



RIGHTS OF THE IMPORTANCE FOR THE IMPROVEMENT OF SOCIAL INCLUSION OF ROMA / ROMA RETURNEES

Legal and strategic framework for the exercise
of rights with special reference to access to employment



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The Roma Education Fund, branch office in Serbia is implementing the project “Employment Empowerment of Young Roma”, with the support of German Financial Cooperation, implemented by KfW on behalf of the German Government – Ministry for Economic Cooperation and Development.



Implemented by
KfW

Belgrade, February 2019

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The effective exercise of basic rights granted to the members of the Roma national minority by ratified international documents, the Constitution of the Republic of Serbia and the legislative framework is essential for the improvement of the position of Roma and Roma returnees and achievement of social inclusion. The Roma population in Serbia, including the particularly vulnerable group of persons who have returned to Serbia in the process of readmission, is facing a number of problems in basic areas of life - in the first place there are poverty and discrimination, and difficulty in the exercise of the rights in the area of obtaining personal documents, education, social and health care, housing and employment.

Strategy for the social inclusion of Roma for the period from 2016 to 2025¹ notes that certain results have been achieved with regards to the permanent improvement of the position of Roma, but that, nevertheless, the main obstacles for the socio-economic integration of Roma have not been eliminated and a complete normative framework for the implementation of long-term measures for reduction of poverty and achievement of essential equality of citizens of Roma nationality has not been created. Decrease of the poverty and repression of discrimination against Roma, i.e. the creation of conditions for the full access to the exercise of human rights, are necessary conditions for their social inclusion.

In accordance with the Strategy for the reintegration of returnees under the Readmission Agreement², the active integration of returnees requires an effective state policy, with the aim of integration of returnees in an efficient, effective, sustainable and far-reaching way into society, with full respect for their rights. As the Roma national minority encounters poverty, discrimination

¹ Official Gazette of the Republic of Serbia, no. 26/2016

² Official Gazette of the Republic of Serbia, no. 15/09

and difficulty in the exercise of rights in all of these areas, the Strategy identifies them as a group exposed to a particular risk in the return process. Exercise of the effective integration in the return process is particularly difficult without an effective policy and improvement of the legal, institutional and strategic framework for the exercise and protection of the human and minority rights of Roma returnees.

Bearing in mind the importance of the social inclusion of members of the Roma national minority into society, both for the Roma population including returnees in the readmission process, and for the society as a whole, analysis of the rights of importance for the social inclusion of Roma, with a special note to the issue of employment, first provides an overview of general observations regarding the situation of Roma and Roma returnees in Serbia (Chapter I), and then a review of the legal and strategic framework in the areas of importance for the achievement of social inclusion (Chapter II). Set as the areas of special importance are: equality before the law, legal subjectivity and personal documents; education; health and social protection; and then housing. Particularly separated is the area of employment, with the presentation of the legal and strategic framework, as well as data and observations on the position of members of the Roma national minority in the labor market (Chapter III), with concluding observations on the areas of importance for the social integration of Roma and Roma returnees (Chapter IV).

The main obstacles to the social inclusion of members of the Roma national minority are the exposure to discrimination in various areas of the exercise of rights, as well as poverty. In order to improve the situation of Roma and Roma returnees, the solution of this problem must be based on the comprehensive approach directed towards the full exercise of human rights guaranteed by the international documents ratified by the Republic of Serbia. The problem with personal documents, the exercise of the rights to education, health and social protection, adequate housing and employment are still in the process of resolving, and these rights are mutually conditioned and connected. Therefore, social inclusion must imply a strategic approach to all of these areas, from the human rights point of view.

Strategy for Social inclusion of Roma in the Republic of Serbia 2016 - 2025³ notes that certain results have been achieved in the past period regarding the continuous improvement of the situation of Roma, but that, nevertheless, the main obstacles to the socio-economic integration of Roma have not been eliminated and a complete normative framework for the implementation of long-term measures for poverty reduction and the exercise of the essential equality of citizens of Roma nationality has not been created. The Strategy aims to create conditions for the social inclusion – reduction of poverty and suppression of Roma discrimination, i.e. to create conditions for the full access to the exercise of the human rights to the people of Roma nationality. The overall objective of the Strategy is to improve the socio-economic status of the Roma national minority, with full respect to minority rights, to eliminate discrimination and achieve greater social inclusion in all segments of society.

³ Official Gazette of the Republic of Serbia, no. 26/2016

Agreement between the Republic of Serbia and the European Union on the Readmission of Persons Residing without Authorization⁴ was signed and ratified in 2007, and came into force from 1 January 2008. Based on this Agreement, as well as bilateral agreements on the return of its citizens which Serbia signed with a certain number of countries, **Strategy for Reintegration of Returnees** of the basis of the readmission agreement⁵ was adopted, which defines the institutional framework, measures, activities and main stakeholders for sustainable integration of returnees. The active integration of returnees, in accordance with the Strategy for reintegration of returnees, implies effective state policy with a goal of integration of returnees in an efficient, effective, sustainable and far-reaching manner into society, with full respect for their rights, as well as the active involvement of the returnees in the process of drafting and implementation of strategies, programs and measures through which such integration can be facilitated, as well as the strengthening of capacities in the course of this process. The Strategy identifies the problem of non-informed returnees regarding rights and obligations, and stresses that a large number of returnees are national minorities, especially Roma. Therefore, a special commitment is made to ensure the protection of human and minority rights in all areas.

As Roma national minority faces poverty, discrimination and has difficulty in the exercise of rights in all key areas (personal documents, housing, social and health care, education, employment), the Strategy identifies them as a group exposed to a particular risk in the return process. The strategy states that the competent authorities are not sufficiently familiar with the process of readmission and organized to engage in the process of integration of returnees in order to provide them with timely information regarding their rights and obligations, as well as social, economic and legal support.

In the **Concluding Remarks of the Committee on Economic, Social and Cultural Rights in relation to the Second Periodic Report**

⁴ Official Gazette of the Republic of Serbia, no. 103/2007

⁵ Official Gazette of the Republic of Serbia, no. 15/09

on the Application of the International Covenant on Economic, Social and Cultural Rights⁶, the Committee expresses its concern over the fact that members of national and ethnic minorities, refugees and internally displaced persons, including Roma and other marginalized groups, continue to face discrimination in terms of access to economic, social and cultural rights. The Committee also expresses its concern over the prevailing discrimination against Roma, to which, among the other things, testifies the disproportionately high unemployment, limited access to social protection, accommodation in informal settlements, inadequate health care and education. The Committee recommends to the State which is a contracting party to continue to implement legal and political reforms.

Concluding remarks of the UN Human Rights Committee in connection with the Third Periodic Report on the Implementation of the International Covenant on Civil and Political Rights of 2017⁷ expresses the concern over the fact that, despite significant steps taken by the state, members of the Roma community continue to be exposed to discrimination and social exclusion, and *de facto* segregation in housing and education, and that internally displaced Roma continue to face registration problems and impeded integration into society, with the recommendation to increase the efforts for improvement of non-discriminatory approach to the opportunities and services in all areas for the members of Roma community and to increase the efforts in order for the highlighted problems to be solved and consistent implementation of the Strategy for Social Inclusion of Roma provided.

The European Commission's 2018 Progress Report on Serbia⁸ states that Roma are still a vulnerable group most exposed to discrimination. The Report points out that, in spite of the improved

⁶ The UN Committee on Economic, Social and Cultural Rights, Concluding Observations on the Second Periodic Report of Serbia, E/C.12/SRB/CO/2 of 23 May 2014, available at <http://www.ljudskaprava.gov.rs/sh/node/19967>

⁷ Concluding Observations of the UN Human Rights Committee of 10 April 2017, CCPR/C/SRB/CO/3, available at http://www.ljudskaprava.gov.rs/sites/default/files/dokument_file/zakljucna_zapazanja_komitetaccpr_c_srb_co_3_27019_e_srp.pdf

⁸ European Commission, Serbia 2018 Report, SWD(2018)152 final, Strasbourg, 17.4.2018

legal framework, it is necessary to enable its effective implementation and to improve the rights of vulnerable groups facing discrimination, to give priority to the rights of the child, to develop an adequate approach to the protection of national minorities through the implementation of an action plan for national minorities and ensure efficient implementation and monitoring of the strategy and action plan for Roma inclusion.

According to the data from the **Regional study on Roma in the Western Balkans** carried out in 2017⁹, it is showed that marginalized Roma still face limited access to opportunities in all aspects of human development, from basic rights, through health, education, housing, employment, to standard of living. In 2017, regarding the education, only 17 percent of marginalized Roma children aged 3-6 were enrolled in pre-primary education or school; 1 out of 6 marginalized Roma children of compulsory attendance age are still out of the education system, over one-third of marginalized Roma aged 18-21 lack basic education. The completion rate in university education is a shocking 1%, compared to 23% among the non-Roma. Marginalized Roma in Serbia tend to have lower employment rates than neighboring non-Roma - just over one-fifth of marginalized Roma aged 15-64 were employed in 2017, versus 40 percent of their neighboring non-Roma counterparts. Only one-third of marginalized Roma of this age participated in the labor market in 2017, and marginalized Roma aged 18-24 are over half as likely to be in employment, education or training (27 percent), compared to 58 percent of non-Roma youth. Marginalized Roma aged 15-64 are half as likely to be employed as neighboring non-Roma.

According to the data from the **Third national report on social inclusion and poverty reduction in the Republic of Serbia**¹⁰,

⁹ A survey conducted by the United Nations Development Program (UNDP) and the World Bank, available at <http://www.eurasia.undp.org/content/rbec/en/home/library/roma/regional-roma-survey-2017-country-fact-sheets.html>

¹⁰ *Third National Report on Social Inclusion and Poverty Reduction in the Republic of Serbia – Overview and the state of social exclusion and poverty for the 2014-2017 period with priorities for the following period*, Government of the Republic of Serbia, December 2018, available at http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2019/02/Treci_nacionalni_izvestaj_o_socijalnom_ukljucivanju_i_smanjenju_siromastva_2014%E2%80%932017.pdf

most of the Roma people face social exclusion and poverty, the living conditions being particularly difficult for those living in sub-standard settlements where adequate access to water and electricity is not ensured. Situations of direct and indirect discrimination in all areas of social life are still present. Registration of “legally invisible persons” into the birth register is successfully implemented, so the number of persons without personal documents is significantly reduced. There are difficulties in accessing Roma to health care, as there is a high percentage of persons without health care insurance. In order to overcome the problem, there is continuous support and promotion of the work of health mediators through their education, but they have not yet become part of the health care system. The number of children leaving school has been reduced and the number of Roma students attending high school and faculties has been increased, and even though the number of Roma students in special schools has decreased, it is still too high. Employment of Roma is still a very present problem, although certain results have been achieved, especially in the territory of AP Vojvodina. Key activities are focused on the development of individual employment plans, subsidizing self-employment and provision of professional help with the aim of stimulating self-employment.

1. EQUALITY BEFORE THE LAW, LEGAL SUBJECTIVITY AND PERSONAL DOCUMENTS

Equality before the law is a basic precondition for the exercise of other rights of the members of the Roma national minority guaranteed by international documents, constitutional guarantees and laws. The prohibition of discrimination is incorporated in the basic international documents ratified by the Republic of Serbia, as well as in the domestic legal framework, both through the provisions of the Law on the Prohibition of Discrimination and through provisions in numerous other laws. In addition, the basic area of law that requires the effective exercise of other rights such as the right to education, health and social protection, and rights in the field of housing and employment, certainly constitutes the right to legal subjectivity. Registration in birth registers and the possession of personal documents is necessary to exercise the rights from all other relevant areas.

At the level of the international legal framework, the key document of the United Nations is the **Universal Declaration of Human Rights** (1948) which set the foundations for recognition of the basic human rights and freedoms that belong to everyone without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, economic property, birth or other status (Article 2). Universal Declaration sets the foundation for the equality of all before the law and all are entitled without any discrimination to equal protection of the law, and all are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination (Article 7). Also, everyone has the right to recognition everywhere as a person before the law (Article 6). In accordance with the **International Covenant on Civil and Political Rights**¹¹ (1996)

¹¹ Official Gazette of the Socialist Federative Republic of Yugoslavia – International contracts, no. 7/1971

all persons are equal before the law and are entitled without any discrimination to the equal protection of the law and in this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Article 26). Everyone shall have the right to recognition everywhere as a person before the law (Article 16).

International Convention on the Elimination of All Forms of Racial Discrimination¹² (1965) defines racial discrimination as any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life (Article 1). Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups, shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved (Article 1). Convention obliges states parties to, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms (Article 2). Of particular importance is **the United Nations Convention on the Rights of the Child**¹³ which sets the obligation of the contracting states to ensure the rights set in the Convention to each child within their jurisdiction without discrimination of any kind (Article 2). Convention stipulates that a child has the right from birth to a name and nationality (Article 7).

¹² Official Gazette of the Socialist Federative Republic of Yugoslavia, no. 31/67

¹³ Official Gazette of the Socialist Federative Republic of Yugoslavia – International contracts, no. 15/90 and Official Gazette of the Federal Republic of Yugoslavia – International contracts, no. 4/96 i 2/97

Framework Convention for the Protection of National Minorities¹⁴ stipulates the obligation of the contracting parties to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority, and in this respect, they shall take due account of the specific conditions of the persons belonging to national minorities. These measures shall not be considered to be an act of discrimination (Article 4).

Fundamental human rights and freedoms are guaranteed by **Constitution of the Republic of Serbia**¹⁵, either directly through constitutional guarantees or through direct implementation of human and minority rights guaranteed by the generally accepted rules of international law, ratified international treaties and laws. Constitution guarantees the protection of national minorities, therefore the state has the obligation to protect the rights of national minorities and guarantees special protection to national minorities for the purpose of exercising full equality and preserving their identity (Article 14), and discrimination is prohibited, while special measures which the state may introduce to achieve full equality of individuals or group of individuals in a substantially unequal position compared to other citizens shall not be deemed discrimination (Article 21). Constitution guarantees the right to have legal capacity (Article 37). Also, persons belonging to national minorities shall be guaranteed special individual or collective rights in addition to the rights guaranteed to all citizens by the Constitution (Article 75), while Specific regulations and provisional measures which the Republic of Serbia may introduce in economic, social, cultural and political life for the purpose of achieving full equality among members of a national minority and citizens who belong to the majority, shall not be considered discrimination if they are aimed at eliminating extremely unfavorable living conditions which particularly affect them (Article 76).

¹⁴Law on the Confirmation of the Framework Convention for the Protection of National Minorities, Official Gazette of the Federal Republic of Yugoslavia – International contracts, no. 6/98

¹⁵Official Gazette of the Republic of Serbia – International contracts, no. 98/2006

The Law on the Protection of Rights and Freedoms of National Minorities¹⁶ gives Roma the status of a national minority and establishes the obligation of the authorities to, in accordance with the constitution and law, pass regulations, individual legal acts and undertake measures aimed at ensuring full and effective equality between members of national minorities and members of the majority population, and specially in order to improve the position of the persons of the Roma national minority (Article 4). Any form of discrimination against persons belonging to national minorities is prohibited by this law (Article 3). **The Law on State Administration**¹⁷ prescribes affirmative measures, i.e. the obligation of the state administration authorities to take care, in accordance with the constitution, law and other acts, of implementation of special measures in order to achieve full equality of the person or a group of persons which are essentially in an unequal position to the other citizens (Article 5a).

Of special importance is the **Law on Prohibition of Discrimination** which prescribes that everyone shall have the right to get efficient protection from all forms of discrimination by the competent courts and other public administration organs of the Republic of Serbia (Article 3). All persons shall be equal and shall enjoy equal status and equal legal protection regardless of personal characteristics, and everyone shall be obligated to respect the principle of equality, that is to say, the prohibition of discrimination (Article 4). Special measures introduced for the purpose of achieving full equality, protection and progress of an individual or a group of persons in an unequal position shall not be considered to constitute discrimination (Article 14). As a special case of discrimination is discrimination before the public authorities, so everyone shall have the right to equal access to and equal protection of his/her rights before courts of law and public administration organs (Article 15). It is forbidden to discriminate against national

¹⁶ Official Gazette of the Federal Republic of Yugoslavia, no. 11/2002, Official Gazette of the Serbia and Montenegro, no. 1/2003 – Constitutional Charter and Official Gazette of the Republic of Serbia, no. 72/2009 – other law, 97/2013 – Decision of the Constitutional Court and 47/2018

¹⁷ Official Gazette of the Republic of Serbia, no. 79/05, 101/07, 95/2010, 99/2014, 47/2018 and 30/2018 – other law

minorities (Article 24) and their members on the grounds of religious affiliation, ethnic origin, religious beliefs and language, and the manner of realizing and protecting the rights of members of national minorities shall be regulated by a special law.

At the level of the laws which are important for the registration in the Birth Registers and obtaining of personal documents, it is important to point out that the procedure for the registration in the Register of Births much alleviated by the changes of the **Law on Extra-Judicial Proceedings**¹⁸ which introduced novelties in regards to the procedure for determination of the time and place of birth of the persons which are not registered in the Register of Births, and these facts they are unable to prove in the manner prescribed by the law (Articles 71a-71lj). Of importance for this area are the provisions of **Identity Card Law**¹⁹, as well as **Law on Citizenship of the Republic of Serbia**²⁰, **Law on Registries**²¹, and **Law on Travel Documents**²².

Law on Permanent and Temporary Residence of Citizens²³ stipulates that the citizen may register permanent residence on the basis of property rights on an apartment, lease agreement on an apartment or other legal basis, and if they cannot register permanent residence on the abovementioned basis, the competent authority may establish their permanent residence at the address of their spouse, extra-marital partner or parent, i.e. address of an institution in which the applicant is permanently placed or of a center for social work in the territory of which the applicant is located.

Strategy for Prevention and Protection against Discrimination²⁴ is the first government strategic document dedicated to

¹⁸ Official Gazette of the Socialist Republic of Serbia, no. 25/82 and 48/88 and Official Gazette of the Republic of Serbia, no. 46/95 – other law, 18/2005 – other law, 85/2012, 45/2013 – other law, 55/2014, 6/2015 and 106/2015 – other law

¹⁹ Official Gazette of the Republic of Serbia, no. 62/2006 and 36/2011

²⁰ Official Gazette of the Republic of Serbia, no. 135/2004, 90/2007 and 24/2018

²¹ Official Gazette of the Republic of Serbia, no. 20/2009, 145/2014 and 47/2018

²² Official Gazette of the Republic of Serbia, no. 90/2007, 116/2008, 104/2009, 76/2010 and 62/2014

²³ Official Gazette of the Republic of Serbia, no. 87/2011

²⁴ Official Gazette of the Republic of Serbia, no. 60/2013

the fight against discrimination, which stipulates a system of measures and instruments of public policy aimed at the prevention, i.e. reduction of all forms and special cases of discrimination, in particular towards certain individuals, i.e. groups of individuals based on their personal characteristic.

2. EDUCATION

Universal Declaration of Human Rights (1948) stipulates that everyone has the right to education and that primary education shall be compulsory (Article 26), that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms and It shall promote understanding, tolerance and friendship among all nations, racial and religious groups. **International Covenant on Economic, Social and Cultural Rights**²⁵ (1966) recognizes the right of every person to education, which 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 (Article 13). Primary education must be compulsory and freely available to all, and secondary education in its various forms must be made general and accessible to everyone through all appropriate means.

International Convention on the Elimination of All Forms of Racial Discrimination²⁶ (1965) obliges states parties to prohibit and to eliminate racial discrimination and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment, inter alia, the right to education and vocational training (Article 5). **The United Nations Convention on the Rights of the Child**²⁷ guarantees the right of the child to education, including primary education which is compulsory and free (Article 28), and states parties

²⁵ Official Gazette of the Socialist Federative Republic of Yugoslavia – International contracts, no. 7/1971

²⁶ Official Gazette of the Socialist Federative Republic of Yugoslavia, no. 31/67

²⁷ Official Gazette of the Socialist Federative Republic of Yugoslavia – International contracts, no. 15/90 and Official Gazette of the Federal Republic of Yugoslavia – International contracts, no. 4/96 and 2/97

are obliged to take measures to encourage regular attendance at schools and the reduction of drop-out rates. Education of the child shall be directed to the development of the child's personality, to the development of respect for human rights and fundamental freedoms, to the development of respect of their cultural identity, and the preparation of the child for responsible life in a free society (Article 29). **Convention against Discrimination in Education**²⁸ aims to combat discrimination in education and equal access to education, and to promote equal opportunities and procedures in education aimed at strengthening the respect of human rights and fundamental freedoms.

Right to education is guaranteed by the **European Convention for the Protection of Human Rights and Fundamental Freedoms**²⁹ (Article 2 of Protocol No. 1 and the Additional Protocol to the Convention), which implies not only the right of access to educational institutions existing at a given time, but the transmission of knowledge and intellectual development, as well as the right to obtain, in conformity with the rules in force in each State, official recognition of the studies which have been completed³⁰. **The European Social Charter (Revised)**³¹ in the framework of the rights of children and youth to social, legal and economic protection (Article 17), provides that the contracting states are obliged to take appropriate and necessary measures aimed at, inter alia, for children and youth to receive education they need, as well as to provide children and youth free primary and secondary education, and to encourage regular school attendance. Special attention must be given to achieving equal access to available and effective educational system when it comes to vulnerable groups such as, inter alia, children from minority groups, i.e. necessary special

²⁸ Convention against Discrimination in Education, adopted at the 11th session of the UNESCO General Conference, on 14 December 1960, came into force on 22 May 1962, Official Gazette of the Federative People's Republic of Yugoslavia, no. 4/64

²⁹ Official Gazette of the Serbia and Montenegro – International contracts, no. 9/03, 5/05 i 7/05 – correction and Official Gazette of the Republic of Serbia, - International contracts, no. 12/2010

³⁰ Council of Europe/European Court of Human Rights, *Guide to Article 2 of Protocol No. 1 – Right to Education*, 2015, available at www.echr.coe.int

³¹ Law on the Confirmation of the European Social Charter (Revised), Official Gazette of the Republic of Serbia – International contracts, no. 42/2009

measures are to be undertaken in order to ensure them the exercise of rights³².

The Framework Convention for the Protection of National Minorities³³ provides for the obligation of the Parties to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority, and in this respect, they shall take due account of the specific conditions of the persons belonging to national minorities. The measures shall not be considered to be an act of discrimination (Article 4). The Parties also undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities (Article 12).

In accordance to the **Constitution of The Republic of Serbia**³⁴ everyone has the right to education, where primary education is compulsory and free, and secondary education is free (Article 71). Members of national minorities have the right, inter alia, to study in their own language in state institutions and institutions of autonomous provinces.

The Law on Foundations of Educational System³⁵ stipulates that the right to education belongs to every person, and that citizens of the Republic of Serbia are equal in the exercise of this right. The system of education and upbringing is based on the general principles of education and upbringing (Article 7), with the aim of ensuring equality and access to the exercising of the right to education and upbringing based on social justice and the principle of equal opportunities without discrimination, and respect for the human rights and the rights of every child, student and adult and respecting human dignity. In particular, the state's commitment to

³² European Committee of Social Rights, *Mental Disability Advocacy Center (MDAC) v. Bulgaria*, Complaint No. 41/2007, Decision of 11 June, 2008, available at [https://hudoc.esc.coe.int/eng#{%22ESCDIdentifier%22:\[%22cc-41-2007-dmerits-en%22\]}](https://hudoc.esc.coe.int/eng#{%22ESCDIdentifier%22:[%22cc-41-2007-dmerits-en%22]})

³³ Law on the Confirmation of the Framework Convention for the Protection of National Minorities, Official Gazette of the Federal Republic of Yugoslavia – International contracts, no. 6/98

³⁴ Official Gazette of the Republic of Serbia, no. 98/2006

³⁵ Official Gazette of the Republic of Serbia, no. 88/2017 and 27/2018 – other laws

reducing the dropout rate from the education system of persons from socially vulnerable categories of the population and supporting their reintegration into the system is in accordance with the principles of inclusive and intercultural education and upbringing. Law regulates other important issues such as segments use of language (Article 5), enrollment of students in primary school (Article 18) and in secondary school (Article 19), and particularly the status of expellees and internally displaced persons, and students who were returned to the country on the basis of readmission agreement.

Provisions of importance for the inclusive education of members of Roma national minority are to be found in **Law on Preschool Education**³⁶, **Law on Primary Education**³⁷, **Law on Secondary Education**³⁸ as well as in **Law on Higher Education**³⁹.

Strategy for Development of Education in Serbia by 2020⁴⁰ particularly sets out as objectives increasing the quality of education process, increasing the coverage of population at all levels of education and especially mentions low number of Roma children enrolled in preschool education.

3. HEALTH AND SOCIAL PROTECTION

In accordance with the **Universal Declaration of Human Rights** (1948) everyone, as a member of society, has the right to social security in accordance with the organization and resources of each State (Article 22). Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control (Article

³⁶ Official Gazette of the Republic of Serbia, no. 18/2010 i 101/2017

³⁷ Official Gazette of the Republic of Serbia, no. 55/2013, 101/2017 and 27/2018 – other law

³⁸ Official Gazette of the Republic of Serbia, no. 55/2013, 101/2017 i 27/2018 – other law

³⁹ Official Gazette of the Republic of Serbia, no. 88/2017, 27/2018 – other law and 73/2018

⁴⁰ Official Gazette of the Republic of Serbia, no. 107/12

25). By ratifying **International Covenant on Economic, Social and Cultural Rights**⁴¹ (1966), Republic of Serbia undertook the obligation to guarantee that all rights enunciated in the Covenant will be exercised without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Article 2). The States Parties to this Covenant recognize the right of everyone to social security, including social insurance (Article 9).

International Convention on the Elimination of All Forms of Racial Discrimination⁴² (1965) obliges States Parties to, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms (Article 2). States Parties also undertake to guarantee the right to equality with regard to enjoying economic, social and cultural rights, in particular the rights to protection against unemployment, the right to public health, medical care, social security and social services (Article 5). **United Nations Convention on the Rights of the Child**⁴³ recognizes the right of the child to the enjoyment of the highest level of health and medical care (Article 24), as well as the right of every child to use social security, including social insurance, in accordance with their national law (Article 26) and right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development (Article 27).

States, in accordance to the **European Social Charter (Revised)**⁴⁴ oblige to undertake appropriate measures to ensure effective exercise of the right to protection of health (Article 11), the right to social security (Article 12), the right to social and medical

⁴¹ Official Gazette of the Socialist Federative Republic of Yugoslavia – International contracts, no. 7/1971

⁴² Official Gazette of the Socialist Federative Republic of Yugoslavia, no. 31/67

⁴³ Official Gazette of the Socialist Federative Republic of Yugoslavia – International contracts, no. 15/90 and Official Gazette of the Federal Republic of Yugoslavia – International contracts, no. 4/96 and 2/97

⁴⁴ Law on the Confirmation of the Revised European Social Charter, Official Gazette of the Republic of Serbia - International contracts, no. 42/2009

assistance (Article 13). **The Framework Convention for the Protection of National Minorities**⁴⁵ provides for the obligation of the Parties to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority, and in this respect, they shall take due account of the specific conditions of the persons belonging to national minorities, and these measures shall not be considered to be an act of discrimination (Article 4).

In addition to the aforementioned rights and freedoms guaranteed by the **Constitution of The Republic of Serbia**⁴⁶, Constitution guarantees the right to health protection (Article 68) and the right to social security (Article 69).

Law on Health Care⁴⁷ implies that social care for health, under equal conditions, shall be exercised by providing health care to the groups of population that are exposed to an increased risk of contracting diseases, health care of persons related to prevention, control, early detection, and treatment of diseases of major social and medical importance, as well as by health care of the socially vulnerable population which includes (Article 11): materially unsecured persons who receive financial assistance according to the regulations on social welfare; beneficiaries of permanent pecuniary according to the regulations on social welfare; unemployed persons and other categories of socially vulnerable persons; persons of the Roma nationality who, due to their traditional lifestyle do not have permanent or temporary residence in the Republic. In accordance with the **Law on Health Insurance**⁴⁸ the insured are

⁴⁵Law on the Confirmation of the Framework Convention for the Protection of National Minorities, Official Gazette of the Federal Republic of Yugoslavia – International contracts, no. 6/98

⁴⁶Official Gazette of the Republic of Serbia, no. 98/2006

⁴⁷Official Gazette of the Republic of Serbia, no. 107/2005, 72/2009 – other law, 88/2010, 99/2010, 57/2011, 119/2012, 45/2013 – other law, 93/2014, 96/2015, 106/2015, 113/2017 – other law and 105/2017 – other law

⁴⁸Official Gazette of the Republic of Serbia, no. 107/2005, 109/2005 - correction, 57/2011, 110/2012 – Decision of the Constitutional Court, 119/2012, 99/2014, 123/2014, 126/2014 – Decision of the Constitutional Court, 106/2015 and 10/2016 – other law

persons belonging to the abovementioned groups even in the case they do not meet basic conditions prescribed by the law (Article 22).

Law on Social Welfare⁴⁹ implies the right to social protection, i.e. that every individual and families in need of help from society and support in order to overcome social and life hardships and creating conditions to fulfill basic needs, have the right to social protection, in accordance with the law. Rights to social protection are provided by the provision of social protection services and material support (Article 4). Social protection services are activities of provision of support and help to the individual and family, in order to improve, i.e. to preserve the quality of life, remove or mitigate the risk of unfavorable life circumstances, as well as creation of possibilities for independent life in the society. The right to different types of material support is executed in order to provide the existential minimum and support to social inclusion of the user (Article 5).

Public Health Strategy⁵⁰ implies da the most common diseases are most often directly connected to social and economic determinants, i.e. that are unequally more present with the poor population, and **Strategy on Permanent Quality Improvement of the Health Protection and Patients Safety**⁵¹ as a specific goal defines the obligation of improvement of cooperation between the Ministry of Health with the Ministry of Labor, Employment, Veteran and Social policy, in order to improve the availability and accessibility of health care to the specially sensitive population groups, Roma among the others, as well identifying specially sensitive groups in the local self-government units.

4. HOUSING

At the level of the United Nations, **Universal Declaration of Human Rights** (1948) implies that everyone has the right to

⁴⁹Official Gazette of the Republic of Serbia, no. 24/2011

⁵⁰Official Gazette of the Republic of Serbia, no. 22/09

⁵¹Official Gazette of the Republic of Serbia, no. 15/09

freedom of movement and residence within the borders of each state (Article 13), and everyone has the right to a standard of living adequate for the health and well-being of himself and of his family. **In accordance with the International Covenant on Civil and Political Rights**⁵² (1996) everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his/her residence (Article 12). **International Covenant on Economic, Social and Cultural Rights**⁵³ (1966) recognizes 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, and States Parties are obliged to take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent (Article 11).

International Convention on the Elimination of All Forms of Racial Discrimination⁵⁴ (1965) obliges States Parties to, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms (Article 2). States are committed to guaranteeing everyone the right to equality in the enjoyment of civil rights, in particular the right of persons to move freely and choose their place of residence in one state, as well as economic and social rights, in particular the right to an apartment (Article 5).

Revised European Social Charter⁵⁵ obliges Member States to take appropriate measures to ensure the effective exercise of the right to housing (Article 31), or measures aimed at improving

⁵² Official Gazette of the Socialist Federative Republic of Yugoslavia – International contracts, no. 7/1971

⁵³ Official Gazette of the Socialist Federative Republic of Yugoslavia – International contracts, no. 7/1971

⁵⁴ Official Gazette of the Socialist Federative Republic of Yugoslavia, no. 31/67

⁵⁵ Law on the Confirmation of the Revised European Social Charter, Official Gazette of the Republic of Serbia - International contracts, no. 42/2009

access to housing of the appropriate standard, to prevent and reduce homelessness, and to make housing prices available to those who do not have enough funds. **Framework Convention for the Protection of National Minorities**⁵⁶ provides for the obligation for Parties to adopt, where necessary, appropriate measures to ensure the full and equal equality of members of the national minority and members of the majority in all areas of economic, social, political and cultural life, and in this regard account will be taken of specific conditions of persons belonging to national minorities, but the measures will not be considered an act of discrimination (Article 4).

In addition to the aforementioned rights and freedoms guaranteed by the **Constitution of the Republic of Serbia**⁵⁷, the Constitution guarantees freedom of movement and residence (Article 39). Although the Constitution does not regulate the direct right to an apartment, nor does it define a public interest in this area, the provisions concerning the right to social protection (Article 69) determine that the satisfaction of basic living needs should be based on the principle of respect for human dignity. Housing as one of the basic necessities of life, therefore, deserves specific attention of the entire community, especially to those who because of their poor financial situation cannot meet their housing needs in a dignified manner. The state regulates and provides a system of social security, sustainable development, basic goals and directions of regional and social development, policies and measures for directing and encouraging development, ownership and contractual relations, and other relations of interest to the Republic of Serbia.

By the **Law on Social Housing**⁵⁸ Roma were singled out as a particularly vulnerable group whose members have certain advantages in the process of granting the right to social housing as habitation under appropriate standard intended for households which, for social, economic and other reasons, cannot provide adequate

⁵⁶ Law on the Confirmation of the Framework Convention for the Protection of National Minorities Official Gazette of the Federal Republic of Yugoslavia – International contracts, no. 6/98

⁵⁷ Official Gazette of the Republic of Serbia, no. 98/2006

⁵⁸ Official Gazette of the Republic of Serbia, no. 72/09

means for rent or ownership according to market conditions. After that, the **Law on Housing and Building Maintenance**⁵⁹ provides for the existence of a housing support as a form of assistance for housing to a person who, for social, economic and other reasons cannot solve from its own funds the housing problem for himself and his family household (Article 88) and also stipulates an obligations of the adoption of the National Housing Strategy and Housing Support Program.

National Social Housing Strategy⁶⁰ includes issues relating to social housing beneficiaries, that is, persons and households who are vulnerable to housing problems and have difficulty accessing suitable housing on the market, as well as issues relating to the establishment and continuous improvement of institutional, legal and financial instruments for the development of social housing in order to achieve suitable and affordable housing solutions for these users.

⁵⁹ Official Gazette of the Republic of Serbia, no. 104/20161

⁶⁰ Official Gazette of the Republic of Serbia, no. 13/12

1. LEGAL FRAMEWORK

The **Universal Declaration of Human Rights** (1948) provides for the right to work, to free choice of employment, to fair and appropriate working conditions and to protection against unemployment (Article 23). By ratifying the **International Covenant on Economic, Social and Cultural Rights**⁶¹ Member States shall recognize the right to work, which includes the right of each person to the opportunity to earn through freely chosen or accepted work, and undertake appropriate action for the preservation of this right. Among the measures that each Member State of the Pact should undertake to achieve this right, include technical and vocational guidance and training programs, policies and methods for achieving permanent economic, social and cultural development and full productive employment in conditions that guarantee the enjoyment of basic political and economic freedoms (Article 6). Also, the ratification of the **International Convention on the Elimination of All Forms of Racial Discrimination**⁶² (1965), the Governments undertake to guarantee everyone the right to equality in the enjoyment of economic, social and cultural rights, in particular the right to work, to the free choice of work, to fair and satisfactory working conditions, to protection in the event of unemployment (Article 5).

By the **Revised European Social Charter**⁶³ in the framework of the right to work (Article 1) and in order to ensure the effective exercise of the right to work, the Contracting Parties undertake to accept as one of their primary objectives and duties to ensure and maintain as high and stable level of employment as possible for the

⁶¹ Official Gazette of the Socialist Federative Republic of Yugoslavia – International contracts, no. 7/1971

⁶² Official Gazette of the Socialist Federative Republic of Yugoslavia, no. 31/67

⁶³ Law on the Confirmation of the Revised European Social Charter, Official Gazette of the Republic of Serbia – International contracts, no. 42/2009

purpose of achieving full employment. **Framework Convention for the Protection of National Minorities**⁶⁴ provides for the obligation of Parties to adopt, where necessary, appropriate measures to ensure the full and real equality of members of the national minority and members of the majority in all areas of economic, social, political and cultural life, and in this regard account will be taken of specific conditions of persons belonging to national minorities, but the measures will not be considered an act of discrimination (Article 4).

Of particular importance in this area are instruments of the International Labor Organization (ILO), a specialized agency of the United Nations that promotes social justice and international human and labor rights, especially **ILO Convention no. 111 on discrimination (in employment and occupation)**⁶⁵, 1958. Purpose of the Convention no. 111 is to protect all persons from discrimination in employment and occupation based on race, color, sex, religion, political opinion, nationality and social origin, with the possibility to include other bases, and no provision of this Convention shall limit its scope to individual or type of activity. The Convention prohibits discrimination on seven grounds including race and includes direct and indirect discrimination and applies to all workers, whether they work in the public or private sector, in a formal or informal economy. It also applies to the self-employed, covering every aspect of employment and occupation, including access to employment, vocational education and a certain occupation, as well as employment conditions.

In addition to the aforementioned rights and freedoms guaranteed by the **Constitution of the Republic of Serbia**⁶⁶, the Constitution guarantees that everyone has the right to a free choice of work and that all work places are accessible to everyone under equal conditions (Article 60).

⁶⁴Law on the Confirmation of the Framework Convention for the Protection of National Minorities, Official Gazette of the Federal Republic of Yugoslavia – International contracts, no. 6/98

⁶⁵Official Gazette of the Federative People's Republic of Yugoslavia – International contracts, no. 3/61

⁶⁶Official Gazette of the Republic of Serbia, no. 98/2006

Law on Employment and Unemployment Insurance⁶⁷ provides as basic principles, inter alia, the prohibition of discrimination as well as affirmative actions directed towards hard-to-employ unemployed persons (Article 5). Unemployed people who belong to the category of hard-to-employ people can have priority, that is, special rights in the implementation of certain programs and measures of active employment policy, in accordance with the law. The hard-to-employ unemployed person is a person who, because of his/her health condition, insufficient or inadequate education, sociodemographic characteristics, regional or occupational mismatch between labor market demand and supply, or other objective circumstances, has difficulties finding employment (Article 31).

In accordance with the **National Employment Strategy**⁶⁸ for the period 2011-2020, the National Employment Action Plan for 2018⁶⁹ as one of the goals and priorities of the employment policy, also encourages the employment and inclusion of hard-to-employ persons on the labor market and support to regional and local employment policies. This implies intensification of activities aimed at increasing motivation for inclusion of Roma in the labor market, raising employability, employment and economic empowerment, especially from the category of multiple hard-to-employ unemployed persons. National Employment Action Plan for 2019⁷⁰, based on identified challenges in the labor market, sets as one of the objectives of the employment policy reducing the general rate of inactivity and increasing the employment rate, which highlighted the increasing of the access to the labor market for the Roma.

⁶⁷ Official Gazette of the Republic of Serbia, no. 36/2009, 88/2010, 38/2015, 113/2017 and 113/2017 – other law

⁶⁸ Official Gazette of the Republic of Serbia, no. 37/11

⁶⁹ Available at <https://www.srbija.gov.rs/dokument/45678/strategije.php>

⁷⁰ Available at http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2019/02/nacionalni_akcioni_plan_zaposljavanja_2019.pdf

2. POSITION OF MEMBERS OF THE ROMA NATIONAL MINORITY IN THE LABOR MARKET

Despite the improvement of the legislative and strategic framework in the field of employment, it is necessary to take further measures aimed at the integration of members of the Roma national minority who are in a more unfavorable position than the general population. The impact on the improvement of the position of Roma in the field of employment contributes not only to the increase of the life standard of this minority group, but also to social inclusion, especially when it comes to particularly vulnerable groups such as returnees, internally displaced persons, residents of informal settlements, Roma women.

The problems identified in the Strategy for Social Inclusion of Roma are multiple, and as a prerequisite for an objective examination of the situation it is necessary to overcome the problem of the lack of precise data in this area. In the first place, there is a problem of low participation of the able-bodied members of the Roma national minority in the labor market, which is explained by insufficient information among the members of this minority group, and as well by the problem of non-possession of personal documents. In addition, to reduced employment opportunities also contribute early abandonment of the formal education system and low level of qualifications, often with poor knowledge of the Serbian language. On the other hand, it can be noted that on the part of employers there is no willingness to engage Roma men and women, with present stereotypes and discrimination.

The Roma minority is identified as an especially vulnerable category in the National Employment Strategy, which requires additional help and support in order to become more competitive in the labor market. **Report on the implementation of the National Action Plan for Employment for 2017**⁷¹ states that, in the context of stimulation of employment Roma, in 2017, measures included

⁷¹ Conclusion of the Government of the Republic of Serbia, 05 number: 101-3594/2018 of 4 May 2018, available at <https://www.minrzs.gov.rs/sr/dokumenti/izvestaji/sektor-za-rad-i-zaposljavanje>

in the active employment policy covered 5.140 unemployed Roma, which represents a share of 3.54% in the total number of unemployed involved in active labor market measures.

The **National Employment Action Plan for 2019**⁷² puts into the focus of the employment policy the categories of hard-to-employ unemployed people facing more than one vulnerability factor, having in mind that the analysis of the average length of unemployment indicates that the average duration of unemployment increases with the increase in the number of vulnerability factors. Particularly poor labor market outcomes, measured by the length of unemployment, are faced by persons with the following characteristics: persons with disabilities, beneficiaries of financial social assistance, Roma, persons living in households where other members of the household are outside the labor market (whether it is a spouse or a parent). The most frequent factor associated with this is the low level of education and lack of qualifications.

In the part of the Roma population with an adequate level of education, shortcomings and inequality in employment can be noted, so the **European Commission's Report against Racism and Intolerance (ECRI) of 2017**⁷³ provides recommendations regarding the clear division of responsibilities and the allocation of financial and human resources for the implementation of the Strategy for Social Inclusion of Roma, while in the field of employment, it is highly recommended that high priority be given to employing a proportionate number of Roma in the civil service and ensuring them equally stable working conditions as to other civil servants. **European Commission's Report on the Progress of Serbia from 2018**⁷⁴ points out that the Roma are still the vulnerable group that is most exposed to discrimination and that, despite the improved legal framework, it is necessary to enable effective implementation thereof, and to improve the rights of vulnerable groups facing

⁷² Available at

http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2019/02/nacionalni_akcioni_plan_zaposljavanja_2019.pdf

⁷³ ECRI Final Report on Serbia adopted in March 2017, Committee of Ministers of the Council of Europe, SM(2017)41-ad2

⁷⁴ European Commission, Serbia 2018 Report, SWD(2018)152 final, Strasbourg, 17.4.2018

discrimination, to develop an adequate approach to the protection of national minorities through the implementation of the action plan a plan for national minorities, as well as ensuring effective implementation and monitoring of the strategy and action plan for the inclusion of Roma.

In the absence of systematized data that would clearly indicate the position of the Roma in employment, the data provided by the **Regional Survey on the Status of Roma in the Western Balkans** is significant, which was conducted in 2017⁷⁵, which showed that marginalized Roma continue to face limited access to opportunities in all aspects of human development, from basic rights, through health, education, housing, employment to living standards.

It is pointed out that in Serbia, there is a wide gap between marginalized Roma and their neighboring non-Roma, especially with young people - marginalized Roma aged 18-24 are over half as likely to be in employment, education or training (27 percent), compared to 58 percent non-Roma youth. Marginalized Roma aged 15-64 are half as likely to be employed as neighboring non-Roma. In the area of employment, mentioned survey implies that marginalized Roma 15-64 years of age tend to have lower employment rates than neighboring non-Roma – just over one-fifth of marginalized Roma aged 15-64 were employed in 2017, versus 40 percent of their neighboring non-Roma counterparts; just one-third of marginalized Roma of this age participated in the labor market in 2017, down from 52 percent in 2011.

According to the **Third National Report on Social Inclusion and Poverty Reduction in the Republic of Serbia**⁷⁶, 38.7% of the

⁷⁵The survey was conducted by the United Nations Development Program (UNDP) and World Bank, available at <http://www.eurasia.undp.org/content/rbec/en/home/library/roma/regional-roma-survey-2017-country-fact-sheets.html>

⁷⁶Third National Report on Social Inclusion and Poverty Reduction in the Republic of Serbia - Review and state of social exclusion and poverty for the period 2014-2017 with priorities for the coming period, Government of the Republic of Serbia, December 2018, available at http://socijalnouključenje.gov.rs/wp-content/uploads/2019/02/Treci_nacionalni_izvestaj_o_socijalnom_ključivanje_i_smanjenju_siromastva_2014%E2%80%932017.pdf

population of the Republic of Serbia (2.72 million) is at risk of poverty or social exclusion, and children under 18 are at the highest risk of poverty (30%) compared to other age groups. According to the poverty risk criteria, the lower educated are significantly more vulnerable, and the share of people over 18 years of age at the risk of poverty decreases with the level of education, so the highest risk of poverty has the population without education or primary school (39.1%). Data of the National Employment Service in 2017 showed an average of 26,600 Roma people in the records (of which 47% are women), which represents a share of 4.1% in the total number of unemployed. The largest number of Roma people in the register is up to 30 years old (32% of the total registered people), and one third belongs to the category of young people. Observed in relation to the educational level, 89% of Roma out of the total number in the register are unqualified, 10.2% are with secondary vocational education, while only 129 persons of Roma nationality have higher and university education (0.5%).

On the basis of a special public invitation from the National Employment Service for granting subsidies for self-employment for Roma people, with the subsidy for self-employment in 2017, a total of 86 Roma started their own business, and in addition to that, Roma are also included in other programs and measures of active employment policy implemented by the National Employment Service – in 2017, these measures covered 5.140 unemployed Roma (43.8% of which were women), representing a share of 3.5% in the total number of unemployed covered by measures. Based on these data, it is concluded that in spite of improving the legislative framework and some progress achieved in employment policy, there is a need for more intensive support for employment of hard-to-employ persons for the purpose of increasing employment opportunities.

Recommendations provided by this Report include, inter alia, the provision of support to unemployed persons by applying individual employment plans; differentiation according to the vulnerability within the category of the unemployed for the purpose of giving priority to persons exposed to multiple vulnerabilities; directing additional education and training programs as it could better respond to people with lower levels of education; introducing

preventive measures for young Roma in order to increase their access to education, to reduce school dropouts, prevent exclusion from the labor market and general reduction of social exclusion; strengthening of inter-sectoral cooperation and introduction of integrated services in the field of education, social protection, employment and youth care in order to prevent and shorten the period of already existing unemployment rate for the hard-to-employ unemployed; as well as creating conditions for employment of vulnerable groups by improving the regulatory framework and other public policy measures for the development of social entrepreneurship.

Members of the Roma national minority have been recognized in the national legal and strategic framework as an especially vulnerable minority group in a disadvantaged and vulnerable position as a minority, which is why improvement of their status and social inclusion involve additional protection, with particular attention to the specific needs and a different way of life. Measures aimed at improving the social inclusion of Roma men and women must recognize the special needs of this minority group, as well as specific groups of returnees from the readmission process, with the obligation to exercise the rights in all relevant areas, while respecting their identity and the way a life, not only in order to protect their interests, but also in order to preserve the cultural diversity of importance for the whole community.

Bearing in mind the unfavorable status of the Roma population that is exposed to poverty and discrimination and the difficult realization of rights in the basic areas of importance for social inclusion, the effective exercise of the right to equality before the law, personal documents, education, health and social protection, housing, and in particular, the improvement of the position in the labor market requires not only the harmonization of the domestic legal framework with obligations from ratified international documents, but also the consistent implementation of the existing legal framework and the enhancement of institutional capacities.

Despite significant shifts in the legislative, institutional and strategic plan, the realization of basic rights of importance for the integration into the society of members of the Roma national minority is still accompanied by numerous challenges, and the general status of Roma men and women remains at a low level. The Roma population continues to be affected by poverty and social exclusion, as well as discrimination in education, housing and employment, so it is obvious that the main obstacles to the socio-economic integration of Roma men and women have not been removed, and in particular the sensitive position must be taken

into account of Roma returnees and the importance of achieving their involvement in society.

The difficult realization of rights that is accompanied by poverty and discrimination, especially in the area of housing and education, directly affects the disadvantaged position of members of the Roma national minority in the labor market. In the first place, there is a problem of low participation of the able-bodied members of the Roma national minority in the labor market, which is explained by insufficient information among the members of this minority group, as well as the problem of non-possession of personal documents. In addition, early abandonment of the formal education system and low level of qualifications, often with poor knowledge of the Serbian language, contributes to reduced employment opportunities. On the other hand, it can be noted that on the part of employers there is no willingness to engage Roma men and women, with present stereotypes and discrimination.

It can be concluded that, despite improving the legislative framework and achieving certain progress in employment policy, more intensive support to members of the Roma national minority as hard-to-employ people is needed for the purpose of increasing their employment opportunities. As the field of employment is related to other areas of importance for the social integration of Roma men and women, it is obvious that improvement of the position of the Roma population on the labor market cannot be achieved without additional efforts to improve other rights, especially in the area of housing and education. It is necessary to dedicate continuous activity to increase the educational level of the Roma population and to fully integrate Roma children into the education system, with the establishment of new and improving existing support mechanisms, as well as continue financing the Roma housing improvement program.

In this respect, it is also important to emphasize that the National Action Plan for Employment for 2018 and 2019 recognize as one of the goals and priorities of the employment policy the intensification of activities aimed at increasing motivation for inclusion of Roma in the labor market, raising employability, employment and economic empowerment, especially from the category of more

difficult-to-employ unemployed persons. Therefore, on the basis of the identified challenges in the labor market, one of the objectives of the employment policy is to reduce the general rate of inactivity and increase the employment rate, which also underlines the increasing access to the labor market for the Roma.



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