

# ON YOUTH RIGHTS IN SERBIA 2019

## ZERO REPORT



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IN THE REPUBLIC OF SERBIA, 2019

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## **ZERO REPORT ON YOUTH RIGHTS IN SERBIA 2019**



**STAND UP  
FOR HUMAN  
RIGHTS**  
#STANDUP4HUMANRIGHTS

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## INTRODUCTION

No comprehensive reports have been published to date in Serbia on the exercise of youth rights. For many years, the Belgrade Centre for Human Rights has been implementing activities in the youth sector and working with young people throughout Serbia, so thanks to the experience of working with and for young people and to the comments received from fellow youth workers and everyone else who include youth issues in their programmes, we are convinced that there is a need to produce a special report on the exercise of youth rights in the Republic of Serbia. In addition, the long-standing practice of the Belgrade Centre to report on human rights in Serbia through its Annual Reports has contributed to the methodology of drafting this Zero Report, thereby launching a new youth rights reporting practice on an annual basis as of 2020.

Human rights belong to all people, regardless of their nationality, place of residence, sex, gender identity, sexual orientation, origin, skin colour, religion, the language they speak, or any other personal characteristic. All people are equal and have the right to enjoy human rights without discrimination on any grounds;<sup>1</sup> thus, the human rights guaranteed to all belong equally to young persons as a special group, with particular attention to the specificities of the group itself, that is, the obstacles to the exercise of real equality.

The need for such a report lies in the fact that

<sup>1</sup> For more on human rights, see: <https://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>.

certain social groups, despite all the guarantees in numerous international treaties and the national legislation encounter obstacles in their exercise of human rights and fundamental freedoms. Young people did not distinguish themselves as a separate population category, nor were binding international instruments which would oblige the states to make specific legal provisions in the national plan for the youth rights protection adopted with regard to them.

The motive for exploring the extent to which youth rights are exercised in Serbia lies in the Human Rights Council resolution adopted in June 2017,<sup>2</sup> which recommends that United Nations Member States consider, through the Universal Periodic Review of the Human Rights Council (UPR) and reports submitted to the UN treaty bodies, the problems that young persons face in order to fully exercise the youth rights and to share the best practice examples they have developed in their work on the exercise of youth rights.

The purpose of this Report is to present the situation and identify the existing challenges and obstacles to the exercise of the youth rights in the Republic of Serbia. The analysis of the position of young persons is based on the fact that, despite the fact that all young persons have the same rights, 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 LGBTQI community, or young people with disabilities - so the Report specifically addresses these

<sup>2</sup> Human Rights Council Resolution 35/14, 22 June 2017. Available at: <https://www.right-docs.org/doc/a-hrc-res-35-14/>.

categories of young people. The position of certain categories is particularly complicated when analysing the situation of multiply vulnerable categories, which is why our main task is to provide sufficient information on the exercise of youth rights in Serbia, and to continuously monitor and report in the coming years on the status and enjoyment of human rights of young persons as a particularly vulnerable population category, bearing in mind the risks of multiple and multidimensional discrimination.

Meanwhile, the Report will also serve as basis for future activities of organisations of and for youth, for well-founded advocacy for a better position of young people in Serbia before the United Nations mechanisms, international stakeholders and decision-makers.

The past surveys on the position of young persons and the experience we have gained in the preparation of this Report indicate that young persons in Serbia are most interested in the exercise of economic and social rights and that those rights are most closely related to the participation of young persons in social processes and are recognised by young persons as rights which are most threatened or neglected. Therefore, the major part of this Report is about the rights that have been identified as such.

The Report draws on the methodology used by the Belgrade Centre for Human Rights since 1998, since the publication of the comprehensive Human Rights Report in Serbia.<sup>3</sup> The subject of

the analysis were the international human rights treaties, especially those adopted under the United Nations system, as well as Serbia's laws in force in 2019, the practice of the state authorities in the protection and exercise of guaranteed human rights, reports of domestic and international non-governmental organisations and information and statements of professional associations. Independent state institutions' reports and media coverage of the exercise and protection of human rights are also being monitored, as well as information presented in meetings, conferences and roundtables discussing the status of young persons and the enjoyment of their rights. In addition, some data have been obtained in regular contact with youth which the Belgrade Centre for Human Rights maintains through its youth programmes throughout the country and at various occasions and fora.

The Report is a result of the work of associates of the Belgrade Centre for Human Rights Youth Programme: Natasa Nikolic, Nevena Nikolic and Demir Mekic. We would like to thank Uros Savic Kain who contributed to the drafting of certain chapters of the Report.

We owe special thanks to the United Nations Human Rights Team in Serbia for providing expert support to the Belgrade Centre for Human Rights Youth Centre in reporting on human rights in 2019.

*Editor*

*Nevena Nikolic,  
Youth Programme Coordinator*

<sup>3</sup> For more details, see: <http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2014/01/Ljudska-prava-u-Srbiji-2018.pdf> strana 21.



## I. YOUTH RIGHTS IN SERBIA - SOCIAL POLICY FRAMEWORK

There are major differences in the definitions of youth and young people. Different states and international organisations do not define these terms in the same way. The United Nations has adopted the definition of youth as "a period of transition from the dependence of childhood to adulthood's independence".<sup>4</sup>

Young people are most often defined by the lower and upper age limits, but they vary from country to country. The period of transition from childhood to adulthood often also depends on socio-economic conditions. For example, in Japan, young people are defined as all persons from birth to 30 years of age<sup>5</sup>, while young people in Nigeria are defined as persons between 18 and 35 years of age.<sup>6</sup> Documents adopted under the auspices of the UN relating to young people are also not consistent in setting the lower and upper age limits. For example, the United Nations World Programme of Action for Youth defines young people as persons between the ages of 15 and 24, while in the 2015 United Nations Security Council Resolution on Youth, Peace and Security, youth are defined as persons aged 18 to 29. Defining the category of young people is often hindered by the definition of the concept

<sup>4</sup> For more on youth definitions, see: <https://www.un.org/esa/socdev/documents/youth/fact-sheets/youth-definition.pdf>.

<sup>5</sup> Basic information on Japan's youth policy: <https://www.youthpolicy.org/factsheets/country/japan/>.

<sup>6</sup> Basic information on Nigeria's youth policy: <https://www.youthpolicy.org/factsheets/country/nigeria/>.

of a child prescribed by the 1989 Convention on the Rights of the Child, according to which a child is every human being under the age of 18.<sup>7</sup>

For the purposes of this Report, the categorisation of young people set out in the 2011 Youth Act is used, according to which young people are persons from the age of 15 to the age of 30.<sup>8</sup>

When it comes to data relating to youth, such as, for example, data on youth employment, involvement in different levels of the education system, use of social protection services, etc., the biggest problem is that, when we accept that the category of young people includes persons aged 15 to 30 as defined by the Youth Act, there is an unequal use of the age category by the institutions to the remit of which this data belong. Although the law establishes the youth age framework, it is not used consistently, making research into the position of young people difficult.

Another inconsistency is also evident in the legislation itself, as the definitions of young people overlap with the definition of children. Article 11 of Serbia's Family Act<sup>9</sup> stipulates that the age of majority is acquired at the age of 18, while the Youth Act defines young people as persons from the age of 15 to the age of 30.

The United Nations Convention on the Rights of the Child also defines children as all persons under the age of 18 (Article 1 of the Convention),

leading to the same overlap. The question is whether such dual status affects the exercise of certain rights and how young people with dual status are treated in different legal situations. If such a status were found to put youth between the ages of 15 and 18 at a disadvantage, then it would be necessary to revise the aforementioned laws regulating the status of children and youth.

## 1. UNITED NATIONS YOUTH RIGHTS STANDARDS

*With a global youth population of 1.8 billion, there are more young people in the world than ever before. This demographic reality creates the so far greatest opportunities for social and economic progress. At the same time, many young people are prevented from fulfilling their potential due to the violation of their fundamental rights.<sup>10</sup> (comment from the United Nations Human Rights Report 2018)*

There is no specific United Nations convention that explicitly prescribes the specific rights of young people, nor a special United Nations body that monitors the fulfilment of the obligations of the UN Member States with regard to the exercise of youth rights. According to the OHCHR's Office of the UN High Commissioner for Human Rights, the main barriers young people face today are participation in social and political life, transition from school to work, access to health, including sexual and reproductive health and rights, the right to refuse military service, vulnerability in

different situations (e.g. young migrants).<sup>11</sup>

The United Nations Envoy on Youth was introduced in 2013 and mandated to bring the voice of the youth closer to the United Nations system and, therefore, works with various UN agencies, governments, civil society, academia and media stakeholders towards the empowerment of the position of youth within and outside the United Nations system. Its role is to advocate the youth rights and address the needs of young people.<sup>12</sup>

Ahmad Alhendawi was the first Envoy on Youth. He remained in office until 2017 and initiated the establishment of a youth volunteer programme within the United Nations Volunteer Programme, as well as the development of a systematic youth action plan within the United Nations. Jayathma Wickramanayake, the current Youth Envoy, took office in 2017. Under her leadership, a vision was launched of 17 young UN leaders who advocate for sustainable development goals through their innovative work, and who are recognised every two years for their contributions to the United Nations.<sup>13</sup>

The universal international documents relevant to the analysis of the situation and exercise of the youth rights are the Universal Declaration of Human Rights,<sup>14</sup> the International Covenant on Civil and Political Rights and the International

<sup>11</sup> Source: <https://www.ohchr.org/Documents/Issues>Youth>YouthrightsbriefeOHCHR.pdf>.

<sup>12</sup> Source: <https://www.un.org/youthenvoy/>.

<sup>13</sup> For more details, see: <http://sdgyl.org/>.

<sup>14</sup> It was adopted by the UN General Assembly Resolution 217 (III) of 10 December 1948.

Covenant on Economic, Social and Cultural Rights,<sup>15</sup> the Convention on the Rights of the Child<sup>16</sup> and the Optional Protocol to this Convention. The International Convention on the Rights of Persons with Disabilities,<sup>17</sup> the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>18</sup> the International Convention on the Elimination of All Forms of Discrimination against Women,<sup>19</sup> and the Optional Protocol<sup>20</sup> thereto.

The topic of youth rights<sup>21</sup> came to the fore with the adoption of the United Nations Human Rights Council Resolution 35/14 on 22 June 2017. The resolution calls upon Member States to promote and ensure the full realization of all human rights and fundamental freedoms for youth, including, where appropriate, by taking measures to combat

<sup>15</sup> It was adopted by the UN General Assembly Resolution 2200 A (XXI) of 16 December 1966. Our country ratified them in 1971, and later also the two Optional Protocols to the International Covenant on Civil and Political Rights, Official Gazette of the SFRY - International Treaties 7/71 and the SCG Official Gazette - International Treaties no. 4/01

<sup>16</sup> Adopted by the UN General Assembly Resolution UN 44/25 of 20 November 1989. Our country ratified this convention in 1990, *SFRY Official Gazette – International Treaties 15/90* and *FRY Official Gazette – International Treaties 4/96 i 2/97*

<sup>17</sup> Adopted by the UN General Assembly Resolution 44/25 of 13 December 2006. Our country ratified it in 2009, *RS Official Gazette – International Treaties 42/09*

<sup>18</sup> Adopted by the UN General Assembly Resolution, 2106 A (XX) of 21 December 1965. Our country ratified it in 1967, *NFRY Official Gazette International Treaties 6/67*.

<sup>19</sup> The Convention was adopted through the UN General Assembly Resolution 34/180 in 1979. Our state ratified it in 1967, *FNRY Official Gazette – International Treaties 11/81*.

<sup>20</sup> T Adopted in 1999 through the UN General Assembly Resolution. It was ratified in 2002, *SFRY Official Gazette – International Treaties 13/02*.

<sup>21</sup> The history of the youth rights concept dates back to the Declaration of the Rights of American Youth (1936), meetings on youth rights of the United Nations Secretariat (1973), Special Rapporteur on Human Rights and Youth (1992).

age discrimination, neglect, abuse and violence. It also underlines the fact that the full enjoyment of human rights and fundamental freedoms by young people empowers them to contribute as active members of society to the political, civil, economic, social and cultural development of their countries.

In addition to this resolution, the United Nations Security Council Resolution 2250 of 2015, which is the first United Nations document to highlight the role of young persons in peace and security, is also important.<sup>22</sup> The Resolution highlights the role of young people in peacebuilding and the fight against violent extremism, thus underscoring the importance of involving young people in peacebuilding and calls on Member States to increase youth participation in decision-making at all levels.

The United Nations Department of Social and Economic Affairs (UN DESA) published the 2018 World Youth Report in 2018<sup>23</sup>, highlighting the role that young persons play in achieving the Sustainable Development Goals listed in the 2030 Agenda for Sustainable Development. This report recognizes the role that the 2030 Agenda for Sustainable Development plays when it comes to efforts aimed at improving the situation of young persons, especially when it comes to young persons and gender, health, reducing inequality, combating poverty and hunger, unemployment,

<sup>22</sup> S/RES/2250 (2015), UN Security Council Resolution, adopted on 9 December 2015, available at: [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2250\(2015\)&referer=/english/&Lang=E\\_](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2250(2015)&referer=/english/&Lang=E_)

<sup>23</sup> *World Youth Report*, available at: <https://www.un.org/development/desa/youth/world-youth-report/wyr2018.html>.

migration and climate change.<sup>24</sup>

The 73<sup>rd</sup> Session of the United Nations General Assembly adopted the Youth 2030: The United Nations Strategy on Youth which is based on the outcomes of youth programmes around the world. The 2030 Strategy emphasises the need for young persons to be more actively involved in contributing to the work of the United Nations system, as well as the importance of their insights and ideas. Five priority areas have been identified in the 2030 Strategy: youth engagement, participation and advocacy; ensuring informed and healthy foundation through education and health care; economic empowerment through decent work, human rights; and peace and resilience building.<sup>25</sup>

However, despite the efforts by the United Nations to incorporate the youth rights into the global agenda and despite the fact that the World Youth Report was drafted in this organization, the United Nations Member States continue to neglect them. Despite the fact that, at the universal level, efforts are being made to bring the issue of youth rights to the fore to the extent that would lead to a change in policies and practices in the Member States, the issue is being raised of an independent document or convention, which, in the wake of the treaties so far adopted, would provide a clear instruction to the States and holders of the rights and obligations on the binding nature of youth rights.

<sup>24</sup> *World Youth Report*, p. 1-3.

<sup>25</sup> Source: <https://www.un.org/sustainabledevelopment/blog/2018/09/youth2030-launch/>.

## 2. UNITED NATIONS HUMAN RIGHTS MECHANISMS AND SERBIA'S OBLIGATIONS

Of a total of 392 recommendations addressed to Serbia by the UN-system human rights monitoring mechanisms (the Human Rights Council - Universal Periodic Review and the Treaty Bodies - UN Committees), 47 can be linked to the position of young persons (recommendations aimed at education and prevention of dropping out of school; harmful practices - early marriages, teenage pregnancy; as well as measures to combat domestic violence and violence against women, discrimination against LGBTI persons and people living with HIV). Young persons are explicitly mentioned in only eight recommendations to the Republic of Serbia. One of the recommendations made by Moldova to the Republic of Serbia as part of the third cycle of the Universal Periodic Review - UPR in January 2018 concerns the adoption of the National Strategy for the Prevention of Domestic and Partner Violence Against Women and Girls.<sup>26</sup>

An analysis of the recommendations made by the UN Treaty Bodies in their concluding deliberations on Serbia's periodic reports shows that the committees rarely address the exercise of youth rights. Therefore, for example, The United Nations Committee on the Rights of Persons with Disabilities (CRPD), in its concluding observations on Serbia's Initial Report on the Implementation of the Convention on the Rights of Persons with Disabilities, made

<sup>26</sup> Recommendations addressed to Serbia within the third cycle UPR are available at: [https://judskaprava.gov.rs/sites/default/files/dokument\\_file/9.\\_response\\_-\\_recommendations\\_-\\_iii\\_cycle\\_upr.doc](https://judskaprava.gov.rs/sites/default/files/dokument_file/9._response_-_recommendations_-_iii_cycle_upr.doc)

five recommendations concerning the promotion of the rights of children with disabilities, but no recommendations concerning youth rights. On the other hand, it is noted that alternative reports addressed to the UN mechanisms often lack perspectives that include the position and rights of youth, and that there are very few reports by organisations of and for youth.

The 72<sup>nd</sup> session of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) was held in February 2019, discussing the Fourth Report of Serbia on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. Only three recommendations regarding youth can be found in the concluding observations of this Committee.<sup>27</sup> The first subgroup of young people mentioned are young women regarding which the Committee recommends that the State design and implement measures to create more opportunities for young women, provide access to employment and promote a positive image of women in business and overall professional life.<sup>28</sup> Another subgroup of young people is young mothers. Specifically, the Committee in its considerations requires the state to provide regular wage payments during pregnancy, maternity leave and childcare leave and to facilitate the return to work of this vulnerable social group.<sup>29</sup>

<sup>27</sup> Committee on the Elimination of All Forms of Discrimination against Women Concluding observations are available at: [https://ljudskaprava.gov.rs/sites/default/files/dokument\\_file/cedaw\\_zakljucna\\_zapazanja\\_srb.doc](https://ljudskaprava.gov.rs/sites/default/files/dokument_file/cedaw_zakljucna_zapazanja_srb.doc).

<sup>28</sup> *Ibid*, paragraph 36, item b. 29  
<sup>29</sup> *Ibid*, paragraph 38, item a. 30

The recommendation of the CEDAW Committee, which explicitly mentions young persons as a group, refers to raising awareness of contemporary forms of contraception and the obligation of the state to ensure that abortion is not used as a method of contraception. The Committee also emphasises the importance of education and media campaigns targeting young people and adolescents, especially among the Roma population.<sup>30</sup>

In the United Nations Committee on the Elimination of Racial Discrimination (CERD) Concluding Observations based on the combined Second, Third, Fourth and Fifth Periodic Reports of the Republic of Serbia<sup>31</sup> of 1 December 2017, two recommendations refer to children. The first deals with migrants and obliges the state to ensure the enrolment of migrants in primary school and provide them with the necessary support, and the second to Roma children, as it seeks to end segregation in public schools and provide good quality education for Roma children.<sup>32</sup> There are no recommendations addressed to Serbia that directly concern youth.

The United Nations Committee on the Rights of the Child (CRC) considered Serbia's Second and Third Report on the implementation of the Convention on the Rights of the Child, and, in its concluding observations of 3 February 2017, made four recommendations relating

<sup>30</sup> *Ibid*.

<sup>31</sup> Committee on the Elimination of all Forms of Racial Discrimination Concluding Observations are available at: [https://ljudskaprava.gov.rs/sites/default/files/dokument\\_file/zakljucna\\_zapazanja\\_cerd\\_srb\\_decembar\\_2017.doc](https://ljudskaprava.gov.rs/sites/default/files/dokument_file/zakljucna_zapazanja_cerd_srb_decembar_2017.doc).

<sup>32</sup> *Ibid* Paragraph 21 and Paragraph 27

to youth.<sup>33</sup> The Committee recommended that the State strengthen support for children and youth leaving alternative care facilities and enable their integration,<sup>34</sup> allocate appropriate human and financial resources to ensure the implementation of the Decree on the National Health Care Programme for Women, Children and Youth,<sup>35</sup> address issues related to frequent drug use by children and adolescents and develop affordable drug addiction treatment tailored to young people<sup>36</sup> and to review legislation, policies and programmes to prevent the homelessness of young people leaving alternative care.<sup>37</sup>

Since 2015, four Special Rapporteurs have visited Serbia: the United Nations Special Rapporteur on the right to adequate housing, the United Nations Special Rapporteur on cultural rights, the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, and the Special Rapporteur on the human rights of internally displaced persons.<sup>38</sup>

The Special Rapporteur on the right to adequate housing<sup>39</sup> deals with young people in the part concerning unemployment, stating that the youth

<sup>33</sup> Committee on the Rights of the Child Concluding Observations are available at: [https://ljudskaprava.gov.rs/sites/default/files/dokument\\_file/zakljucna\\_zapazanja\\_komiteta\\_za\\_prava\\_deteta\\_srb\\_doc](https://ljudskaprava.gov.rs/sites/default/files/dokument_file/zakljucna_zapazanja_komiteta_za_prava_deteta_srb_doc)

<sup>34</sup> *Ibid*, paragraph 40, item f.

<sup>35</sup> *Ibid*, paragraph 46, item b.

<sup>36</sup> *Ibid*, paragraph 50, item c.

<sup>37</sup> *Ibid*, paragraph 51, item c.

<sup>38</sup> The report available at: [https://spinternet.ohchr.org/\\_layouts/15/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=SRB](https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=SRB).

<sup>39</sup> The report available at: [https://spinternet.ohchr.org/\\_Layouts/15/SpecialProceduresInternet/Download.aspx?SymbolNo=A%2fHRC%2f31%2f54%2fAdd.2&Lang=en](https://spinternet.ohchr.org/_Layouts/15/SpecialProceduresInternet/Download.aspx?SymbolNo=A%2fHRC%2f31%2f54%2fAdd.2&Lang=en).

unemployment rate in Kosovo\*<sup>40</sup> is 55%, and also sees a difference in the unemployment rate for young women and girls (56%) and that for young men (40%).<sup>41</sup> The situation is similar in Serbia, where the unemployment rate is 23.8% for young women and girls and 20.8% for young men. It is also reported that young people in Serbia between the ages of 15 and 24 are at twice the risk of unemployment than the adult population.<sup>42</sup> The same report also mentions young people leaving Kosovo\* due to poor economic conditions,<sup>43</sup> as well as the general exclusion of young people as a vulnerable group due to the slow progress of the new social housing system.<sup>44</sup> Young people are also mentioned in two recommendations of the Special Rapporteur on adequate housing. One requires the state to draw up a comprehensive assessment of housing needs that specifically addresses those groups of the population which are invisible, such as women, youth and the elderly. The second recommendation calls for the state to take steps to ensure that the new Social Housing Act complies with international human rights standards, taking into account low-income groups such as young people and the elderly.<sup>45</sup>

The Special Rapporteur on cultural rights 2018 report<sup>46</sup> mentions young people in only two paragraphs, in the paragraph referring to

<sup>40</sup> Reference to Kosovo is implied as the one in the context of the Security Council Resolution 1244 (1999).

<sup>41</sup> *Ibid*, paragraph 66.

<sup>42</sup> *Ibid*, paragraph 8.

<sup>43</sup> *Ibid*, paragraph 67.

<sup>44</sup> *Ibid*, paragraph 29.

<sup>45</sup> *Ibid*, paragraph 104, item c.

<sup>46</sup> The report available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/014/89/PDF/G1801489.pdf?OpenElement>.

equipping libraries in rural areas with materials intended for young people<sup>47</sup> and in describing the state of equality and inclusion in Kosovo\*, which states that, due to the reduced educational opportunities in the Serbian language, young Serbs from Kosovo\* often have to use military transport to travel long distances.<sup>48</sup>

The report of the Special Rapporteur on torture on his visit to Serbia in November 2017, which was published in March 2019,<sup>49</sup> does not directly address youth. Although the Special Rapporteur on torture visited the Home for Children and Youth with Disabilities in Vетерник, the Report does not address the state of the youth, but only addresses problems related to the equipment of the institution and its staff.<sup>50</sup> The Report states that the Special Rapporteur has had the opportunity to meet and speak with juvenile offenders and there are no recommendations addressed directly to the Republic of Serbia concerning this vulnerable group of young people.<sup>51</sup>

### 3. STRATEGIC FRAMEWORK OF THE POSITION OF YOUTH IN SERBIA

The current Youth Strategy in Serbia is the National Youth Strategy for the period 2015-2025.<sup>52</sup> The Strategy sets out the basic principles

<sup>47</sup> Ibid, paragraph 31.

<sup>48</sup> Ibid, paragraph 55.

<sup>49</sup> A/HRC/40/59/Add.1. The report in English available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/019/18/PDF/G1901918.pdf?OpenElement>.

<sup>50</sup> Ibid, paragraph 6 and paragraph 38.

<sup>51</sup> Ibid, paragraph 7.

<sup>52</sup> More on the fundamental principles of the National Youth Strategy 2015-2025 and its goals is available at: [https://www.mos.gov.rs/mladisuzakon/attachments/article/389/national\\_strategy\\_for\\_mlade0101\\_cyr.pdf](https://www.mos.gov.rs/mladisuzakon/attachments/article/389/national_strategy_for_mlade0101_cyr.pdf).

that govern it, as well as the goals it seeks to achieve when it comes to the position of young people in Serbia. The objectives stated in the Strategy relate to the employability and employment of young women and men, quality and opportunities for acquiring qualifications and development of competences and innovativeness of young people, active participation of young women and men in society, health and well-being of young women and men, conditions for developing a youth safety culture, support for the social inclusion of young people from categories at risk of social exclusion, mobility, the scope of international youth cooperation and support for young migrants, the youth information system and knowledge about young people, as well as the participation of young people in the creation of cultural content and their use of cultural content.<sup>53</sup> The principles underlying the Youth Strategy are:

1. Supporting the personal and social empowerment of young people
2. Respect for human and minority rights, equality and non-discrimination
3. Equal opportunities for all
4. of young people and their social role
5. Active participation of young people and cooperation
6. Social responsibility and solidarity.

The implementation of the National Youth Strategy objectives for the period 2015-2025 is foreseen in the Action Plan for the implementation of the National Youth Strategy for the period 2018-

2020.<sup>54</sup> Within the Action Plan, indicators of the level of implementation of activities, periods of implementation and levels of implementation are specified, the implementing agencies and the participants of the process of implementation are defined, as well as the necessary funds for the implementation of the Strategy.

The Strategy also recognises the emergence and likelihood of multiple vulnerabilities which can affect young people and lists youth with disabilities, youth belonging to the LGBT population, youth without parental care and young Roma as the young persons at particular risk of social exclusion, poverty and multiple discrimination based on personal characteristics. As young people are in themselves a vulnerable category of the population, any other personal characteristic that young people may have which makes them susceptible to multiple discrimination entails an additional need for measures aimed at improving their position in the society.

### 4. REPORTS ON YOUTH IN SERBIA

At the national level, the Ministry of Youth and Sports conducts annual surveys on the position and needs of young people. The aim of this survey is to provide an external evaluation of the current situation in the areas of strategic interest to young people as defined in the National Youth Strategy. The conducted research is the basis for monitoring the implementation of activities and achievement of the planned results and

<sup>53</sup> The National Youth Strategy 2015-2025, p. 11.

the specific goals defined in the National Youth Strategy.<sup>55</sup>

With regard to the existing reports on the situation of young people in Serbia, the most comprehensive report by civil society organisations so far has been submitted by the National Youth Council of Serbia. The Alternative Report on the Position and Needs of Youth<sup>56</sup>, published annually by the NYC of Serbia, covers the following areas of youth life in Serbia: political participation and relationship of political entities to youth, youth values, media, social networks and applications, youth and labour market, youth and education, youth and activism, volunteer work and youth safety. Although this report does not address all aspects of youth life and the enjoyment of all human rights, it is the most comprehensive report that has young people as its target group.

The NYC of Serbia report does not address the youth rights in detail and it is, therefore, necessary to determine, in a further analysis, what human rights the Zero Report deals with, to what extent they have been achieved and to what extent they are threatened.

<sup>55</sup> From the Survey on the Position and the Needs of the Youth in Serbia of 2016: <https://www.mos.gov.rs/public/ck/uploads/files/Istrazivanje%20polozaja%20potreba%20mladih%20teren%20decembar%202016%20korekcija.pdf>. Reports for 2017 and 2018 available on request.

<sup>56</sup> Alternativni izveštaj o stanju ekonomskih i socijalnih prava u Srbiji / Alternative Report on the Position and the Needs of Youth in Serbia for 2019 available at: <https://koms.rs/wp-content/uploads/2019/09/Alternativniizves%C8Ctaj-o-poloz%C8C8caju-i-potrebama-mladih-2019-1.pdf>.



## II. SPECIAL YOUTH RIGHTS

### 1. RIGHT TO WORK (ARTICLE 6 INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR))

Article 6 of the Covenant on Economic, Social and Cultural Rights reads as follows:

*"The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual."*

In the concluding observations of the Committee on Economic and Social and Cultural Rights on the Second Periodic Report of Serbia,<sup>57</sup> the Committee regrets the insufficient information on the use of the maximum resources available by the state in the gradual achievement of full realization of the rights recognized in the Covenant (Article 2, Paragraph 1), and recommends that the State regularly assess the impact of the steps taken to determine whether

<sup>57</sup> Committee on Economic and Social and Cultural Rights, Concluding observations on the Second Periodic Report of Serbia 2014, available at: [http://www.ljudskaprava.gov.rs/sites/default/files/dokument\\_file/e\\_c-12\\_srb\\_co\\_2\\_17290\\_e\\_clean1.doc](http://www.ljudskaprava.gov.rs/sites/default/files/dokument_file/e_c-12_srb_co_2_17290_e_clean1.doc).

maximum resources have been used gradually to achieve the full realization of the rights recognised in the Covenant.

When analysing the extent to which the right to youth work and employment is realised, it is necessary to see what steps a state is taking to achieve the full enjoyment of the right to work.

#### 1.1. YOUTH EMPLOYMENT AND ACTIVE EMPLOYMENT POLICY MEASURES

The right to work also implies the obligation of the state to formulate and implement employment policies aimed at stimulating economic growth and development, raising living standards, meeting the demands of the workforce and overcoming unemployment and underemployment.<sup>58</sup>

It is worrying to note that while the unemployment rate has been decreasing in recent years, the youth unemployment rate remains at a similar level compared to other age groups<sup>59</sup> and their disadvantage on the labour market is not progressing despite the existence of the National Youth Strategy<sup>60</sup> and steps provided for this purpose.

The reasons for the high level of youth unemployment that are formally quoted are: inadequate qualification structure which does not

<sup>58</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 18: The Right to Work (Art. 6 of the Convent), 6 February 2006, E / C.12 / GC / 18, see: <https://www.refworld.org/docid/4415453b4.html>.

<sup>59</sup> Anketa o radojno snazi za II kvartal 2019. Godine (Labour force Survey for the Second Quarter of 2019), available at: <https://www.stat.gov.rs/sr-latn/oblasti/trziste-rada/anketa-o-radojsnazi/>

<sup>60</sup> RS Official Gazette, 22/15.

meet the needs of the labour market, while the low economic activity level is being neglected, low demand for labour, high general unemployment rate, high underemployment rate, rightsizing and prohibition of employment in the public sector, low wages, violation of the rights related to labour and based on labour, high rates of poverty and social exclusion.<sup>61</sup> In such a situation, young persons find it increasingly difficult to find a job, and when they do, they are usually jobs below their qualifications, temporary and part-time jobs which are paid less than those performed by full-time employees, as shown by the results of the survey on the transition from education to the labour market.<sup>62</sup>

According to the latest available labour force data, youth unemployment is twice as high as general unemployment<sup>63</sup> and according to the Labour Force Survey, it stands at 24.4%,<sup>64</sup> which, when taken into account data from previous years, remains at a similar level relative to general unemployment.<sup>65</sup> Also, relevant data on youth unemployment in the Republic of Serbia do not

<sup>61</sup> S. Brdaš, *Mladi i dostojanstven rad*, Fondacija Centar za demokratiju (Youth and Decent Work, Centre for Democracy Foundation), available at: <http://www.centaronline.org/sr/publikacija/1785/mladi-i-dostojanstven-rad>

<sup>62</sup> D. Marjanović, *Tranzicija mladih žena i muškaraca na tržištu rada Republike Srbije* (Transition of Young Women and Men in the Labour Market of the Republic of Serbia), International Labour Organization, Belgrade, 2016.

<sup>63</sup> See: <https://beta.rs/vesti/drustvo-vesti-srbija/119531-djordjevicstopa-nezabolosti-mladih-dvorostko-more-than-general-unemploymentvideo>.

<sup>64</sup> Labour Force Survey for the Second Quarter of 2019, available at: <https://www.stat.gov.rs/sr-latn/oblasti/trziste-rada/anketa-o-radnoisnazi/>

<sup>65</sup> S. Brdaš, *Mladi i dostojanstven rad*, Fondacija Centar za demokratiju (Youth and Decent Work, Centre for Democracy Foundation), available at: <http://www.centaronline.org/en/publication/1785/young-and-dignified-work>.

correspond to the actual situation on the labour market. They are shown only according to the data from the National Employment Service (NES), not taking into account the number of young people leaving the country, the number of those working part-time or temporarily, those who work in the grey area and so on.<sup>66</sup> In addition, the official statistics in Serbia does not carry out a survey on job vacancies, although this is a state obligation under the new Official Statistics Programme and set as a requirement in the Report on the Compliance of the Serbian Legislation with the EU Acquis.<sup>67</sup> According to the Trading Economics list, Serbia ranks seventeenth in terms of youth unemployment out of a total of 63 countries for which data are collected.<sup>68</sup> According to the Youth and Decent Work survey conducted on a group of respondents from 16 to 30 years of age, an analysis of the structure of youth employment in terms of the type of engagement and working conditions indicates a high proportion of atypical, non-standard forms of work (part-time, temporary, the informal sector).

Limited employment opportunities and high youth unemployment leave little choice to the young people, so they accept precarious jobs where they are poorly paid or jobs for which they are

<sup>66</sup> For more on the methodology for calculating unemployment and data inadequacy in relation to economic growth, see *Ljudska prava u Srbiji* (Human Rights in Serbia), 2018, Belgrade Centre for Human Rights, II.11.3.

<sup>67</sup> *Analiza stanja ekonomskih i socijalnih prava u Srbiji*, Centar za Dostojanstven rad (Analysis of the Situation of Economic and Social Rights in Serbia), Centre for Decent Work, Belgrade, 2019. More at: <https://pescanik.net/wpcontent/uploads/2019/07/ceo-izvestaj-CDR.pdf>.

<sup>68</sup> See: <https://tradingeconomics.com/country-list/youthunemployment-rate>.

overqualified, with limited access to social security. Many are also deprived of their guaranteed labour rights: the possibility for them to join a trade union, to be paid for overtime work, to be entitled to a hot meal, to a commute remuneration and to a paid sick leave.<sup>69</sup> This position of young people in the labour market certainly takes the form of precarious work, having in mind the data of the mentioned survey, according to which the majority of young people (57%) are engaged in some of the precarious forms of employment: part-time (36%), temporary and occasional jobs (8%), or informally (11%), which is contrary to the principles of decent work, and is directly related to the existential insecurity of young people.<sup>70</sup>

Active employment policy measures (trainings, employment incentives, direct job creation, activation measures and employment incentives) are unavailable to most unemployed on the NES register. According to the NES Labour Report in 2018, 21.2% of young people under 30 (i.e. 117,078 persons) were on the unemployment register. Of these, only 3,098 young people were included in entrepreneurship development training (which is 2.64% of the total number of unemployed young people on the register). There were 4,430 young people up to 30 years of age in professional practice (which is 3.78% of unemployed young people from the register), and 223 young people up to 30 years of age included in the programme for acquiring practical knowledge for unskilled persons,

<sup>69</sup> S. Brdaš, S. Brdaš, *Mladi i dostojanstven rad*, Fondacija Centar za demokratiju (Young and Decent Work, Centre for Democracy Foundation), available at: <http://www.centaronline.org/en/publication/1785/young-distant-rad..>

<sup>70</sup> *Ibid*

redundancies and long-term unemployed persons (0.1% of total youth from the records). Subsidised employment covers 1,195 young people under 30 (which is 1.2% of the total number of young people on the unemployment register), 515 young people up to 30 years of age are engaged in public works (0.4% of the total number of young people on the register), while 837 unemployed young people received subsidies for self-employment (0.7% of the total number of unemployed youth from the register).<sup>71</sup> In view of the above, it could be concluded that this situation is the result of an insufficiently systematic approach to the position of young people in the labour market, which causes the introduction of inadequate measures of active employment policies and other measures aimed at improving the position of young people, which further leads to the budgetary spending disproportionate to the actual needs. This is supported by the latest available evaluation of a package of youth policies,<sup>72</sup> which has shown positive effects only in the policy of acquiring practical knowledge. According to the NES Labour Report 2017, active employment policy measures cover only 4.1% of unemployed people on record, including young people and most of these measures do not lead to an employment with a stable income. The unemployed are instead

<sup>71</sup> Report on the NES Operations for 2018, Belgrade, 2019, available at: [http://www.nsz.gov.rs/live/digitalAssets/12/12205\\_izvestaj\\_o\\_radu\\_nsz\\_za\\_2018.pdf](http://www.nsz.gov.rs/live/digitalAssets/12/12205_izvestaj_o_radu_nsz_za_2018.pdf).

<sup>72</sup> D. Marjanović et al., Evaluacija paketa usluga za mlađe i relevantnih programa i mera finansiranih iz budžeta Vlade Republike Srbije koji su usmereni ka mlađima. Tim za socijalno uključivanje i smanjenje siromaštva, Vlada Republike Srbije (Evaluation of the youth service package and the relevant programmes and policies funded by the Government of the Republic of Serbia budget aimed at youth; Social Inclusion and Poverty Reduction Team, Government of the Republic of Serbia), Belgrade, 2016.

hired for temporary jobs for which they do not receive adequate compensation. The expenditure for active employment policies in 2017 was 0.08% of the GDP, well below the level planned in the National Employment Strategy 2011-2020 for 2020 of 0.5% of GDP.

## 1.2. YOUTH MIGRATION AND LABOUR MOBILITY

In recent decades, Serbia has been seriously addressing the problem of the outflow of young educated persons. The damage caused by this phenomenon is multifaceted - in addition to changing the demographic structure of the population, the state is making a loss because it invests in the education of staff that will later employ their knowledge in another country and participate in its reproduction. As a result, Serbia is increasingly losing qualified staff, that is, its human capital, coupled with economic losses amounting to billions of euros. The most common reason quoted by young persons who participated in a survey on migration<sup>73</sup> is unemployment, and it is most prominent in those who describe themselves as potential migrants. Other reasons include economic problems, lack of security, the socio-political situation and the operation of local governments. As motives for leaving Serbia, the young persons who participated in the survey quote better jobs (that is, better paid

jobs) and conditions for business advancement, as well as better quality of life, i.e. a healthier and a more peaceful life. Marriage as a motive is ranked third, while education is not singled out, but is closely linked to employment and living conditions. The findings of this survey only confirm the findings of similar surveys from a decade ago,<sup>74</sup> in which distrust of stability and sustainability of the social order in Serbia is highlighted as the reason for young persons considering emigration, which is again conditioned by unemployment and economic problems.

Although the exact number cannot be determined reliably, data from the European Statistical Office show that more than 4,000 people leave Serbia every month, and 51,000 annually<sup>75</sup> (mostly young people) - which is roughly the population of an entire municipality in Serbia. Another survey<sup>76</sup> outlines specific state measures that could potentially keep young persons from going abroad. Some of these are: professional training opportunities through state-funded or scholarship programmes, support for exchange and collaboration with foreign students, better access to higher education and

training for young persons from disadvantaged groups, protection of equality in education and work, more government assistance in employment and achieving independence from the primary family.<sup>77</sup> The survey on student migration<sup>78</sup> shows that a total of 3,489 students, or a third of those surveyed, plan on going abroad after graduation. Over 90% of the students surveyed stated that they had full support of their parents for leaving. The majority of students (27.3%) quoted the improbability of finding a job in their profession in Serbia as the main reason for going abroad. Other reasons are low paying jobs in their profession (21.3%) and the low living standard (20.1%). In addition to the reasons offered for going abroad, the students also stated that they wanted to leave Serbia because of corruption, nepotism, hiring of members of the ruling party, but also in order to learn about other cultures, develop professionally, learn foreign languages, or reunite with their parents or other family members who already live abroad.

The majority of students (27.6%) quote "easier employment in their profession" and "better paying jobs in their profession" (24.3%) as the main advantages of living abroad. Other reasons are the "high living standard" (15.9%) and "better career prospects" (12.8%). Most students (24.2%) plan on seeking better living conditions in Germany after graduation. A quarter of the female students

<sup>74</sup> See, e.g. *Upravljanje migracijama i posledice migracija (Migration Management and the Consequences of Migration in Southeast Europe, Demographic Review*, no. 50/2013, Belgrade, 2013 and I. Jarić, I. Živadinović, "Otići ili ostati: identitet mladih i orijentacija ka iseljenju" ("Leave or stay: youth identity and orientation towards migration"), *Mladi, naša sadašnjost: istraživanje socijalnih biografija mladih u Srbiji (Young People – Our Present: A Study of Social Biographies of the Young in Serbia)*, ISI, Čigoja štampa, Belgrade, 2012

<sup>75</sup> See: <http://rs.n1info.com/Vesti/a524373/Srbiju-mesecno-napustivise-od-4.000-ljudi.html>.

<sup>76</sup> The survey was conducted by the cabinet of the minister without portfolio in charge of demography and population policy in cooperation with the Ministry of Education, Science and Technological Development and the Statistical Office of the Republic of Serbia, Belgrade, 2018, available at: <http://www.mdpp.gov.rs/doc/Migracijestudenata.pdf>.

surveyed and more than one fifth of the male students (22.9%) plan on going to this country. Germany is the most desirable country to live in according to students of all fields of study, except for students of information and communication technology, who plan on going to the United States after graduation.

Germany is the first choice for 37.5% of medical students, for almost a fifth of students in natural-mathematical and technical-technological sciences, for 17.5% of students of social sciences and humanities and for 16% of students of information and communication technologies. Of particular concern is the fact that half of the students do not plan to return to Serbia, and almost one in five students (19%) plans to stay abroad until they have enough money to start their own business in Serbia, 14% of students intend to stay abroad until Serbia's economic situation becomes stable, and 12% plan to return when they gain enough professional experience.<sup>79</sup>

Of course, of all the above data, found in the numerous surveys, the most concerning are data related to student migration research, given that these are highly qualified young persons who do not want to remain in Serbia. This raises fears that Serbia will become an increasingly cheap labour country.<sup>80</sup> The reasons for this situation are not only youth unemployment, but also related to socio-political circumstances, corruption that pervades all aspects of society, and, ultimately, the state's very low commitment to investing in human capital.

<sup>79</sup> *Ibid.*

<sup>80</sup> See more at: <https://mediareform.rs/prekarni-rad-jedina-sansa-zazaposlenje-polovine-mladih/>.

## 2. RIGHT TO FAIR AND FAVOURABLE WORKING CONDITIONS FOR YOUNG PERSONS (ARTICLE 7 ICESCR)

Given the priority areas for reporting on the state of the human rights of young persons, it is important to mention, from the perspective of Article 7 ICESCR, two obligations of a Member State regarding the right to fair and favourable working conditions, which in particular envisage the obligation of the States to ensure:

- 1) *fair wages and equal remuneration for work of the same value without any difference;*
- 2) *the same opportunity for all to advance in their work to a higher appropriate category, taking into account only their completed years of service and abilities;*

In this respect, two key areas for monitoring the human rights situation of young persons are identified: the right to professional development and training and the right to fair wages.

### 2.1. RIGHT TO PROFESSIONAL TRAINING AND PROFESSIONAL DEVELOPMENT OF YOUNG PERSONS

Due to current social and economic circumstances in Serbia, high youth unemployment rates, inadequate qualifications of young persons in relation to the labour market demand, lack of sufficient experience to perform jobs appropriate to their professional qualifications, the only way to ease the transition between graduating, getting a first job, and subsequently making adequate career advancement according to years of service

and experience is internship and other forms of professional development and training. On the other hand, the (in)action of the state and the taking of inappropriate measures further discourage young persons from doing internships, training or volunteering. Young persons are becoming inactive, often continuing their education even though it does not give them an advantage in employment. Some go abroad and some work in the informal economy as they cannot find adequate employment. The state, on the other hand, does little to improve the legislation or amend the existing solutions that are causing this situation. It also does not address the abuse of young people when it comes to employment, that is, it does not take steps to change this situation.

The lack of a normative framework is, first of all, reflected in the fact that none of the models of work engagement which can potentially be applied to persons in internship fully correspond to the purpose and scope of internship. The Labour Act<sup>81</sup> presents internships as a model of employment, and contracts for professional training and development as a form of work without employment. Internship status means that a person who has acquired a certain degree or type of education (professional qualification) for the first time enters an employment relationship with an employer to perform tasks related to their profession. An intern is an employed person who has the same quality and scope of rights as other employees, with the possible exception of the amount of the basic salary. The contract for professional training and development is a model

<sup>81</sup> RS Official Gazette, 24/05, 61/05, 54/09, 32/13, 75/14, 13/17 – SC decision, 113/17 and 95/18 - authentic interpretation).

of work engagement of persons outside the employment relationship. It can be concluded when the employer hasn't foreseen an internship and the person has to spend some time in the workplace in order to gain certain experience or fulfil the requirements for taking the professional exam, or when it is necessary to acquire special knowledge and skills, i.e. do residency (professional training).

Internship is regulated in a rather rigid way - it prevents a person who has not completed formal education, or has acquired a certain degree and type of formal education, but does not specialise in that type of work (the Labour Act uses the term "profession") to participate in internships that train them for specific work expertise and skills (or specific jobs).<sup>82</sup>

Volunteering, as regulated by the Volunteering Act,<sup>83</sup> has no formal connection with internship, and the use of volunteer status under the pretext of internship, i.e. gaining practical work experience can only occur as a way of abusing a volunteering contract. Volunteering is not, nor can it be, part of a professional and working career, or gaining work experience. Young persons are looking for an opportunity to start working so they often accept jobs without any contract. It is

<sup>82</sup> Predlozi normativnih izmena režima obavljanja radnih praksi, [Proposals for Normative Changes in the Regimes of Performing Internships], Belgrade Open School and the Social Inclusion and Poverty Reduction Unit, Belgrade, 2019, available at: <http://www.bos.rs/uz/projekti/27/2019/01/13/unapredjenje-pravnog-okvira-za-kvalitetneradne-prakse.html>

<sup>83</sup> RS Official Gazette, 36/10, Article 2 Paragraph 1, which reads: "Volunteering, in the context of this law, is an organised voluntary provision of a service or performance of activities of general interest, for the common good or for the benefit of another person, without payment of a financial compensation or claims to other material gain, unless otherwise provided by this law."

also not uncommon for an employer to conclude contracts with young persons which do not oblige him to pay remuneration, and employers often do so by concluding a volunteer contract.<sup>84</sup> Although the volunteers actually carry out the work required by their position for which a contract of employment should be concluded, the employer treats them as volunteers, thereby depriving them of almost all labour rights, while their working duties are the same as those of other employees. What is particularly concerning is the fact that as many as 68% of young persons do not know that the Volunteering Act even exists, much less the provisions of this Law, so it is not surprising that many do not understand what volunteering is and generally confuse it with internship.<sup>85</sup> Not only because of this, but also due to many other reasons, it is often the case that young people wait for several years after graduating until signing their first employment contract.

On the other hand, the Labour Act stipulates that the employer is obliged to provide the employee with education, professional training and development when required by the work process or the introduction of a new method and work organisation.<sup>86</sup> This statutory provision does not apply to those who are acquiring their first work experience, but to those who are either narrowly specialising to perform certain jobs, or specialising to perform the same job that they previously performed in a different way. Given that the decision to refuse residency for physicians was

<sup>84</sup> See more at: <http://www.rts.rs/page/stories/sr/story/125/drustvo/3408128/preko-volontiranja-do-prve-plate—obaveze-bezikakvih-prava.html>.

<sup>85</sup> Ibid.

<sup>86</sup> Article 49 of the Labour Act

valid for eight years in Serbia, this led to the lack of younger specialist doctors in almost all branches of medicine. This situation, caused by ill-advised prescribing of measures by the state to cut back spending in the health sector, jeopardized the right of the citizens of the Republic of Serbia to access health care and further encouraged the cross-border migration of health professionals, mainly physicians from the younger population, looking to attain better living and working conditions.<sup>87</sup>

The situation was further exacerbated by the ban on employment in the public sector, introduced as an austerity measure by amending the Budget System Act 2013. The enactment of this law was not followed by an analysis of its social impact, nor was the position of vulnerable social groups, including young persons, taken into account. In this regard, a recommendation was given to Serbia, which reads: *The Republic of Serbia should establish a legislative and strategic framework that will ensure full respect, protection and enforcement of the social, economic and cultural rights to which it has committed itself by signing the ICESCR.* This recommendation entails an obligation to abandon the current practice of enacting laws that violate the rights of the most vulnerable individuals and groups.<sup>88</sup>

## 2.2. RIGHT TO FAIR WAGE AND EQUAL REMUNERATION FOR WORK OF EQUAL VALUE

In addition to the guarantees under Article 7 ICESCR regarding the right to fair wages and equal remuneration for work of equal value, the obligation

<sup>87</sup> See more at: <https://www.021.rs/story/Novi-Sad/Vesti/138884/Drzava-skoluje-lekare-volontere-pa-ih-ne-zaposljava.html>.

<sup>88</sup> Analiza stanja ekonomskih i socijalnih prava u Srbiji, Centar za dostojanstven rad (Analysis of the State of Economic and Social Rights in Serbia, Centre for Decent Work), Belgrade, 2019. Available at: <https://ICESCRanik.net/wp-content/uploads/2019/07/full-report-CDR.pdf>.

of the Republic of Serbia under Article 11 ICESCR regarding the right to a standard of living should also be mentioned. According to it, "*States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family... The States Parties will take appropriate steps to ensure the realization of this right...*"

For many years, reports from independent bodies and NGOs dealing with the situation in the field of economic and social rights have been indicating that the standard of living of the majority of the population in Serbia is far from the dignified life standard, since one in four inhabitants of Serbia is below the poverty line. Young persons are also considerably affected by poverty. It is estimated that a four-member family requires RSD 197,699 per month for sustenance, which is 4.4 times higher than the average wage in Serbia. Bearing this in mind, and given that the earnings of young persons are significantly lower than average earnings, it can be said that most young persons in Serbia under the age of 30 do not enjoy the right to a decent standard of living.

According to the available official statistics, young persons 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.<sup>89</sup> 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

<sup>89</sup> 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-i-dostojanstven-rad>.

of residence and place in which they exercise their right to work, education and sector in which they work. Half of the young persons who work illegally belong to the lowest income category, as well as 40% of young persons working temporary-part time jobs, while the share of employees earning more than RSD 50,000 is the highest among those with a permanent employment contract. There are marked differences in the earnings of men and women: the participation of young women is twice as high as that of men in the lowest income category. Most young workers have very little financial resources at their disposal, which makes them unable to become independent and start a family, and is also a source of worry for most young persons.<sup>90</sup> Just over 10% of young persons earn more than the average wage in Serbia, 24.5% have lower than average earnings, and as many as 65.3% have no income at all.<sup>91</sup>

## 3. RIGHT TO SOCIAL SECURITY OF YOUNG PERSONS, SPECIAL PROTECTION AND ASSISTANCE TO CHILDREN AND YOUTH AND RIGHT TO AN ADEQUATE STANDARD OF LIVING FOR YOUNG PERSONS (ARTICLES 9-11 ICESCR)

Starting from the guarantees provided in Articles 9-11 of ICESCR, attention should, first of all, be paid to the obligations of the state with aspects relevant to the position of young persons:

<sup>90</sup> *Ibid.*

<sup>91</sup> See more at: <https://www.blic.rs/vesti/drustvo/veliko-istrazivanje-omladima-u-srbiji-1-nema-posao-ni-stan-ako-zaraduje-ispod/z3s7e8y>.

*"The States Parties to the present Covenant recognize the right of everyone to social security..." (Article 9) "The States Parties to the present Covenant recognize that:*

*Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law..." (Article 10, paragraph 3)*

*"The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right..." (Article 11, paragraph 1)*

Based on the above obligations, several separate topics concerning young persons can be distinguished.

### 3.1. YOUNG PERSONS, POVERTY AND THE AVAILABILITY OF SOCIAL PROTECTION SERVICES

For several years now, the percentage of the poor and those living at the poverty line in Serbia have been the same. One in three children and young persons in Serbia are exposed to poverty and are unable to grow up in developmentally friendly

conditions. According to UNICEF data, 8.4% of children in Serbia live in absolute poverty, and as many as 30.2% of children live at the poverty line.<sup>92</sup> Also, according to the Statistical Office of the Republic of Serbia, 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. Since the at-risk-of-poverty rate represents the share of citizens whose income is lower than the relative poverty line, this does not necessarily mean that these citizens are poor, but that they are at a greater risk of being so. On the other hand, the high at-risk-of-poverty rate in children may be the result of inadequate distribution of resources in multi-member households.

However, it is worrying that those at the highest risk of being poor are actually working age young persons between the ages of 18 and 30.<sup>93</sup> Among young persons over 18, those who have lost the right to social protection are in the most difficult position, given that, on the one hand, they are at risk of losing their family and, on the other hand, the state no longer recognises them as persons in need of social protection, since they are adults. The group of young persons between the ages of 18 and 30 is mostly faced with both independent living and poverty. In addition, the situation is complicated by the fact that the state does not have a list of all young persons living alone or without a family guardian.

According to data from the analysis by the Centre

for Social Policy published in 2017, there were a total of 6,088 children and young persons in foster families and homes for children and young persons, of whom 5,321 (87%) were in foster families and 767 (13%) – in homes for children and young persons. A total of 258 beneficiaries with disabilities resided in homes for children and young persons. At the level of Serbia, between 55 and 91 young persons annually leave the social protection system (either foster care, or homes for children and the difference in numbers depends on the data source). In January 2017, in Belgrade, 47 young persons who had left the protection system exercised their right to the so-called permanent financial assistance.

Young social assistance beneficiaries have a very low chance of getting out of the vicious circle of poverty, primarily because the amounts of major cash benefits are inadequate and do not help the materially deprived population to rise above the poverty line. In addition, the limited duration of social assistance to a maximum of nine months during one calendar year for working age persons has no basis in international standards. According to the recommendations of the Committee on Economic, Social and Cultural Rights, Serbia should have adopted a single National Strategy for the full implementation of the right to social security, but has not done so even after full five years.<sup>94</sup>

Responding to a recommendation received in the last cycle of the Universal Periodic Review to establish legal and other measures to protect

<sup>92</sup> See: <https://www.vreme.com/cms/view.hp?id=1590778&print=yes>.

<sup>93</sup> Žene i muškarci u Srbiji, Republički zavod za statistiku, [Women and Men in Serbia], Statistical Office of the Republic of Serbia, Belgrade, 2017, available at: <http://publikacije.stat.gov.rs/G2017/Pdf/G20176008.pdf>



children from abuse and violence, the state replied that a new National Strategy and Action Plan for the Prevention and Protection of Children from Violence for the period 2018–2022 was under development. The Committee on the Rights of the Child also expressed a serious concern about the high number of reported cases of violence against children, as well as the inadequate implementation of general and specific protocols for the protection of children against violence, especially because of information coming in daily on peer violence among young persons in the public.<sup>95</sup>

According to the data of the Republic Institute for Social Protection, in the period 2013-2017, the number of reports of violence against children in centres for social work increased by 128%, with children and young persons living and working on the streets and children living in social care institutions being particularly vulnerable.<sup>96</sup> The Committee expressed concern about the high number of children and young persons working on the streets and in the informal economy, which put them at risk of exploitation and human trafficking. Therefore, Serbia needs to improve its monitoring of child labour, and improve its protection and reintegration programme with a focus on family empowerment, and the elimination of economic exploitation of children, as well as the estimate of the number of children living and working on the streets. The Republic of Serbia has never

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

<sup>96</sup> Deca u sistemu socijalne zaštite (Children in the Social Protection System), National Institute for Social Protection, Belgrade, 2017, available at: <http://www.zavodsz.gov.rs/media/1233/deca-u-sistemu-socijalne-zastite-u-2017.pdf>.

answered the Committee's question of whether social assistance benefits are adjusted periodically to ensure a standard of living for all disadvantaged persons, and was therefore called upon to increase social assistance benefits for persons incapable of working, whereby benefits should be adequate when it comes to their amount and the duration of use of this social service, in order make the exercise of the right to family protection and assistance available to all persons.<sup>97</sup>

Education is given much more attention in foster care than in homes for children. Generally speaking, young persons leave foster care with better chances of economic independence. In homes for children and youth, 74% young people are included in education (almost 30% of whom by special education). As many as 61.2% of school-age children in homes for children with disabilities are not included in the educational process. The National Employment Service in Belgrade 2015 records included 30 young persons who were referred to as "children from foster families". About 50% of young persons in this category are on the NES record for up to one year (they are relatively quickly employed), and about 50% of these young persons are looking for jobs for one to three years, which means that it is necessary to provide help and support to these young persons to start their professional careers as quickly as possible. Although the group of young persons up to 30 years of age who had/have the status of a child without parental care was introduced as a priority group of hard-to-employ persons in the 2017 National and Local Action Plans, it is still included in

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

the NES statistics as the category of children from foster families. The NES determines the status of young persons up to the age of 30 who had/have the status of a child without parental care based on the decision of the competent centre for social work on establishing guardianship. But, given that 71.4% of the total number of children and young persons in residential accommodation are or have been under guardianship, this means that not all young persons have access to the employment measures provided by the NES.<sup>98</sup>

### 3.2. YOUNG PERSONS AND THE RIGHT TO ADEQUATE HOUSING

One of the most vulnerable categories in terms of the right to housing are young persons who are seeking their first employment, becoming independent from their parents and starting their own households and young persons without a primary family who are leaving social protection institutions.

According to available data, as many as half a million people in Serbia between the ages of 20 and 34 live with their parents. One third of them are unlikely to start living independently because they have no income, and even those who are employed remain with their parents because they cannot rent an apartment and live decently off the rest of their money. Young persons get apartments through inheritance or with the financial assistance of their parents. About 80% of people between the ages of 16

98 Analiza položaja mladih u riziku, i preporuke za unapređenje njihove socijalne i ekonomske inkluzije (Analysis of the Status of Youth at Risk, with Recommendations for Improving their Social and Economic Inclusion), Centar za socijalnu politiku, Belgrade, 2017, see: [http://csp.org.rs/sr/assets/publications/files/Analiza\\_položaja\\_mladih\\_u\\_riziku\\_i\\_preporuke\\_za\\_unapredjenje\\_njihove\\_socijalne\\_i\\_ekonomske\\_inkluzije.pdf](http://csp.org.rs/sr/assets/publications/files/Analiza_položaja_mladih_u_riziku_i_preporuke_za_unapredjenje_njihove_socijalne_i_ekonomske_inkluzije.pdf).

and 30 live with their parents, among whom there are significantly more young men, about 90% and about 80% of young women. This points to the traditional practice whereby women, when they marry, usually move into their husband's household.<sup>99</sup>

When it comes to young persons without parental care who have left social protection institutions, in some cities free housing in the so-called 'social housing' was introduced as a support measure. However, this is a measure that largely depends on local social policies, and as such does not exist in most cities in Serbia. In the cities where it is applied, this measure provides free use of an apartment with the payment of utility bills and the right to a temporary financial assistance for a maximum of two years. However, a large number of young persons who grew up in homes for children and foster families are not even aware that this service exists. In addition, beneficiaries living in an environment that supports their independence must be provided with adequate psychosocial support from independence counsellors and professional services - which is often not the case.<sup>100</sup> This measure is temporary in nature, which, in a country in which the right to adequate housing is endangered, does not favour persons who left the social protection system who are at a much higher risk of poverty than others. In such conditions, where housing costs are increasing

<sup>9</sup> See more at: <https://www.slobodnaevropa.org/a/mladi-u-srbiji/tesko-do-posla-stana-i-osamostaljenja-od-roditelja/27623280.html>.



do not have a health insurance card).<sup>109</sup>

According to a survey by the *Dr Milan Jovanovic Batut* Institute of Public Health of Serbia on youth health, more than two thirds of persons aged 15-29 have sex, while less than half of sexually active girls use modern methods of contraception. Only a quarter of young persons and their partners always use a condom. Out of 1,000 young girls, 11.3% intentionally terminated their pregnancy, with a fertility rate being 62.4% per thousand young girls. The participation of young persons in sexually transmitted diseases is as follows: 8% in syphilis, 66% in gonorrhoea, with AIDS there is a downward trend and it amounts to 17% of the diseased, and in hepatitis B young persons make up 29% of the total reported cases. Normally nourished young persons make up 80.5%, while there is an upward trend in obesity - 6.3% of young persons are obese.<sup>110</sup>

In its General Comment No. 14, the Committee on Economic, Social and Cultural Rights highlighted the need to take appropriate measures to end traditional practices that adversely affect the health of children and adolescents, and especially young girls, including early marriages. This particularly affects girls in the Roma settlements, where as many as 17% are married before the age of 15, and more than half before the age of 18, compared to 7% in the general female population.

<sup>109</sup> Treći nacionalni izveštaj o socijalnom uključivanju i smanjenju siromaštva [The Third National Report on Social Inclusion and Poverty Reduction in the Republic of Serbia], Government of the Republic of Serbia, 2018

<sup>110</sup> For the last available report on youth health, *Dr Milan Jovanovic Batut* Institute of Public Health of Serbia, see: [http://www.batut.org.rs/download/publikacije/zdravlje\\_mladih.pdf](http://www.batut.org.rs/download/publikacije/zdravlje_mladih.pdf).

## 4.2. POSITION OF YOUTH LIVING WITH HIV AND OTHER CONDITIONS

The Committee on Economic, Social and Cultural Rights recommended that Serbia continue to address the spread of HIV/AIDS by promoting adolescents' health and providing health advice and services to the general public, as well as providing comprehensive sex education. Although the Government of the Republic of Serbia adopted the Strategy for the Prevention and Control of HIV and AIDS in 2018, some of the Strategy's measures and activities do not include budgetary forecasts.

According to a survey by the *Dr Milan Jovanovic Batut* Institute of Public Health of Serbia, as many as 70% of young persons between the ages of 15 and 29 are sexually active, but a significantly smaller percentage use modern contraceptive methods. Only 42.3% of female respondents regularly use contraception, which results in a high participation in the portion of the population infected with some form of sexually transmitted disease. This image of youth reproductive health is a direct consequence of ignoring the specific problems and challenges that young persons are facing as a vulnerable social group.<sup>111</sup> When it comes to treating young persons living with HIV, it presents a problem due to the understaffing in the specialist clinic and because the nurses who work there are not trained enough to handle confidential patient information. There are no permanently employed psychologists either, only an occasional volunteer. In addition, there is no official national guideline for HIV and AIDS in Serbia, so people living with HIV are not treated in the same way in all cities in Serbia. The

treatment of persons living with HIV lacks the newer generation of second- and third-line HIV medications, which have fewer adverse effects and which improve the quality of life. The biggest problems in Serbia are the frequent shortages of tests that monitor the success of therapy and the patient's immune status.<sup>112</sup>

A long-standing problem in Serbia is the treatment of patients, especially children, suffering from rare diseases, since Serbia's healthcare system does not have sufficient resources nor innovative methods, nor remedies for such diseases. There is public criticism that children are being treated through text messages, as this is often the way to raise funds for treatment, even though it is the government's duty. Since the establishment of the Budget Fund for the Treatment of Diseases, Conditions or Injuries that cannot be successfully treated, the situation has improved, but there is still room for improvement. Since the founding of the Budget Fund, over 500 children have been sent abroad for diagnosis and treatment. However, the problem is with the approval procedure, which is long and takes several months and time is often crucial for the treatment of serious and rare diseases.<sup>113</sup> It has been seven years already that no consideration has been given to the initiative by 60,000 citizens to help the parents of these children which proposes that these parents have pension contributions paid while caring for their children.<sup>114</sup>

The situation is similar for persons with multiple sclerosis (MS). Multiple sclerosis is the most common neurological disease among young persons, since it affects persons between the ages of 20 and 40 - at a time when they are in the midst of personal, family and professional growth and are achieving the most important things in life. Only 12% of persons with MS are treated with adequate medications, which are low-efficiency medications, while the rest are on a waiting list to be invited to receive treatment. Because of this, some young persons with MS have been waiting for medication for over 15 years, and have become wheelchair users at a very young age. The medications approved by the National Health Insurance Fund are older-generation and less effective medications, although today there are 14 different medications in the world that are intended for patients with multiple sclerosis, depending on the degree and activity of the disease.<sup>115</sup> The MS Platform Association has been established in Serbia, which is committed to providing assistance, support and therapy to all patients, most of whom are young.<sup>116</sup>

## 4.3. YOUTH MENTAL HEALTH

Although the Committee on Economic, Social and Cultural Rights has raised concerns about the limited number of child mental health services and the Committee on the Rights of Persons with Disabilities about the number of children and young persons with disabilities living in institutions and especially children with disabilities, there are

<sup>112</sup> See: <https://www.vice.com/rs/article/wn5m44/kako-je-bititi-mladiziveti-sa-hiv-om-u-srbiji>

<sup>113</sup> See: <https://www.danas.rs/ekonomija/svaku-trecu-medicinskuuslugu-sami-placamo/>

<sup>114</sup> See the entire statement of reasons for starting the initiative: <http://roditeljsrbsija.com/roditeljski-i-deciji-dodatak-izmene-zakona/4/>

<sup>115</sup> See more at: <http://www.rts.rs/page/stories/sr/story/125/drustvo/3542750/bez-terapije-88-odsto-obolelih-od-multiple-sklerozecekaju-i-do-15-godina.html>.

<sup>116</sup> More about this Association at: <https://msplatforma.org.rs/>

no major improvements in this area. This was also noted in the European Commission report stating that there has been no progress in the development of mental health services and de-institutionalisation.

A survey by the Ministry of Youth and Sports shows that there is a significant rate of anxiety and depression among the more vulnerable and less socially adjusted groups of respondents within the population aged 15–29 years. As many as 45% of young male and female respondents said that they were constantly worried about something, and 28% said that they often started crying. These and many other findings support the thesis that the mental health of young persons is a specific and delicate topic that needs to be addressed with particular care and attention. The mental health and well-being of young persons are crucial to the progress and prosperity of the society and of future generations who will be socialised in that society.<sup>117</sup>

According to a survey by the Centre for Education, Research and Development<sup>118</sup> dedicated to youth mental health, young persons are facing a lot of stress, which they need support for. Over a half of them report having experienced at least one stressful event in the past two years, and more than one stressful event has been experienced by 23% of students. When it comes to mental conditions and discomforts, one could say that being critical of others and negative attitude towards the environment are the most common

mental conditions that young persons encounter. It is also worrying that as many as 33% of students report having committed at least some form of violent behaviour in the past 12 months, and 7% report serious problems with their close social environment. About 10% of students are intensely facing conditions that indicate an elevated state of anxiety, such as panic attacks, feeling scared for no reason and intense feelings of restlessness. A feeling of constant concern about various issues is indicated by 45% of students, while 28% say that they start crying easily. A sense of complete worthlessness is quoted by 12% of students, while 7% of students say that they are thinking of ending their lives.

Depressive states are more common in students of lower economic status. Students with low self-esteem are significantly more likely to be depressed. Also, the group of students who have more pronounced problems with their social environment talks much more often about the presence of depressive states. The consumption of sedatives without a doctor's prescription is also quite pronounced. 10% of students state that they have taken a sedative without a doctor's prescription at least once in the past 12 months.<sup>119</sup>

<sup>117</sup> See: <http://e8.org.rs/zdravlje-mladih/>.

<sup>118</sup> *Mentalno zdravlje mladih u Srbiji (Youth Mental Health in Serbia)*, Centre for Education, Research and Development, Belgrade, 2014. Available at: <https://www.mos.gov.rs/public/documents/upload/test/Mentalno%20zdravlje%20mladih.pdf>.

<sup>119</sup> *Ibid.*



## 5. THE RIGHT OF YOUTH TO EDUCATION (ARTICLE 13 ICESCR)

The Republic of Serbia is a signatory to the ICESCR, Article 13 of which reads as follows: *"The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace."*

*The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right: (a) Primary education shall be compulsory and available free to all; (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education; (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education; (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education; (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.*

*The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.*

*No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State."*

Bearing in mind the obligations of the Republic of Serbia as a signatory to the ICESCR, the broader education system and young persons, as well as the young Roma in the education system and young persons with disabilities and the accessibility of the right to education are of particular importance for the exercise of youth rights.

### 5.1. THE EDUCATION SYSTEM AND YOUTH

The reforms of Serbia's education system have failed to meet their goals, thus the education system has found itself in a somewhat paradoxical situation: although it is not sufficiently modernised, it should be an instrument of further modernisation of society.<sup>120</sup>

<sup>120</sup> S. Maksić et al., "School in a Transitional Society: The case of Serbia" I A. Barakoska [ur.], *Education Between Tradition and Modernity*: Institute of Pedagogy, University "Sv. Cyril and Methodius" and Faculty of Philosophy, Skopje 2013

Numerous recent sociological studies<sup>121</sup> suggest that both the social elite and poverty have been practically restored through the education system. Students who come from families in which parents are highly educated, those who have higher socio-economic status and those who come from urban areas are disproportionately more represented.<sup>122</sup> Youth in a higher socio-economic position are more educated, they have higher educational aspirations and a better grade point average. Socio-economic status greatly determines the chances of getting a university degree, which creates unequal conditions and unequal access to education. According to the survey, most young persons are satisfied with the education system, but still believe that education is not sufficiently aligned with the needs of the workforce in Serbia.<sup>123</sup>

According to the available data, the rate of completion of elementary school is high, and, in 2018, it was 97%. When it comes to the secondary education, data show that, among the poorest, only 74% of children attend secondary school (68.2% boys and 83.3% girls). The rate of young persons in Serbia between the ages of 19 and 24 with higher education is 39%. While this is a significant shift from previous years, it is worrying that the rate of completion of higher education is quite low.<sup>124</sup>

Research shows that quite a number of young

<sup>121</sup> See for example S. Tomanović i drugi, *Mladi u Srbiji 2015: stanje, očekivanja, verovanja i nadanja* (S. Tomanović et al., *Youth in Serbia 2015: State, Observations, Beliefs and Hopes*, Friedrich Ebert Stiftung, SeConS, Friedrich Ebert Stiftung, SeConS, Beograd, 2015).

<sup>122</sup> *Ibid.*

<sup>123</sup> *Mladi u Srbiji 2018/2019 (Youth in Serbia 2018/2019)*, Friedrich Ebert Foundation, Belgrade, 2019, available at: [http://library.fes.de/pdf\\_files/bueros/belgrad/15295-20190411.pdf](http://library.fes.de/pdf_files/bueros/belgrad/15295-20190411.pdf).

<sup>124</sup> See: <http://socijalnouklijucivanje.gov.rs/sr/>.

persons are satisfied with the education system, but, at the same time, most young persons agree with the statement that there are cases of purchase of grades and exams, which is a significant generator of youth dissatisfaction. Those who are convinced that there are cases of trade of grades are also more dissatisfied with the education system as a whole. This attitude of young persons may potentially be influenced by numerous cases of purchase of diplomas and plagiarism in PhD theses in Serbia which have been reported by the media. Besides creating dissatisfaction with the education system, such attitudes are definitely part of the reason for the widespread view that educational achievements in Serbia are discredited and devoid of legitimacy.<sup>125</sup> More than half of young persons (53%) believe that the education system does not meet the needs of the labour market, while 22% believe that the education system is well-adapted to the labour market.<sup>126</sup>

In order to modernise the education system, the Dual Education Act was adopted in 2017.<sup>127</sup> 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

<sup>125</sup> I. Fiket et al.: *Političke orijentacije građana Srbije: kartografija nemoci*, (I. Fiket et al., *Political Affiliations of Serbian Citizens: A Cartography of Powerlessness*, Friedrich Ebert Stiftung, Belgrade, 2017)

<sup>126</sup> *Ibid.*

<sup>127</sup> RS Official Gazette, 101/17.

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. 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.<sup>128</sup>

## 5.2. YOUNG ROMA MEN AND WOMEN IN THE EDUCATION SYSTEM

According to data from the Third National Report on Social Inclusion and Poverty Reduction<sup>129</sup>, there are still young persons who drop out of regular education, and data show that they are mostly young persons from marginalised groups - predominantly Roma boys and girls. According to one survey, the percentage of children from the Roma settlements completing primary school is only 64%, which is significantly lower compared to 93% of children from the general population. The percentage of children from the Roma settlements attending secondary school is 21.6%, with only 14.9% girls and 28% boys.

<sup>128</sup> Alternativni izveštaj o stanju ekonomskih i socijanih prava u Srbiji, (Alternative Report on the State of Economic and Social Rights in Serbia), CDR

<sup>129</sup> See: [http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2019/02/Treci\\_nacionalni\\_izvestaj\\_o\\_socijalnom\\_ukljucivanju\\_i\\_smanjenju\\_siromastva\\_2014%E2%80%932017.pdf](http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2019/02/Treci_nacionalni_izvestaj_o_socijalnom_ukljucivanju_i_smanjenju_siromastva_2014%E2%80%932017.pdf).

Therefore, it is possible to conclude that the measures implemented by the Republic of Serbia regarding Roma education fail to accomplish the appropriate results. The economic accessibility of education is particularly worrying because, although formally free, education costs parents more than most Roma families can afford. Segregation is also a problem which is one of the reasons for dropping out for young Roma, as well as young persons and children of the Roma population and entering the labour force at an early age, which also causes them to give up on further education.<sup>130</sup>

The segregation of Roma children and young persons in education has been documented in research.<sup>131</sup> Legislative changes have made it possible for parents to choose which school to enrol their children in, so it is increasingly common for parents of non-Roma children to take their children out of schools located in predominantly Roma communities. Regarding the allegation of segregation in a primary school in Leskovac, the Commissioner for the Protection of Equality issued an opinion stating that, although the provisions of the Anti-Discrimination Act were not violated, local authorities must respond to

<sup>130</sup> Alternativni izveštaj o stanju ekonomskih i socijanih prava u Srbiji, (Alternative Report on the State of Economic and Social Rights in Serbia), CDR

<sup>131</sup> Segregacija u obrazovanju (*Segregation in Education*), available at: <http://rominfomedia.rs/segregacija-u-obrazovanju/>; J. Čekić Marković, Analiza primene afirmativnih mera u oblasti obrazovanja Roma i Romkinja uz preporuke za unapredjenje mera (*Analysis of the Implementation of Affirmative Measures in the Field of Education of Roma with Recommendations for Improving Measures*), Belgrade, 2016; Još uvek daleko od cilja – prezastupljenost romske dece u specijalnim školama u Srbiji (Still Far From the Goal – Overrepresentation of Roma Children in Special Schools in Serbia), European Roma Rights Centre, Budapest, 2014.)

the emergence of segregation resulting from legal possibilities.<sup>132</sup>

The Committee on the Elimination of Racial Discrimination noted in its concluding observations regarding the regular Periodic Report of Serbia in 2017 that a state response was needed to end the segregation of Roma that is *de facto* present in schools.<sup>133</sup>

## 5.3. YOUNG PERSONS WITH DISABILITIES AND THE AVAILABILITY OF THE RIGHT TO EDUCATION

In 2017, the Committee on the Rights of the Child drew special attention to the authorities that one of the reasons for the low access to education of children with disabilities is unequal funding and funding at the regional level, as well as insufficiently trained teaching staff and resistance from parents and school employees. Accordingly, the Committee recommends capacity building and that children with disabilities attend regular schools and receive good quality early, primary and secondary education, regardless of parental consent, and that specialised teaching staff and experts for work in integrated classes be trained and recruited. Due to the ingrained negative attitudes towards children with disabilities, it is necessary to carry out public campaigns, defined by strategic documents for protection against discrimination and promotion of inclusive education, with adequate budget financing. Although such campaigns are carried out by civil society organisations, they are of limited reach, so

<sup>132</sup> The Roma Organisation complaint against the Ministry of Education for Ethnic Discrimination in Education and Upbringing, reg. no. 07-00-00445 / 12 dated 11.3.2013.

<sup>133</sup> CERD/C/SR.2604.

it is necessary for the authorities to address this decisively.<sup>134</sup> The implementation of education laws and inclusive practices are very underdeveloped, and there is still a tendency to exclude students from the education system, especially when it comes to children in social protection institutions. For this reason, it is justifiably considered that children with disabilities are discriminated against on the basis of disability and children living in residential institutions are further discriminated against on the grounds that they do not live in a family home. The Committee on the Rights of Persons with Disabilities also addressed this issue in its Concluding Observations, urging Serbia to set concrete goals for inclusive education for the period up to 2020, with special attention to children with multiple disabilities, pupils and students with developmental disabilities in residential care and developing individualised education plans.<sup>135</sup>

It can be concluded that the education of young persons with disabilities in Serbia is beyond deficient. The biggest issue is the accessibility of educational institutions. There is a very small percentage of educational institutions which the young persons with disabilities who use wheelchairs can enter and attend classes.

<sup>134</sup> Concluding Observations on the Second and Third Combined Periodic Reports of the Republic of Serbia, CRC/C/SRB/CO/2-3, Committee on the Rights of the Child, 2017, p. 54-55, and Situation Analysis: The Situation of Children with Disabilities in the Republic of Serbia, NOOIS, 2017, p. 37. Available at: [https://www.unicef.org-serbia/sites/unicef.org\\_serbia/files/201804/Situation\\_analysis\\_Position\\_of\\_children\\_with\\_disabilities\\_2018\\_0.PDF](https://www.unicef.org-serbia/sites/unicef.org_serbia/files/201804/Situation_analysis_Position_of_children_with_disabilities_2018_0.PDF).

<sup>135</sup> B. Janjić, K. Beker, Isključivanje i segregacija dece sa smetnjama u razvoju na rezidencijalnom smeštaju iz obrazovnog sistema, (Exclusion and Segregation of Children with Disabilities in Residential Care from the Education System), MDRI-S, 2016.



## 6. ELECTORAL RIGHTS AND CITIZEN PARTICIPATION

The International Covenant on Civil and Political Rights (ICCPR) recognises the right of everyone to vote and to be elected. The Constitution of the Republic of Serbia proclaims national sovereignty and universal and equal suffrage (Articles 2 and 52). A citizen who has attained the age of 18 and has the legal capacity has the right to vote and to be elected to state bodies (Article 52, Paragraph 1). Elections are free and direct and voting is carried out by secret ballot in person (Art. 52). The Constitution also guarantees the right of citizens "to assume public service and functions on equal terms" (Article 53).

One of the most important indicators of the degree of a state's democratic order is the participation of its citizens in decision-making processes at all levels. However, youth participation in state-level decision-making is very rare, and they are least represented within the structures that govern the life of the citizens of Serbia. Since young persons acquire voting rights only when they are of age, political party programmes rarely address issues related to the advancement of young persons' social status, which further discourages young persons from becoming actively involved in political life.

According to the data from the National Youth Council of Serbia survey, among young persons over 18, only 40% regularly use their right to vote, while 32.4% say they never vote. The reasons young persons who do not vote quote for such electoral behaviour are that they think

that all politicians are the same (42.4% of young persons, or that they have no one to vote for.<sup>136</sup>

The representation of young persons in state institutions is disproportionate to their numbers as well. Although they make up 16.7% of the population, young persons are represented in the National Assembly with only four MPs under 30, representing 1.6% of the total parliamentary body. In the Government of the Republic of Serbia, there are no Government members or ministers who belong to the youth category (15-30 years). This is probably the reason why the largest percentage of young persons (67.2%) think that they have no influence at all on political processes and decisions. The survey data show an increase in the percentage of young persons who have this attitude, as, in 2017, 48.8% of young respondents agreed with this statement, and, in 2018, as many as 58.4% agreed. Only 12% of young persons participate in the society through various associations. Of the number of young persons participating in the work of the citizens' associations, 22% said they had been discriminated against because of their membership in various associations.

The Youth Council, which has been established to ensure that the voice of young persons is heard and respected, comprises 24 male and female members<sup>137</sup>, eight of whom are youth representatives. The Youth Council held 10 sessions from its establishment in January 2014

<sup>136</sup> Available at: <https://koms.rs/istrazivanja/alternativni-izvestaj-opoziciju-potrebama-mladih-u-republici-srbiji-2019/>.

<sup>137</sup> The Youth Council is composed of the Council President and 23 members

to December 2018, but the specific performance of this body is difficult to measure, since its role is advisory. The Council meeting minutes are available on the website of the Ministry of Youth and Sports.<sup>138</sup>

The Universal Declaration of Human Rights guarantees the right of all citizens to participate in the management of their country's public affairs.<sup>139</sup> By ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol,<sup>140</sup> Serbia has accepted the obligation to enable the exercise of political rights by persons with disabilities. Despite this guarantee, young persons with disabilities in Serbia face far greater barriers to exercising their rights and freedoms regarding participation in decision-making processes than do their peers from the majority population.

The Centre for Social Orientation has produced an Accessibility Report,<sup>141</sup> which provides an overview of the situation of persons with disabilities when it comes to suffrage, as well as recommendations for improvement. Although the report does not focus on young persons, the situation described concerns all persons with disabilities, so the data and recommendations are relevant to this report as well, especially

<sup>138</sup> See more at: <https://www.mos.gov.rs/savet-za-mlade-3>.

<sup>139</sup> Article 21 of the Universal Declaration of Human Rights.

<sup>140</sup> Convention on the Rights of Persons with Disabilities, available at: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

<sup>141</sup> Učešće osoba sa invaliditetom u političkom i javnom životu (Participation of Persons with Disabilities in Political and Public Life), Centre for Social Orientation, Belgrade, 2018. Available at: [https://www.academia.edu/7085979/Participation\\_of\\_persons\\_with\\_disabilities\\_in\\_political\\_and\\_public\\_life\\_in\\_Republic\\_of\\_Serbia](https://www.academia.edu/7085979/Participation_of_persons_with_disabilities_in_political_and_public_life_in_Republic_of_Serbia).

because the data indicate that young persons make up 20% of the population of persons with disabilities in Serbia.<sup>142</sup>

In order to make elections accessible to different groups of all persons with disabilities, including young persons, some legal solutions and practices are needed to overcome the obstacles that stand in the way of full youth participation. For example, Article 9 of the Convention on the Rights of Persons with Disabilities guarantees the right to interact through sign language, which is essential when it comes to the participation of persons whose involvement is restricted or disabled due to the inaccessibility of a communication method. The RS Constitution in Article 52 guarantees the right of all to have accurate, complete and timely information on matters of public importance, with the media also obliged to respect this right. This is not the case in practice, since many TV stations do not practice the inclusion of sign language interpreters in their informative content. It is also a common case that political parties do not have the practice of translating political programmes and media campaigns into sign language, which significantly limits the right to information before a decision is made when it comes to persons communicating using sign language. Other categories of persons with disabilities also encounter difficulties in exercising their voting rights. Thus, for example, polling stations are often not accessible to persons using wheelchairs.

Therefore, the Electoral Accessibility Report

<sup>142</sup> Ibid, p. 39.

outlines the measures that need to be taken to increase the participation of all persons with disabilities. This is, for example, a recommendation that each political party have a document that defines the procedures for achieving accessibility of party buildings, information and communication, as well as the importance of assessing the accessibility of each polling station.<sup>143</sup> Multiple vulnerability is also present in the case of youth members of the national minorities in Serbia. Although the young persons belonging to national minorities should be free to express their needs when it comes to political participation, the national minorities' councils rarely address this issue. The situation is similar in the Youth Council, in that all minority councils are represented by one joint representative within the Youth Council.<sup>144</sup>

Young persons are not recognised as a vulnerable group, not even by the Action Plan for the Exercise of the Rights of National Minorities, nor by the national councils that participated in its creation, so it does not provide specific measures for young persons.<sup>145</sup>

Therefore, one of the recommendations in the Report of the Lawyers' Committee for Human Rights (YUCOM) is that national councils should cooperate with youth organisations, student associations and other structures at the local level, further emphasising the importance of the advisory role and contribution of young persons

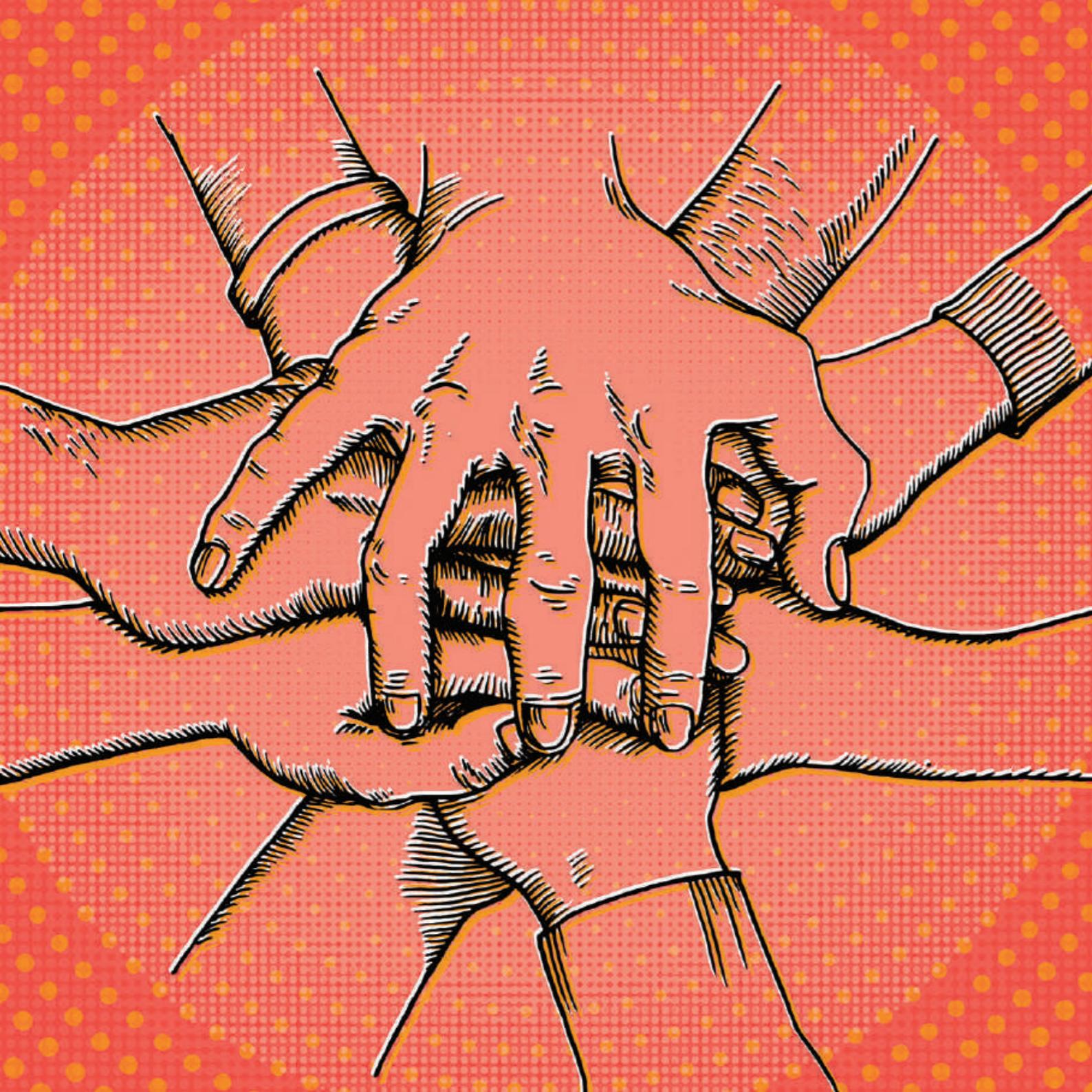
<sup>143</sup> Ibid, p. 9.

<sup>144</sup> See more at: [http://www.yucom.org.rs/wp-content/uploads/2018/05/Analiza\\_Mladi\\_Nacionalni-saveti\\_OEBS\\_YUCOM\\_2017-2.pdf](http://www.yucom.org.rs/wp-content/uploads/2018/05/Analiza_Mladi_Nacionalni-saveti_OEBS_YUCOM_2017-2.pdf).

<sup>145</sup> Ibid.

in recognizing the needs of young persons belonging to national minorities.<sup>146</sup>

When it comes to creating local youth policies, local self-governments develop local youth action plans in which young persons participate in research, fill in a questionnaire or participate in focus groups based on which local activities are planned. Local action Plans are written for a period of three years or more. Local self-governments are autonomous in devising the document drafting process, but most often this obligation is fulfilled by setting up a working group that brings together representatives of different institutions at the local level, and is coordinated by a youth office. The revision of the Local Action Plans is defined through the Action Plan itself, although in most cases it is absent.<sup>147</sup> Some municipalities in Serbia have local youth action plans, but lack a budget for their implementation.<sup>148</sup>



## 7. FREEDOM OF YOUTH ASSOCIATION

The Youth Act provides the possibility of establishing youth associations and associations for youth. Article 13 of this Act provides that young persons may also associate with informal associations whose goals or areas of goals achievement are youth-oriented, in accordance with this Act and which operate in accordance with the law governing the establishment and the legal status of associations.

However, despite the good legal framework, the information provided in the Alternative Report on the Position and Needs of Youth for 2019,<sup>149</sup> drafted by the National Youth Council of Serbia, show that young persons do not make sufficient use of the opportunity to associate with or join the already established organisations dealing with the rights and status of young persons, since only 12% of young persons are members of a citizens' association - although this is one possible way of influencing youth policies and advocating the improvement of the position of young persons in society and their more active participation in social processes.

Among other reasons for this attitude of young persons in relation to freedom of association, one reason is the fact that 22% of young persons in the survey sample presented in the Alternative Report on the Position and Needs of Youth for 2019 state that they were discriminated against because of their membership in an association.<sup>150</sup>

<sup>149</sup> Available at: <https://koms.rs/istrazivanja/alternativni-izvestaj-opozaj-potrebama-mladih-u-republici-srbiji-2019/>.

<sup>150</sup> *Ibid*, p. 161–164.

However, the low percentage of young persons who are associated with one of the civil society organisations cannot be explained solely by the discrimination against those who are active members of a youth association or an association for youth. It may also be that Article 13 of the Youth Act provides that youth associations and associations for youth may be established to carry out youth activities, improve conditions for the personal and social development of young persons according to their needs and opportunities, and involve young persons in the social life of the community and inform them, and that the implementation of these goals requires funding sources for the implementation of the activities to achieve them.

The Ministry of Youth and Sports (MYS) finances programmes and projects of public interest in the areas of the youth sector implemented by youth associations, associations for youth and their alliances, as well as local self-governments through youth offices. The MYS annually announces grant competitions for financing programmes and projects. The decision on funding depends on whether the proposed project meets the goals the Ministry wants to achieve, so those projects aimed at implementing the goals of the National Youth Strategy have been adopted. There are two problems that can explain why young persons are not ready to associate and to have their associations participate in the Ministry's grant competitions. One is the speed of decision making on the allocation of funds. For example, in 2018, grant competitions for the achievement

of the National Youth Strategy objectives were announced on 30 April for youth associations and associations for youth and their alliances, and the results were published as late as July and September.<sup>151</sup> Another problem regards the amount of funds allocated in relation to the objectives achieved through the implementation of projects or programmes. Otherwise, budget allocations for projects related to youth are extremely small: only 0.03% of the budget of the Republic of Serbia is allocated for youth.<sup>152</sup>

In addition to budgetary resources, there are other alternative sources of funding for youth organisations (local and foreign foundations, embassies, international organisations), but they are not always, similarly to budget funds, targeted at young persons who are particularly vulnerable.

It is important to mention here the role of the alliances of associations of youth and for youth, especially the umbrella alliance, which, under Article 14 of the Youth Act, *nominates the candidates for the Youth Council and participates in the process of drafting and implementing the Youth Strategy and other documents in the field of youth policies*. The status of an umbrella alliance is obtained by associating at least 60 registered associations based in the territory of at least two thirds of the administrative districts in Serbia and by conducting youth activities for at least two years in several local self-government units. The condition is also that they gather at least 2,000

<sup>151</sup> *Ibid*, str. 38.

<sup>152</sup> *Ibid*, str. 35.

individual members, of which at least two-thirds of young people.

In Serbia, there are three national alliances that form the *pillars of youth policy*: The National Youth Council of Serbia, the National Association of Youth Workers and the National Association of Local Youth Offices.

The National Youth Council of Serbia, founded in 2011, is the largest independent youth representative body in Serbia, which currently brings together 108 member organisations (youth organisations and organisations for youth) from the entire territory of the Republic of Serbia.

National Association of Youth Workers was founded in 2009 and represents an association of youth work practitioners dedicated to creating and developing conditions for quality assurance and recognition of youth work in order to develop the potential of young persons and youth workers who contribute to the well-being of the local community and society.<sup>153</sup>

National Association of Local Youth Offices was founded in 2014 and is an umbrella alliance of towns and municipalities from the territory of the Republic of Serbia, which have established a Youth Office and are actively working on the development of local youth policy. It was established with the aim of ensuring the quality of youth policy at the local level.

In September 2019, the NYC of Serbia submitted

<sup>153</sup> More about NAYW at: <http://www.napor.net/sajt/index.php/sr-yu/onama/misijaivizija/>

the documentation for obtaining the status of the national umbrella youth alliance.<sup>154</sup> The Ministry of Youth and Sports has a 90-day deadline to respond to this request and decide whether the NYC of Serbia will become the national umbrella alliance of Serbia's youth.

Engaging in trade unions is not traditionally associated with youth, which can be illustrated by the fact that 67% of the employed youth are not members of any union, while 37% have no intention of joining any union.<sup>155</sup> The reasons for this can be found in a publication dealing with the issues of unionisation of young persons. Thus, 18% of young persons say that they are not informed about the unions, 12% do not recognise their role, 11% do not trust the unions, 4% state that there is no trade union in the institution or company where they work, and 4% cite fear of employers.<sup>156</sup> Therefore, it is necessary to systematically inform the citizens, and especially young persons, about the forms of association and the benefits of acting through citizens' associations or trade unions in order to exercise both civil and political rights, as well as economic and social rights.

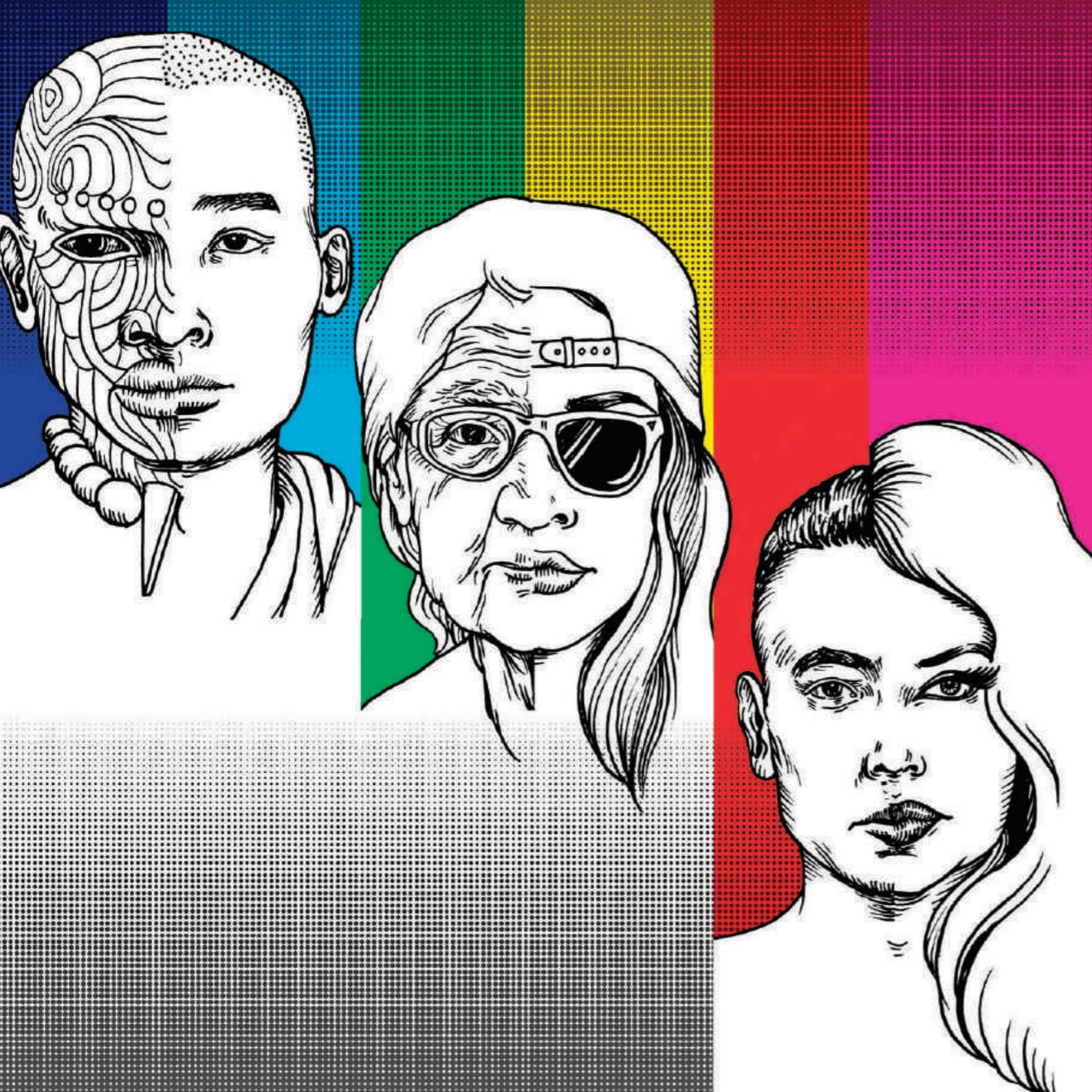
The need to raise awareness of human rights and how to protect them is particularly evident in the case of certain categories of young persons, such as, for example, young persons employed in the informal economy, with 54%

<sup>154</sup> See more at: <https://www.facebook.com/KOMSmladi/>.

<sup>155</sup> *Mladi u sindikatu* (Youth in Trade Unions), p. 13 and 14. available at: [https://www.sindikat.rs/aktuelno\\_files/publikacije/mladi\\_u\\_sindikatu.pdf](https://www.sindikat.rs/aktuelno_files/publikacije/mladi_u_sindikatu.pdf).

<sup>156</sup> *Ibid*, p. 15.

quoting fear of employers for not joining the union.<sup>157</sup> This statement makes even more sense when comparing the percentage of unionised employees in the public sector, which stands at 80%, while in the private sector only 23% of employees are members of any trade union.<sup>158</sup>



## 8. SPECIAL TOPICS

### 8.1. YOUTH IN CONFLICT WITH THE LAW

The current Youth Strategy recognises the seriousness of the problems affecting young persons who are in conflict with the law. The Strategy states very clearly and explicitly: *A high proportion of young persons appear as perpetrators of crimes and misdemeanours, that are very often also aimed at young persons while the operation of institutions is not coordinated and there are no diverse programmes for re-socialisation and reintegration.*<sup>159</sup>

Youth in conflict with the law are not listed as a special vulnerable group in the *National Youth Strategy for the period of 2015-2025*, but it lists and describes problems relating to youth who have some form of conflict with the law, measures to address them and goals that should be achieved by these measures.<sup>160</sup> The Strategy states that some of the specific problems are *“the presence of peer violence, violence among sports supporter groups, violence against the LGBT population, violence in partnerships and against foreigners, disrespect for human and minority rights and frequent use and abuse of weapons”*.<sup>161</sup> More recent data on youth crime rates are not available, given that reports relating to crime rates and youth in conflict with the law usually provide only data relating to minors, not the entire youth population, that is to persons aged 15 to 30 years. The Statistical Office of the Republic of Serbia

<sup>159</sup> *The National Youth Strategy 2015-2025*, p. 37.

<sup>160</sup> *Ibid*, p. 39-40. 161

<sup>161</sup> *Ibid*, p. 36.

has announced that in 2018, 1,548 criminal sanctions were imposed on minors, while in the case of eight juveniles, juvenile imprisonment was imposed.<sup>162</sup>

The lack of data relating to all young persons in conflict with the law cannot be justified by the fact that a large number of perpetrators of crimes and misdemeanours are over 18 years of age. It is possible that the reasons for only keeping records for minors are that this category of youth is particularly vulnerable and/or the assumption that they may benefit more from measures aimed at addressing youth delinquency. However, the number of non-juvenile young detainees serving a prison sentence is much higher than the number of juveniles. A 2017 NEOSTART survey of young persons' views on how measures are implemented during a prison sentence at the Juvenile Correctional Institution in Valjevo shows that, at the time, there were only 4.1% of young persons between the ages of 17 and 18, while the majority of respondents comprised young persons from 19 to 22 years (46.4%) and young persons aged 23 to 25 (42.3%), while young persons over 25 comprised 7.2%.<sup>163</sup> For this reason, it is necessary to introduce records of persons between the ages of 15 and 30 who have committed a misdemeanour or a criminal offense, in order to know how many young persons can be classified as persons in conflict with the law.

<sup>162</sup> See more at: <https://www.stat.gov.rs/sr-latn/vesti/20190716maloletni-ucinoci-krivicnih-dela-2018/?s=1401>.

<sup>163</sup> *Izloženost Mlađih prestupnika radikalizmu i ekstremizmu, Centar za prevenciju kriminala i postpenalnu pomoć (Exposure of Young Offenders to Radicalism and Extremism, Centre for Crime Prevention and Post-Penal Assistance)* Belgrade, 2017.

## 8.2. YOUTH AND THE MEDIA

The *Media Image of Vulnerable Groups* publication, based on the results of the *Tolerant Media for Tolerant Society* survey published by the Novi Sad School of Journalism in 2018, states that the media usually report about young people when they achieve exceptional results in scientific or sports competitions, when they are referred to by representatives of the legislative and the executive branches of power, or when they feature in the crime reports.<sup>164</sup> Such reporting leads to very rare reports about young persons who have not achieved top results nor committed a crime or a misdemeanour, that is, about young persons in general, about their problems or activities. It is worrying to find that the media often contain articles or quote statements that characterise young persons as part of the society that is not interested in social affairs.

On the other hand, young persons are dissatisfied with the media coverage that relates to them, as shown by the data published in the National Youth Council of Serbia publication, which states that, according to a 2016 survey by the Ministry of Youth and Sports, 73% of young persons believe that young persons are not given sufficient attention in the media.<sup>165</sup> A survey conducted by the National Youth Council of Serbia in 2017, based on a two-week coverage by nine media

<sup>164</sup> *Medijska slika osetljivih grupa* (*Media Image of Sensitive Groups*, p. 20), available at: [https://issuu.com/novinarska-skola/docs/ceska\\_2018](https://issuu.com/novinarska-skola/docs/ceska_2018).

<sup>165</sup> S. Janjić, *Mladi u medijskom ogledalu* (*Youth in the Media Mirror*) National Youth Council of Serbia- NYCS, Belgrade, 2016, p. 4 Available at: <https://koms.rs/wpcontent/uploads/2017/12/Mladi-u-medijskom-ogledalu-.pdf>.

outlets, 40 daily newspapers, 42 central news programmes and 42 daily online portals, found that each of these media outlets published 0.8 stories on youth-related topics daily.<sup>166</sup> During this period, RTS and N1 aired only six stories on youth problems.

The Alternative Report on the Position and Needs of Youth for 2019 states that when asked *Are young persons and youth problems represented in the media?* 88% of young persons respond negatively.<sup>167</sup>

Although Article 15 of the Public Information Act stipulates the obligation to *produce media content in order to promote the free development of personality and protection of children and young persons*, it can be concluded that the current state of the media in the Republic of Serbia does not correspond to the existing legislation, that there is a very low representation of young persons in the media, and that public service broadcasters (RTS and RTV) and national-frequency televisions do not fulfil their legal obligations.



<sup>166</sup> *Ibid*, p. 8-11.

<sup>167</sup> B. Stojanović, *Alternativni izveštaj o položaju i potrebama mladih u Republici Srbiji* (*Alternative Report on the Position and Needs of Youth in the Republic of Serbia*) - 2019, National Youth Council of Serbia, Belgrade, 2019, p. 121.) Available at: <https://koms.rs/wp-content/uploads/2019/09/Alternativni-izves%CC%8Ctaj-o-poloz%CC%8Caju-ipotrebama-mladih-2019-1.pdf>.

## 9. CONCLUDING CONSIDERATIONS

The objective of the present Zero Report was to provide as comprehensive a review as possible of the human rights situation of young persons in Serbia. Given the objective and characteristics of the present report, it will not set out individual recommendations addressed to the state nor the various youth rights institutions, but will include them in the content of the 2020 report. Instead of individual recommendations, general observations can be made regarding the position of young persons.

Youth are increasingly part of the agenda of the United Nations system and their importance is becoming increasingly recognised. The United Nations Envoy on Youth was established in 2013, the Security Council Youth, Peace and Security Resolution no. 2250 was adopted in 2015 as well as the Youth 2030: The United Nations Youth Strategy.

Youth in Serbia are still neglected, which is indicative due to the fact that young persons are unemployed twice as much as the general population, as well as the huge annual rates of youth leaving the country. Insufficient involvement of young persons in decision-making processes, their lack of representation in the media and the risk of poverty are just some of the factors that influence young persons to leave the country in search of better living conditions.

The fact that young persons are explicitly mentioned in only eight recommendations submitted to the Republic of Serbia by the United Nations mechanisms should not be an obstacle for all recommendations that can be linked to young persons to be observed, analysed and the needs of young persons to be included in monitoring their implementation. In this respect,

an important resource is the Council for Monitoring the Implementation of the Recommendations of the United Nations Mechanisms for Human Rights<sup>168</sup> and the Platform of Organisations for Cooperation with the United Nations Human Rights Mechanisms<sup>169</sup>, which should include a youth perspective in their work. The introduction of youth in mainstreaming should become a strategy for integrating youth into every area of the community.

The data presented pertaining to young members of vulnerable groups indicate that life in Serbia is extremely difficult for certain subgroups of young persons who often have no way of even leaving the country but are trying to survive despite not exercising their rights to work, education, housing and adequate health care. Due to their reduced opportunities, their invisibility in the society makes it impossible for even the measures envisaged to improve the position of young persons to reach them.

The reports that will be produced from 2020 will be the product of a methodology that includes consultations with all the relevant stakeholders, both with representatives of state institutions and with the youth themselves. Particular attention will be paid to involving vulnerable youth groups in this process, to ensure that the report addresses the human rights situation of all young persons in Serbia.

All those interested in contributing to this goal can come forward and get involved in the process given the great need to mobilise all available resources to improve the position of young persons in Serbia.

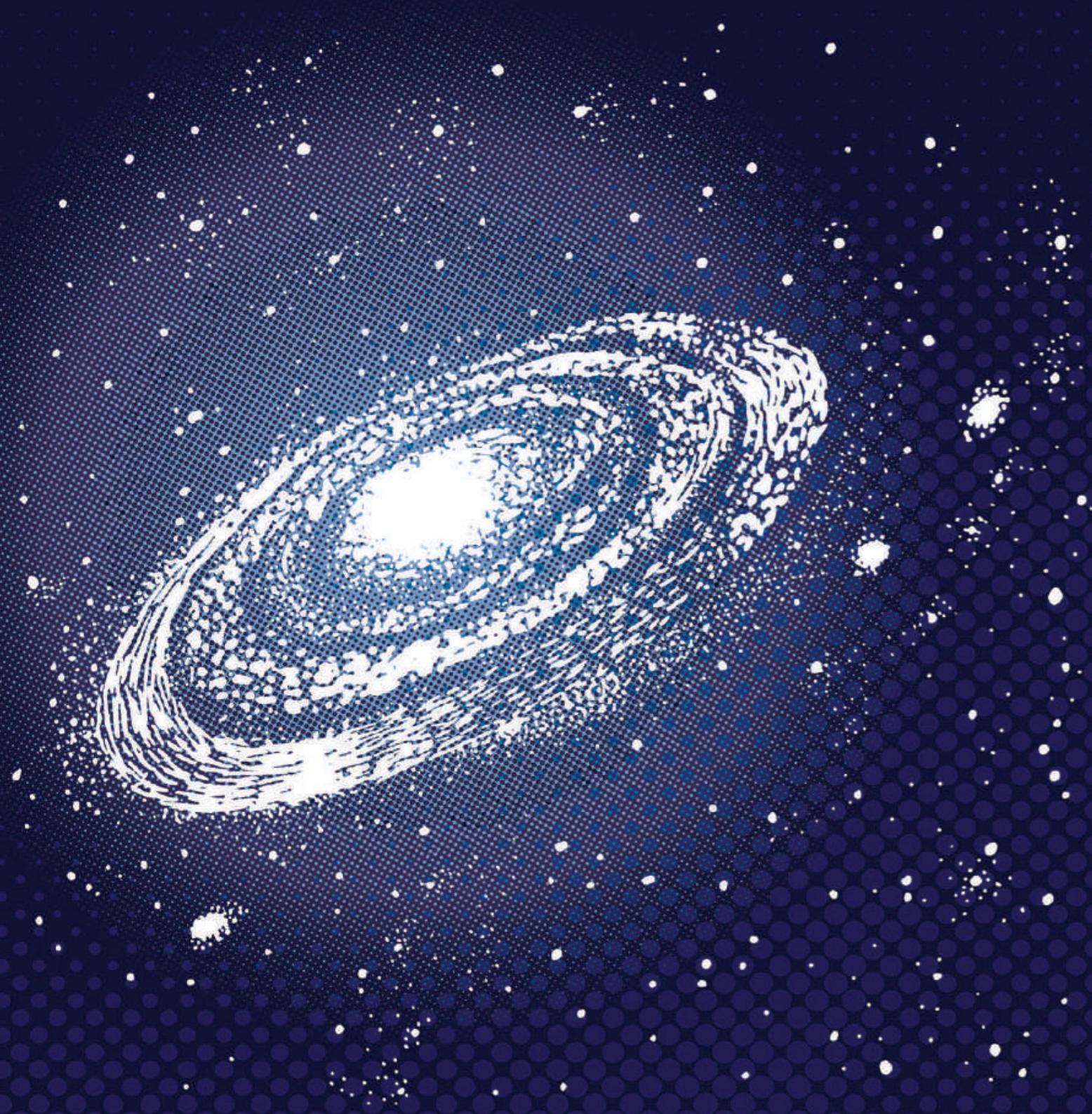


<sup>168</sup> See more at: <https://ljudskaprava.gov.rs/sh/node/19963>.

<sup>169</sup> See more at: <https://platforma.org.rs/>.

## NOTES

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