



## Shadow Report 2020 Serbia

### Chapter 24 Justice, Freedom, and Security (Migration)

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## Executive Summary

This Shadow Report besides the analysis of the legal and institutional framework, relevant documents for the Integration Process of The Republic of Serbia with the European Union (EU) and information related to the accessibility and quality of social services, provides a special focus on migrant management.

Chapter 19 relates to social policy and employment. One of the important developments is the adaptation of the Action Plan for this Chapter that has been finally adopted with a significant delay and which is analysed in this Report from different aspects. The main focus of this Report is the quality and accessibility of social services in the Republic of Serbia. For this purpose the legal and institutional framework have been analysed, progress / lack of progress in harmonization of the framework with the EU acquis by taking in consideration the progress which should have been accomplished, methodology of the transposition of the EU legislation concerning Chapter 19, comparative analysis with the Shadow Report 2019 and other documents relevant for Serbia's EU integration process.

The Report focuses on social services beneficiaries, and their needs, with the main focus on the issue of migrants. A special focus on migrants takes into account their integration into the system. Besides the already existing challenges within the social policy and employment in the Republic of Serbia, and efforts to overcome them, additional efforts are needed to achieve an adequate social inclusion of migrants, inclusion into the educational and health system. In the Shadow Report, the definition of migrant is used in a broader sense, and thus includes various categories of persons such as refugees, internally displaced persons, returnees under readmission agreements, asylum seekers, victims of trafficking, etc. The focus was especially on the inclusion of migrant children, unaccompanied minors, without guardianship or separated children who entered the territory of the Republic of Serbia.

Even though the Action Plan for Chapter 19 has been adopted, the general impression is that the comments from representatives of civil society organizations should have been taken into account and that social dialogue partners should have been more involved. The final chapter of this Report presents Recommendations in the field of social policy and employment and appropriate approaches in inclusion of migrants into the society.

## Introduction

The Shadow Report for Chapter 19, with a special focus on migrant management, aims to compare the achievements of the Republic of Serbia in the field of social policy and employment in 2020, and to provide an overview of the quality of implementation of set goals within the EU negotiation process.

A special focus on the issue of migrant management is an attempt to find adequate measures taken by the Republic of Serbia for the purpose of improved migrant integration as part of Chapter 19 of the EU negotiation process.

Also, one of the topics presented in the EU Country Report 2020 is the transposition of the relevant legislation.

During the preparation of this Report, the author used the following methods and sources:

- Research of relevant theoretical, legal and practical frameworks;
- Interviews with representatives from government institutions, civil society organizations, including members of Iris Network in Serbia;
- EU Country Report for the Republic of Serbia 2020, 2019 and 2018;
- Data available from international organizations (UNICEF, UNDP, UNHCR), domestic institutions (Ministry of Labor, Veterans and Social Affairs, Ministry of European Integration, Republic Bureau of Statistics, National Employment Service, Commissariat for Refugees and Migration) and from civil society organizations;
- Internet presentations of relevant institutions.

Following is a summary of the important factors within the negotiation process concerning Chapter 19 for 2020, and how the Republic of Serbia implemented what should have been completed in the previous period. Regarding the issue of migrants, due to their longer stay in Serbia, social inclusion is one of the most important issues.

### III Chapter Overview

The European legal framework within Chapter 19 includes social policy and employment, which focus on creating and enabling equal rights for everyone, forbids discrimination through different measures and strengthens the social dialogue.

Article 19 of the Treaty on the functioning of the European Union defines the obligatory regulations concerning discrimination based on gender, race or ethnic origin, religion and beliefs, individuality, age and sexual orientation (Article 19 Treaty on the European Union). These Treaties are bases of European *acquis*, which are based on European legal traditions in the area of labour law, health, safety and security in the workplace, equal treatment of women and men relating to employment and social protection, employment policy and social dialogue.

European legal framework in the area of social policy and employment focuses on creating equal opportunities for everyone, forbidding discrimination on any basis and strengthening social dialogue. In addition, since recent, one of the main aims of the EU is fight against undocumented labour (so called work in the grey zone). EU 2020 Strategy, initiated as a joint response of the EU members and EU institutions, to the financial crises in 2008, includes basic principles and methods of social inclusion as a key goal in this area.

The *Employment and Social Reform Programme* – ESRP is a process initiated by the European Commission based on the Enlargement Strategy 2013 – 2014, which should establish a monitoring and progress mechanism for the results of the Government during the EU Accession process that clearly indicates priorities in the area of employment and social policy. The process of ESRP in the Republic of Serbia began in September 2013 and was adopted by the Government of the Republic of Serbia in May 2016. The process was transparent and it can be concluded that the intention was to ensure quality and representatives of the documents through support from all stakeholders and social partners. European Commission monitors the implementation of the ESRP through annual Country Reports, as well as through thematic meetings and conferences.

The employment and social policy reform programme covers labour and employment, human resources and skills, as well as social inclusion and protection, as well as challenges in the pension and health protections systems. Special attention is on youth employment due to a very high unemployment rate in this group.

It is important to mention the Economic Reform Programme – ERP, even though directly linked to Chapter 17 – Economic and monetary policy, as an important strategic document. In January 2020, the sixth ERP, was published for the period 2020 – 2022. The programme contains middle term macroeconomic and fiscal policy framework and a detailed overview of structural reforms that should contribute to increased national economy competitiveness and thus influencing economy growth and development, new work places and improved living conditions for citizens in The Republic of Serbia. Therefore, the ERP deals with areas relevant for Chapter 19, which are as follows: education and skills, labour market and employment, social inclusion, poverty reduction and equal opportunities.

The Screening Report for Serbia from 2014 describes the situation as follows: Serbia is partly harmonized with EU acquis in the area of social and employment policy. Legislation harmonization with EU acquis is ongoing. Efficient action is necessary in order to achieve progress in legal framework harmonization and to resolve the crises on the labour market, including undocumented labour. Efforts in poverty reduction, supporting Roma inclusion, persons with disabilities and other vulnerable groups should be intensified. Furthermore, it is important to secure operational and transparent social dialogue. Planning in the area of social policy and employment should be continuous, as well as for Serbia's capacities for implementation, since there is a need to strengthen the administration capacities in order for the EU acquis to be implemented. Also, it is important to secure sufficient financial resources for employment, health and workplace security policy<sup>1</sup>. By taking in consideration that Chapter 19 still remains unopened, thus the objectives in EU Country Reports in these areas have not significantly changed in the last couple of years, it can be concluded that there has been some progress, however progress in relation to the initial Screening Report is very limited.

#### IV Current situation related to Chapter 19

Even though there has been progress, the level of social inclusion remains very low, as well as institutional capacities for fulfilling the needs of target groups, inadequate financial support for social inclusion programmes and weak mechanisms for monitoring the inclusion process implementation in Serbia. In 2019<sup>2</sup> index for poverty risk was 23,2%, which is 1.1% lower than in 2018. Index for poverty risk and social inclusion was 31.7% and in comparison to 2018 it is lower for 2.6%. Young people, under the age of 18 years were at greater risk of poverty – 28.9% as well as persons between 18 and 24 years – 25.6%. The lowest risk of poverty were persons above 65 years – 21.1%.<sup>3</sup>

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<sup>1</sup> Izveštaj o skriningu Poglavlje 19 – Socijalna politika i zapošljavanje [https://www.mei.gov.rs/upload/documents/skrining/izvestaj\\_skrining\\_pg\\_19.pdf](https://www.mei.gov.rs/upload/documents/skrining/izvestaj_skrining_pg_19.pdf)

<sup>2</sup> There is not official data for 2020

<sup>3</sup> Republički zavod za statistiku Republike Srbije, Anketa o prihodima i uslovima života broj 283 - god. LXX, 15.10.2020, <https://publikacije.stat.gov.rs/G2020/Pdf/G20201283.pdf>

EU Country Report 2020 for the Republic of Serbia has been published in October 2020 (further referred to as Serbia Report 2020). In the Report it has been concluded that Serbia is moderately prepared in the areas of social and employment policy and has made limited progress in the legislative harmonization with EU acquis in these areas. EU Recommendations from 2019 remain unchanged in 2020. It is recommended that the Republic of Serbia should secure, in the coming period, appropriate financial and institutional resources for employment and social policy, to systematically target youth, women and long term unemployed and to improve the criteria for social subsidies for persons below the poverty threshold. Furthermore, it is stated that the bipartite and tripartite social dialogue on all levels should be strengthened and to ensure consistent implementation of Law on Labour and Law on Social Protection<sup>4</sup>.

Six years after the screening the Action Plan for Chapter 19 – social and employment policy has been adopted. It is expected by end of January 2021 the new Employment Strategy 2021 – 2026 will be adopted. The unemployment rate in the last quarter of 2020 was 9%, which shows a decreasing trend in comparison to the same period in 2019 when it was 10%, and in 2018 it was 11%. When compared to the regional development criteria, in South and East Serbia, the situation remains most unfavourable on the labour market, which is shown through 12% unemployment rate.

In 2020 the Republic of Serbia, in cooperation with the National Employment Agency, began a youth assistance programme My first salary. This programme focuses on youth up to the age of 30 years without working experience and are registered with the National Employment Agency for the purpose of conducting practice in specific jobs and acquiring knowledge, skills and competences for work in order to increase their employment opportunities. It is planned to include around 10.00 young people with high school and university education in the programme.

It is important to mention that 2020 was heavily affected by the Covid19 pandemic that led to challenges in different areas, including social and employment policy. In order to mitigate the negative effects, the Government of the Republic of Serbia adopted measures supporting the economy. It has been noticed, in relation to gender aspect, that women have been on the first line of the pandemic, especially in health, tourism, catering and service provision sectors. It is expected that the closure of companies dealing with craftsmen, hairdressers, tailors and beauty will have a negative impact on women who are dominant in the sectors.

*The National Strategy for Gender Equality* for the period 2016 – 2020 defined as one of the main objectives for ensuring gender equality through the implementation of policy and measures, while a specific objective was that women and men equality participate in the decision making processes in the public and political sphere on all levels, including the executive authority on all levels and that the quota of 40% women should be respected in the election into representative bodies on all levels, as well as defining special measures ensuring equal representation of women. However, in majority of local municipal executive boards there are no women representatives. Therefore, women as Majors, on management positions in public enterprises or in big companies in profit making sector is very rare.

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<sup>4</sup> Serbia 2020 Report, European Commission, [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf)

Based on a research conducted by the Commissionaire for Gender Equality among municipalities in 2019, only 7.59% women are Majors, while 18.35% women are Presidents of City Councils and 17.43% women are Deputy Presidents of City Councils. The research also showed that 56.9% women are on the position of Secretary of the City Council and 61.76% women are on the position of Deputy Secretary of the City Council. The results also show that women as councillors in local municipalities are represented by 31.75% and in municipal councils by 19%.

In 2019 the Commissionaire for Gender Equality researched the participation of youth in the local municipalities. The results show that participation of youth under 30 years of age is negligible i.e less than 5% of persons under age of 30 participate as councillors in local municipalities, 1.8% are Majors, 1% are Deputy Majors, 5.3% are councillors in local municipal councils, 4.6% are Secretaries in Municipal Councils, 6.6% are members of local community councils and there are no as local Municipal Council Presidents.

*Advisory Committee on the Framework Convention for Protection of National Minorities* has adopted the Fourth opinion on Serbia in June 2019 which states that minority rights in Serbia have to be significantly improved. There is particular concern for the situation of Roma. Their overall position is very concerning and this situation requires urgent action in all segments of their everyday life - employment, social inclusion, housing, access to education and health care services.

In 2020 2.830 migrants and refugees were accommodated in Asylum Centers and Reception Centers according to the Commissariat for Refugees and Migration. The number is lower than in 2019 because the Ministry of Interior did not conduct the registration procedure in full capacity due to Covid19 pandemic. In addition, there were between 400 and 600 migrants located outside formal accommodation centers, among which some have received international protection in the Republic of Serbia and are in private accommodation. A number of unaccompanied minors are accommodated in institutions and centers and some are temporary residing close to the north border trying to cross into one of the EU countries. According to UNHCR in 2020 there were 24.250 migrants and refugees that have entered Republic of Serbia.

Even though there is a fluctuation of migrants on the territory of the Republic of Serbia, the current number is similar to the one in 2019. The so-called Balkan Route has been closed since 2016, however it still exists. The closure only made the crossing into EU countries slower, more difficult and dangerous. A result of this is an extended stay of migrants in the Republic of Serbia for more than 6 months which affected all relevant factors (government and civil society organizations) and required from a more adequate and consistent approach.

On the territory of Serbia there are 5 Asylum Centers and 14 Reception Centers for accommodation of migrants and refugees. Based on data collected by PIN (Iris Network member) in 2019 around 30% of migrants were considering the possibility to remain in Serbia. This decision is influenced by different factors, among which the previously mentioned slower possibility to cross into EU countries, the duration of the asylum procedure, economic conditions in the EU countries and employment possibilities.



According to UNHCR report from December 2020 the number of migrants and refugees in Asylum and Reception Centers has decreased by 6% and was 6.509, among which 5.647 are men, 242 women and 620 children, including 209 unaccompanied minors. There were 8.023 new migrants and refugees in December 2020. In total there were 24 reported victims of COVID-19 pandemic<sup>5</sup>.

Republic of Serbia announced on March 15, 2020 an emergency situation due to the COVID-19 pandemic which was affective until May 6, 2020. During this period all migrants, asylum seekers and refugees in Serbia were accommodated in Centers across the country and their mobility was restricted. The measure included complete banning to leave the Centers and military officers guarded the Centers. That led to decreased access to information and services. The data about their experience during the emergency situation were collected immediately after abolishing the restricted mobility of persons in Centers<sup>6</sup>.

One of the major problems related to unaccompanied children placed under guardianship is lack of appropriate care. In June 2020 a single social worker was guardian for more than 300 children in the reception center in Bogovadja. The consequence of this is that in most cases the security or guards look after the children who are incompetent for this type of assignment. Due to this omission the children were injured a couple of times. In December 2020 an incident in this center happened when the unaccompanied children protested. According to UNHCR report from December 2020 there were no serious injuries and according to Commeseriate for refugees and migrants (SCRM) the center was damaged. The police intervened and 79 children were transferred to the reception – transit center Presevo. UNCHR, Indigo and SCRM identified 13 endangered children and began monitoring their needs.

Civil society organizations working in centers with migrants have reported lack of interest to participate in activities and workshops. This makes it difficult to establish communication with migrants. Civil society organizations provide translating services, non-food items and counselling about asylum procedure<sup>7</sup>.

It is important to mention that within the legislative harmonization process in the Republic of Serbia a number of important acts have been adopted in 2019 : Rule book on the conditions and method of implementing the proposals for imposing restriction on foreigners entry and supervision and control of foreigners when entering and moving across the territory of Serbia<sup>8</sup>; Regulation on the conditions for rejecting entry of foreigners into the Republic of Serbia<sup>9</sup>, Rule book on the format of the identification card and the procedure for issuing an identity card for foreigners and temporary identification cards for foreigners<sup>10</sup>. It is important to mention that in 2019 within the Ministry of Interior – Department for border police, Office

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<sup>5</sup> UNHCR Serbia Monthly Update, December 2020 <https://reliefweb.int/report/serbia/unhcr-serbia-monthly-update-december-2020>

<sup>6</sup> Mentalno zdravlje i dobrobit izbeglica i tražilaca azila u Srbiji, UNHCR I PIN, [https://psychosocialinnovation.net/wp-content/uploads/2020/10/MENTALNO-ZDRAVLJE-I-DOBROBIT-IZBEGLICA-I-TRAJILACA-AZILA-U-SRBIJI\\_Izve%C5%A1taj-istra%C5%BEivanja\\_2020.pdf](https://psychosocialinnovation.net/wp-content/uploads/2020/10/MENTALNO-ZDRAVLJE-I-DOBROBIT-IZBEGLICA-I-TRAJILACA-AZILA-U-SRBIJI_Izve%C5%A1taj-istra%C5%BEivanja_2020.pdf)

<sup>7</sup> Recommendations for CSOs in providing services to migrants on the Serbia – Bosnia route, IRIS NETWORKing <http://iris-see.eu/wp-content/uploads/2020/06/Recommendations-for-CSOs.pdf>

<sup>8</sup> "Službeni glasnik RS", broj 20 od 22. marta 2019.

<sup>9</sup> "Službeni glasnik RS", broj 20 od 22. marta 2019.

<sup>10</sup> "Službeni glasnik RS", broj 20 od 22. marta 2019.

for Foreigners, a Unit for Foreigners has been formed. Within this Unit there are 3 sectors – Sector for status issues and foreigners control, Sector for reception and accommodation of foreigners and Sector for Asylum.

## V Progress in the Chapter

Currently the Programme of local initiatives for social inclusion and poverty reduction – Support to development of innovative models for social inclusion – LIP2, implemented by the Social Inclusion and Poverty Reduction Team of the Republic of Serbia is implementing within the project Support to enhancement of social inclusion in the Republic of Serbia – Phase 3 (2018 – 2021) is being developed<sup>11</sup>.

Through this Call for Proposals local municipalities in partnership with civil society organizations will be supported with the aim of developing / enhancing innovative measures, services and programmes which contribute to social inclusion of vulnerable groups, especially from rural areas. One of the main recommendations from the Shadow Report 2019 referred to improved coordination services on the local level. LIP2 is one of the programmes which could contribute to the improved coordination and inclusion of local municipalities in this issue. The most important development that took place since the Shadow Report 2019 is the adaptation of the Action Plan for Chapter 19 – social policy and employment (further referred to as Action Plan). The main concern related to the Action Plan is that the civil society organizations did not have an adequate role during its adaptation, the adaptation process was too long (4 years) and that the level of transparency and participation of civil society organizations was insufficient. Independent experts and civil society representatives did not participate in the adaptation process but only in the discussion on the final draft of this document. The majority of comments which will be provided by civil society representatives and social partners was not accepted, therefore the Action Plan remains with numerous lacks which will make its implementation more difficult and jeopardize the quality of harmonization of legislation with the EU. The Action Plan does not address the issues from the Screening Report, indicating the need for additional harmonization in the area of employment of persons with disabilities, which is not regulated in the Law on Professional Rehabilitation and Employment of persons with disabilities and has not even been mentioned in the Action Plan as a relevant regulation. Furthermore, in case of some regulations into which the transposition of relevant directives, as it is the case with the Law on Agency employment into which the Directive of the European Parliament and Council number 2008/104/EZ from 19 November 2008 on the temporary work through an agency, the level of harmonization has not been indicated, only that the relevant directives have been transposed through this Law. It is also important to mention that the certain deadlines in the Action Plan for adopting regulations are very ambitious, it could be said that they are even not logical taking in consideration the duration of the adaptation of the Action Plan. The Action Plan was adopted in May 2020 while the deadline for adopting the Law on Security and health at work was set for the second quarter of 2020 i.e. only one month after adopting the Action Plan. Due to such unrealistic projections it can be said that there will be disrespect of deadlines, which is disappointing taking in consideration the time frame during which it was prepared. An

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<sup>11</sup> Izveštaj o sprovođenju nacionalnog programa za usvajanje pravnih tekovina evropske unije (NPAA), za prvo tromesečje 2019. godine; Ministarstvo za evropske integracije; [https://www.mei.gov.rs/upload/documents/nacionalna\\_dokumenta/npaa/npaa\\_januar\\_mart\\_19.pdf](https://www.mei.gov.rs/upload/documents/nacionalna_dokumenta/npaa/npaa_januar_mart_19.pdf)

additional lack is inconsistent participation of social actors and civil society organization in round tables with relevant institutions without indicating specific roles of these actors.

In reference to labour rights, in the meantime, the Law on Agency Employment has been adopted. The Action Plan does not discuss the level of harmonization of the Law but only indicates that relevant directives have been transposed through this law. Undocumented labour still remains the most significant problem and labour inspections focus in fight against it. Undocumented labour, at the end of 2019, was 18.2%. European Commission considers that the Law on Inspection Supervision should be adjusted so it authorised the Labour Inspectors to enter working places without notice, and thus having in mind relevant conventions of the International Labour Organization that have been ratified by Serbia. In reference to health and protection at working space Serbia still has a significant number of death casualties at the working place, which is continuously increasing (in 2018 there were 53 cases and in 2019 there were 54 cases, most of the cases where in the construction industry which is in continuous expansion)<sup>12</sup>. It is important to note that the Action Plan states significant harmonization of the Labour Law and Law on security and protection at work place. From this it is evident that these chapters of the Screening Report, foreseeing required harmonization of the national legislation in order for it to be prepared for comprehensive harmonization in this area have not been respected<sup>13</sup>.

The National Employment Strategy 2021 – 2026 still has not been adopted and should be completed by end of January 2021. The draft National Employment Strategy 2021 – 2026 which was presented to the public did not receive positive comments from the Working Group of the National Convent of the European Union for Negotiation Chapters 2 and 19 as it is considered as a step back in comparison to the previous Strategy. One of the main remarks was that the target for active employment measures, in the previous Strategy it was 0.5 % of the GNI in 2020, which is significantly higher from the new value of 0.2% planned for the period until 2026.

As for bipartitive and tripartitive social dialogue, it remains very weak. In the second half of 2019 the minimum salary per hour, defined through the Decision of the Republic of Serbia, has been increased for 11.1%, however there was no consensus between the Economic and Social Councils of the Republic of Serbia regarding the mentioned increase.

In reference to completing the standardization process of social services and licencing of social welfare institutions and other service providers for the purpose of ensuring standardized quality of services across Serbia, in the first quarter of 2020 15 licenses were issued to social service organizations.

The National Employment Agency in 2019 implemented programmes for persons with difficulties in finding jobs and persons with disabilities dealing with different subsidies. The target group in 2019 where persons up to 30 years of age – with qualifications or low qualification, youth in collective accommodation for children without parents, in guardianship families, persons over 50 years of age with the status of technological redundancy, Roma,

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<sup>12</sup> Serbia 2020 Report, European Commission, [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf)

<sup>13</sup> Izveštaj o skriningu Poglavlje 19 – Socijalna politika i zapošljavanje [https://www.mei.gov.rs/upload/documents/skrining/izvestaj\\_skrining\\_pg\\_19.pdf](https://www.mei.gov.rs/upload/documents/skrining/izvestaj_skrining_pg_19.pdf)

persons with disabilities, beneficiaries of social welfare who are capable for working, long term unemployed and victims of domestic violence. Within this programme 2.600 were included, which is 152,94% of the planned 1.700 persons.

The educational level of persons that were employed through subsidies for employment of persons with difficulties in finding jobs, the number of persons without qualifications and with low qualification is 701 (26,96%), with high school 1.555 (59,81%), with three year faculty education 142 (5.46%), while with four year faculty education there were 202 persons (28.19%). The age structure is as follows : up to 30 years of age there were 733 persons (28.19%), persons of over 50 years of age 960 persons (51.96%), there were 1.351 (51.96%) women, while 1.863 (71.65%) were long term unemployed persons. There were 359 persons with disabilities engaged on the newly opened working positions during 2019, which represents 179.50% of the planned number.

It is important to mention that there have been very limited changes related to equal participation of women and men on the labour market, which unfortunately is the same as the equal participation in the political and public life. Women are underrepresented in the public institutions but their participation is increasing on the lower decision making positions and especially on the executive positions without possibility to influence decision making. Effects of discrimination are widely spread and lead to marginalization of women, especially women from vulnerable groups and their exclusion from the labour market and from the political and public life. Discrimination is an obstacle for equal participation of women in political, economic and cultural life, prevents further development of the society, has negative effects on the economy and prevents comprehensive development of capacities and creative potential of women.

As for youth and their participation in public and political life, it can be concluded as limited and that they are not motivated to take active participation in their communities. This is certainly one of the indicators for their dissatisfaction and reason for migration.

*National Agency for Employment* provides individual support and counselling to migrants through the Network of Migrant Service Centers. There are seven centers in Belgrade, Niš, Novi Pazar, Novi Sad, Kraljevo, Kruševac and Bor. During 2019 in total 775 migrants were centers' beneficiaries, out of which 62,8% were men and 37,2% were women. As per status, 73% were unemployed persons and 24.8 were employed. Only 5 students used the service. This Network contributes to migrant social inclusion through provision of adequate information about their rights, visa procedures, working and residence permits, employment opportunities, etc. The importance of the Network is because it increases the dissemination of information among migrants and thus makes enables protection of their rights during their stay in Serbia (regardless of their intention to stay or continue the journey) <sup>14</sup>.

In addition, Ministry of Labour, employment and social policy of the Republic of Serbia has a couple of ongoing projects focusing on migrants, EU funded. Project MADAD2 has the objective to support migrant, refugee and asylum seekers needs in the Republic of Serbia, support to relevant government institutions, improving conditions and services in reception

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<sup>14</sup> Migracioni profil Republike Srbije za 2019. godinu, Komesarijat za izbegice i migracije Republike Srbije; <https://kirs.gov.rs/cir/migracije/migracioni-profil-republike-srbije>

centers. The specific objectives of the project are improving shelter accommodation and protection of migrants, refugees and asylum seekers in Asylum centers, reception centers and centers for unaccompanied minor migrants, as well as provision of health services and education, in order to efficiently address the needs of migrants, refugees and asylum seekers in the Republic of Serbia. Special attention is given protection of vulnerable groups, especially unaccompanied minors. Furthermore, the ongoing UNDP project in cooperation with World Health Organization and International Organization for Migration ‘Open communities – successful communities’ has three main components: support to the health system (purchase of equipment for health care centers, emergency vehicle, equipment for institutes for public health, laboratory equipment, preparation of Guide on mental health and provision of psycho-social support), support to local communities (with focus on local governments through strengthening local infrastructure, employment of additional staff in institutions requiring additional support, equipment for centers for social welfare, utility companies, kindergartens and similar), social cohesion (support to institutions in the field, with focus on Commissariat for Refugees and Migration representatives and centers for social welfare through cultural orientation, especially in preparation and realization of direct activities in which refugees and migrants are directly involved <sup>15</sup>.

It is important to mention that in the community center that humanitarian organization ADRA is managing a corner for mothers and babies is operational, which is supported by UNICEF. This is very important because the center provides an opportunity for mother to be in a safe space, where they can breast feed and babies can sleep. A doctor is present in the center, available for consultations and support, especially during COVID 19 pandemic<sup>16</sup>.

Another important project ‘Support to local integration of internally displaced persons from ex-YU republics’ which foresees engagement of one person in ten centers for social welfare providing support to beneficiaries – internally displaced persons from ex Yu republics. In the period 1.2 to 31.10.2019 they were engaged in the following centers for social welfare: Bujanovac, Kursumlija, Prokuplje, Novi Pazar, Smederevo, Kraljevo, Niš, Leskovac and Bela Crkva. The project also foresees strengthening professional capacities of the 43 persons employed in centers for social welfare. Two cycles of education are planned dealing with different issues according to accredited programmes with the Republic Bureau for social welfare focusing on work with IDPs <sup>17</sup>.

## VI Recommendations

***Serbia has not conducted significant reforms since the Screening Report in 2014.*** The overall impression is that the public and civil society sector have not been sufficiently engaged in the drafting of relevant Action plans and Strategy. More decisive action is required for progress in harmonization of legal framework and in resolving the critical situation on the labour market.

<sup>15</sup> Projekti Ministarstva za rad, zapošljavanje, boračka i socijalna pitanja; <https://www.minrzs.gov.rs/sr/projekti/migracije>

<sup>16</sup> [https://www.unicef.org/serbia/teme/deca-izbeglice-i-migranti?items\\_per\\_page=10&page=1#listAnchor](https://www.unicef.org/serbia/teme/deca-izbeglice-i-migranti?items_per_page=10&page=1#listAnchor)

<sup>17</sup> Projekti Ministarstva za rad, zapošljavanje, boračka i socijalna pitanja; <https://www.minrzs.gov.rs/sr/projekti/migracije>

**It can be concluded that the Action Plan for Chapter 19 has disappointed the public and civil society sector and that it would be best if it would be revised following an adequate dialogue and cooperation with social partners, civil society organization and independent experts.** Also, it is important to develop an appropriate monitoring mechanism for the Action Plan in cooperation with the European Commission and National EU Convent, which would include defined and measurable process indicators, as well as impact indicators and reporting mechanism on their implementation each six months.

The **Action Plan foresees significant harmonization of the Law on Labour and Law on security and health at work.** However, for this Chapter, the Screening Report indicates that there is a need 'to conduct a significant number of important harmonization of national legal frame work in order for it to be prepared for complete harmonization in this area'. Therefore, additional efforts are needed in harmonization of legal framework in this area.

**The National Strategy for Employment for the period 2021 – 2026 should be adopted as soon as possible, as it is the most important document which contributes to further development of this area, thus development in the EU negotiation process.** The public should be included in this process, as much as possible, based on the recommendations of the Working Group of the EU National Convent.

The revision of strategic documents and accompanying relevant action plans in this area is highly important. Through the EU negotiation process numerous requirements need to be fulfilled. Therefore, strategic documents and action plans need to be revised in order to fully harmonize and complement the new regulations in the area of reform of public policy and planning system (Law on Planning System).

**Gender equality must be increased in the area of employment and on the labour market,** as well as in participation in public decision making and management structures. This can be enabled through adaptation of new positive discrimination measures. **Youth are not sufficiently represented in the social dialogue and are completely excluded from participation in public authorities.** Their participation on the level of 'statistical error'. This is probably the key reason for their dissatisfaction and one of the main reasons for their migration from local and rural areas as well as from Serbia. Therefore, it is important to create a supporting environment and to increase active support for their participation on the local level as well as on other decision making levels. Another challenge for this target group is high unemployment. It is to be seen whether the new subsidies system and active employment measures will have impact on the decreased unemployment. However, it is recommended to continue to these measures and to increase monitoring of work in the 'grey zone'. According to EU recommendations work inspectors should the authority to enter working premises without prior notice to the employer.

***It is necessary to improve mechanisms for comprehensive inclusion of socially vulnerable groups.*** The biggest problem related to Roma population is that the state does not have relevant data related to protection of their rights. The state does not have data on the inclusion of Roma in public institutions. **Mechanisms for data collection should be developed and implemented, which would indicate to which rights and to what degree national minorities have access to and based on that data future policies in this areas should be**

**adapted, especially as the next census is planned to be conducted in 2021.** The government should conduct a raising awareness campaign and to inform the national minorities on the importance to participate in the census, express their ethnicity and obtain their rights.

***The current situation related to unaccompanied or separated children is concerning, especially in the aspect of their protection and care. It is unacceptable that one person is a guardian for more than 300 children accommodated in one of the centers.*** It is important to develop a adequate approach to increase the number of guardians and provision of adequate protection in order to avoid incidents among children in reception centers. Also, it is important to note that only one child was reconnected with its family. This is unacceptable since the number of unaccompanied and separated children is significant. It is important to develop mechanisms for maintaining or establishing communication between the children and their families. Increased participation of government institutions, through local municipalities and social welfare centers is most important as well as activating all relevant stakeholders. It is important that government institutions support the children in the area of their cultural, religious and ethnic identity, together with successful inclusion into the educational system in Serbia.

***More attention should be given to integration of migrants that are in Serbia for a longer period or have the intension to remain. The Network of migration service centers is a suitable solution.*** However, increased engagement is necessary, as well as participation and coordination of all relevant institutions and ministries, not only the National Employment Agency and international organizations. Public discussions with civil society are curtail in overcoming challenges in this area. Serbia is still considered as a transit country, and this is frequently used as an excuse for limited inclusion of migrants in the labour market. It is also important to include employers in the dialogue through provision of relevant information about migrants as workers in order for them to be informed about the education and qualifications of migrants.