access to electricity, limited to certain times of the day.¹³⁰

¹²⁰ "Report on the Youth Rights in the Republic of Serbia in 2020", Belgrade Centre for Human Rights, 2021, p. 44.

¹²¹ Jovanović, I., "The position of children with disabilities in the Republic of Serbia," National Organization of Persons with Disabilities of Serbia.

¹²² Tatić, D. Jovanović, I., "Analysis of the implementation of the recommendations of the Committee for the Rights of Persons with Disabilities in the Republic of Serbia," second amended edition, *National Organization of Persons with Disabilities of Serbia*, 2020.

¹²³ Matković, G. i Stranjaković, M., "Mapping of social protection and material support services under the jurisdiction of local self-government units in the Republic of Serbia" (Biljana Mladenović ed., RS Government Team for Social Inclusion and Poverty Reduction 2020), p. 18.

¹²⁴ Jovanović, I., "The position of children with disabilities in the Republic of Serbia," *National Organization of Persons with Disabilities of Serbia*.

¹²⁵ *Ibid.*, p. 54.

¹²⁶ "Report on the Youth Rights in the Republic of Serbia in 2020", *Belgrade Centre for Human Rights*, 2021, p. 177.

¹²⁷ "Report on the Youth Rights in the Republic of Serbia in 2020", *Belgrade Centre for Human Rights*, 2021, p. 185.

¹²⁸ "Report on the Youth Rights in the Republic of Serbia in 2020", *Belgrade Centre for Human Rights*, 2021, p. 186.

¹²⁹ "Consequences of Covid-19 on the position of vulnerable and at-risk groups", *OHCHR & SIPRU Team*, Belgrade, 2020.

¹³⁰ Mapping of substandard Roma settlements according to risks and access to rights, with special reference to the COVID-19 epidemic, OHCHR & SIPRU Team, 2020, available at: http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2020/12/Mapiranje_podstandardnih_romskih_naselja_prema_rizicima_i_pristupu_pravima_sa_narocitim_osvrtnom_na_COVID-19.pdf.