



Status of vulnerable groups in the process of the accession of the Republic of Serbia to the European Union

SITUATION OVERVIEW: STATUS OF ROMA

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The status of vulnerable groups from the aspect of compliance with obligations in the process of the accession of the Republic of Serbia to the European Union

European integration is a strategic goal of the Government of the Republic of Serbia. The process of adopting the required legislation and raising administrative capacities has been ongoing continuously since the start of accession negotiations in 2014. However, to improve the process of accession to the European Union (EU) adopted a new accession methodology on 5 February 2020 under the name "Enhancing the accession process – a credible EU perspective for the Western Balkans".¹ The European Commission adopted a document on 9 March 2021 whereby the new methodology also applies to Serbia and Montenegro.² This methodology changed the way of monitoring Serbia's success in the process of EU accession so that, aiming for a more dynamic process and acceleration of reforms that the candidates need to implement, negotiation chapters are organised into thematic clusters. Negotiations will be opened in all chapters in a cluster simultaneously, after the opening benchmarks are met. The negotiation chapters were divided into

6 clusters: 1. Fundamentals; 2. Internal market; 3. Competitiveness and inclusive growth; 4. Green agenda and sustainable connectivity; 5. Resources, agriculture and cohesion; 6. External relations.

Vulnerable groups primarily have their place under the first (chapter 23 Judiciary and fundamental rights) and third cluster (chapter 19 Social policy and employment), and in a way they are intertwined with the other clusters. This methodology brought about certain changes within the institutional system of the Republic of Serbia, thus in May 2021 a Decision was adopted on establishing Coordination for running the accession negotiations of the Republic of Serbia to the European Union and the Team for supporting the negotiations.³ This was aimed at harmonisation with the new methodology for monitoring success in the accession of Serbia to the European Union. Despite certain activities in 2020, Serbia did not open a single chapter, nor the expected third cluster during the first half of 2021. Regarding European integration, 2020 will be remembered as the year of changing the existing frameworks and priorities of the EU, as well as the year of the COVID 19 epidemic that also had a negative impact on the dynamics of the European

integration process for Serbia. However, there is progress. The Government of the Republic of Serbia adopted the Negotiation position and Action plan for Chapter 19 – Social policy and employment, and the revised Action plan for Chapter 23 – Judiciary and fundamental rights.

On the other hand there is a notable delay in the implementation of activities envisaged by these Action plans that are important for improving the status of vulnerable groups. The activities primarily relate to improving the strategic and legislative framework and other public policies relevant for improving the status of vulnerable groups. The Employment and Social Policy Reform Programme has ended, and the drafting of a similar document is not envisaged, while the implementation of structural reform in the field of social welfare and inclusion defined by the Economic Reform Programme has been assessed as limited, insufficient or partial for a number of years, implemented by the European Commission.⁴

The Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia has started an initiative to draft an analytical review of the status of vulnerable groups in the context of EU accession with the following objectives:

- To increase the visibility of the challenges faced by vulnerable social groups in the Republic of Serbia;
- To inform stakeholders on current processes in the development of the strategic and legislative framework in the field of social inclusion;
- To promote a dialogue and cooperation in meeting the obligations under the process of Serbia's accession to the EU in the field of social inclusion.

The series of informative analytical situation overviews on the status of vulnerable groups in the context of meeting the obligations in the process of European integration is intended for a broad circle of stakeholders: decision makers, state administration and staff in local self-government units, development partners, civil society organisations and journalists.

The situation overview covers the following vulnerable groups: Roma, persons with disabilities, LGBTI, women, children, the elderly, youth, national minorities, refugees and internally displaced persons, and persons living with HIV. The first of these analysis covers the status of Roma in the European integration process.

The importance of improving the status of Roma at the European Union level

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail. In defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

- Treaty on the European Union -

Human dignity, freedom, democracy, equality, rule of law and respect for human rights comprise the values that

the European Union was founded on. Enshrined into the Treaty on the European Union from 1992⁵, these values were further reinforced by the EU Charter on Fundamental Rights⁶ that officially became part of the European Union Acquis through the Lisbon Treaty from 2009⁷. This means that in addition to member states, states that wish to accede to the European Union must respect human rights, and the same is true for countries with concluded trade or other agreements with the EU. Respect and safeguarding of the rights of members of minorities are set as a key criterion to be met by states that wish to become new European Union member states.

Although the issues of equality and social inclusion of Roma have been high on the agenda of European Union countries, particularly since 2011, the dynamics of achieving positive changes/results is not in line with expectations, i.e. it is considerably slower than expected. **The European Commission adopted the European Strategic Framework for Roma integration by 2020 in 2011.** This strategic framework primarily aimed to reduce the socio-economic exclusion of Roma in the EU and Western Balkans countries, through the promotion of activities that contribute to equal access to education, employment, healthcare and housing. It recommended that, based on a common framework of Recommendations on efficient mechanisms for implementing Roma integration measures, countries should develop their own national strategies and set their national goals.⁸

Reports and analyses have shown that during this period education was the field that has shown the most progress in EU

countries, particularly regarding declines in the dropout rates and coverage of children by the education system. However, despite this, there are still evident cases of segregation of Roma students in the education systems of EU member states. The Analytical Report of the European Commission that served as the basis for drafting a new strategic document states that the risk of poverty and self-evaluation of the health status of Roma have improved, but the inclusion of Roma in national health insurance systems remains limited.

Access to employment has not improved, and the share of youth not in employment, education or training has, in fact, increased. The housing situation remains difficult, and issues with discrimination, hate speech and/or crime, Roma trafficking, particularly women and children, remain prominent. The COVID-19 pandemic had an additional impact on the extreme exposure of excluded and marginalised Roma communities to the health-related and socio-economic effects.¹⁰

To accelerate progress and respond to clear challenges, a new Strategic Framework until 2030 was adopted in 2020, as a direct contribution to the implementation of the EU Action Plan to combat racism adopted for 2020-2025¹¹, the European Pillar of Social Rights¹² and achievement of the UN 2030 Agenda and Sustainable development goals¹³. The European Commission has set seven objectives at the EU level for the period until 2030. Three objectives are cross-cutting and relate to increasing equality, inclusion and participation, while four are sectoral and relate to improving the status of Roma in the fields of education, employment, housing and healthcare.¹⁴

Based on this strategic framework EU member states have also adopted the **Recommendation for the equality, inclusion and participation of Roma**. This sent a firm and clear message that the member states are committed to continue combating the various challenges faced by Roma communities across the EU.¹⁵ Outside the EU, this strategic framework has an important role in the accession negotiations with the Western Balkans. To efficiently implement the strategic framework, target values has been set for 2030 compared to the status and indicators in 2020.

The Council of the EU, the European Parliament and European Commission have published and signed the European Pillar of Social Rights in 2017 as an EU instrument that ensures standards and coordination in the field of exercise of social rights. The goal of this instrument is to strengthen the European Union Acquis in the field of social welfare and ensure more effective civil rights. The European Pillar of Social Rights identifies 20 principles of law divided into three categories: 1) equal opportunities and access to the labour market, 2) dynamic labour markets and fair working conditions, and 3) social protection and inclusion. In addition to defining the European Pillar of Social Rights, the European Commission provided an “overview of social indicators” that monitors the achieved progress. The purpose of these indicators is monitoring trends and success in all states, and establishing a basis for political guidelines within the European Semester for Economic Policy Coordination. With EU membership Serbia will have the obligation to develop a system that will be capable of implementing policy goals defined in the European Pillar of Social Rights.¹⁶

Equality and Roma inclusion are a regular item on the agenda in the field of human rights and other political dialogues with non-EU states, particularly with Western Balkans countries. **The prime ministers of Western Balkans adopted a Declaration on Roma Integration in July 2019**¹⁷, undertaking a commitment to concrete improvements of the Roma situation in the field of education, employment, healthcare, housing, registration and reduced discrimination. At the Zagreb Summit of the EU and Western Balkans in 2020, EU leaders have reaffirmed their support for the European perspective of the Western Balkans and commitment to increasing support for the political, economic and social transformation of Western Balkans countries. The importance of progressive harmonisation of national strategic goals with the goals and methodology of the EU as part of the European perspective for all countries that tend towards joining the EU was also emphasised.

The **Economic and Investment Plan for the Western Balkans**¹⁸ identifies priority areas of investment to promote convergence, growth and competitiveness in the region, particularly in supporting marginalised groups and minorities. As noted in this plan, Roma integration in society through support for their full participation in education and on the labour market is of particular importance and will be a key priority of the process of EU integration. The Instrument for Pre-accession Assistance for 2021-2027 will continue to support reforms and harmonisation with EU requirements at the regional and national level. Additional relevant EU funds, related to recovery from the consequences of COVID-19 and other funds, such as

the Neighbourhood, Development and International Cooperation Instrument (NDICI), European Instrument for Democracy and Human Rights (EIDHR) will also be mobilised to promote Roma inclusion.

Specificities of the status of the Roma population in the Republic of Serbia compared to the general population and compared to European Union countries

In Serbia, as in many other countries, there is an expressed vulnerability of certain population groups, such as the Roma (particularly in substandard settlements), persons without education or with a low level of education, the population outside urban areas and the population excluded from the labour market. Many poor households are exposed to multiple grounds for deprivation, requiring complex preventive interventions, as well as active inclusion measures.

The 2011 population census shows that 147,604 citizens (2.1%) have declared themselves as citizens of Roma nationality within the territory of the Republic of Serbia. Considering the fact that based on the Constitution of the Republic of Serbia citizens have no obligation of declaring their national affiliation, estimates by various organisations indicate that the number of Roma living in Serbia is far greater. The Roma population in Serbia is considered to be the youngest, with an average age of 28.3, while more than 50% of Roma are younger than 25 years of age. According to the 2011 census, the share of youth in Serbia from the general population up to 15 years of age is 14.3%, and the share of those older than 65 years of age is 17.4%,

with estimates that the number of those older than 65 years of age will reach as much as 25% by 2050.¹⁹

The mortality rate for the Roma population is higher than for other national minorities. The average life expectancy of Roma in Serbia is lower than that of the majority population, with the average lifespan 12 years shorter compared to the average for the Republic of Serbia. The estimated infant mortality rate in Roma settlements is 13 per thousand live births, twice that of the national average. **Full coverage by immunisation of children in Roma settlements (aged 24-35 months) has been increased from 44% in 2014 to 63% in 2019.** Among children in the overall population this rate is nearly the same as in 2014 – 80%. In the overall population 69% of children (aged 24-35 months) have received all vaccines in time, while among children in Roma settlements this percentage is only 35%.²⁰

The educational status of Roma is also unfavourable. According to data from the latest census, only 33.33% of Roma have completed primary school, 11.54% secondary school, and only about 1% of Roma have higher education. A large percentage of Roma children are still leaving education, the transition rate between primary and secondary school is low, as is the inclusion of children in early education programmes and the preschool education system. MICS 6 data from 2019 indicate that only 1% of Roma children aged 36 – 59 months attend a preschool programme compared to 61% of children from the overall population. The mandatory preparatory preschool programme is attended by 76% of Roma children compared to 97%

of children from the majority population. Mandatory primary education coverage is also incomplete, 92% of children of Roma nationality enrol in primary school, compared to 99% of children from the overall population, while 64% complete it, significantly below the primary school completion rate of children from the general population (100%). Although there is certain progress compared to previous years, the difference in the coverage of children of Roma nationality and children from the overall population by secondary education is extremely high – only 28% of children from the Roma population enrol in secondary school and 61% complete it, while 94% of children from the overall population enrol in secondary school and the completion rate is 98%.²¹

Registered unemployment among Roma has shown a trend of moderate growth during the years, whereby from around 22,000 in 2013 it has increased to around 26,000 persons in late 2019. During the past period the National Employment Service (NES) has been implementing activities aimed at the activation and registration of Roma in NES records as one of the goals of the Employment Strategy and the Strategy for the Social Inclusion of Roma. Although the status of Roma in the labour market remains unfavourable, it is positive that a growth in the number of registered unemployed Roma was accompanied by their increasing inclusion in active labour market policy measures.²² The majority of work-capable Roma lack an adequate degree of education to become successfully included in the labour market. Although there are no official data on the average salaries of Roma, it is estimated that the number of Roma living in absolute poverty is increasing.²³

According to MICS 6 data, five out of six Roma households (83%) live under conditions of pronounced material deprivation (3 or more factors of material deprivation). The most important financial handouts aimed at the poor in the system of social and child welfare in the Republic of Serbia are financial social assistance, child allowance and one-off assistance. All households in Roma settlements have heard about at least one financial social handout, while 84% of them use one of them. The coverage rate of the vulnerable Roma population with financial social assistance is considerable. In 2019 one in two households in Roma settlements have received financial social assistance, 61% were receiving child allowance, while 6% have received one-off assistance. The largest percentage of children receiving child allowance is from Roma households that are materially deprived based on 3 or more grounds (77%), while among households that are not deprived or are deprived based on one grounds child allowance is being received by 64% of them. Among those who did not submit a request for child allowance, in most households (72%) the parents did not apply because they did not know whether they meet the requirements, or were told so orally. For 11% of children it was said that the administrative procedure is too complicated, and/or too costly. For over 8% of children from the poorest households in Roma settlements the respondents did not know how to submit an application. More than half the household members aged 5-24 years attending primary education or higher levels of education have received a subsidy for day-care, scholarship, education loan, or another type of material assistance for education during the 2019/2020 school year.²⁴

There are 583 Roma settlements registered in Serbia. There are a total of 65,784 persons of Roma nationality living in these settlements, the majority in the region of South and East Serbia – 29,642 persons.²⁵ Nearly the entire population living in Roma settlements uses basic, improved sources of potable water (98%), while nearly 86% uses basic sanitary services. The share of the population from Roma settlements using potable water from a supply reaching their apartment or house is 78%.²⁶ However, a large number of Roma households in substandard Roma settlements have no access to electricity, 32% of substandard Roma settlements have not been connected to the electrical power grid, and 38% of substandard Roma settlements have not been connected to the water supply grid. According to the study “Mapping of substandard Roma settlements by risk and access to rights during the COVID-19 pandemic” from 2020, there are 702 substandard Roma settlements registered in Serbia, located in the territories of 94 local self-government units. There are around 168,000 people living in these settlements. According to the results of mapping, there are 159 substandard settlements within the territory of 51 local self-governments that have no access to clean water, or the access is irregular; within the territory of 35 local self-governments there are 64 substandard settlements that have no access to electrical power or the access is irregular; within the territory of 82 local self-government there are 457 substandard settlements that have no access to sewerage or the access is irregular, and within the territory of 13 local self-governments there are 44 substandard settlements that have no access to clean potable water, electrical

power and sewerage, or the access is irregular.²⁷

A large number of Roma face issues of hidden or open discrimination in all walks of life. During the period May–October 2020 the Commissioner for the Protection of Equality has received a total of 72 complaints due to discrimination in various forms based on national affiliation, with as many of 63 of those submitted by members of the Roma national minority. Compared to the previous reporting period, the number of complaints due to discrimination based on national affiliation has increased. Around 40% of Roma say they are facing discrimination, hate speech and threats that have not been investigated or punished, while within the Roma population there is a widespread perception of institutional discrimination, primarily regarding more difficult access to the right to social welfare, and discriminatory speech by officials. A survey implemented by the Protector of Citizens on the implementation of the Strategy for the Social Inclusion of Roma 2016–2025 shows that as many as 41% of citizens believe public institutions are not as accessible to Roma as to other citizens; during the past five years improvements of the status of the family were felt by only 26% of Roma families, while 74% of them have felt no improvements in the living conditions.²⁸

Poor housing conditions, high unemployment, and an unfavourable education status lead to trans-generational poverty. The complexity of this status of the Roma requires a systemic response by the state and other stakeholders to ensure access to services and exercise of rights in all segments of life and to reduce Roma poverty and social exclusion.

Current strategic, institutional and legislative framework in the Republic of Serbia

The Strategy for the Social Inclusion of Roma in the Republic of Serbia 2016-2025 defines the objectives for improving the status of Roma.²⁹

Key objectives are: improving the social and economic status of Roma in Serbia, ensuring total exercise of all minority rights, elimination of discrimination and greater social inclusion of Roma in all segments of society. Furthermore, the Strategy defines specific objectives and measures to improve the status of Roma in the fields of healthcare, housing, education, employment, social welfare, protection from all forms of discrimination, objectives and measures related to increasing the social inclusion and participation of Roma in processes and areas of relevance for improving the quality of life of the Roma community and its citizens. The drafting of the Strategy has taken into consideration the recommendations of the European Union to define and appoint bodies to coordinate and monitor the drafting and implementation of the Strategy along with the strategic framework.

The Coordination Body for Monitoring the Implementation of the Strategy was formed by Government Decision in June 2015, and the Deputy Prime Minister and Minister of Construction, Transport and Infrastructure was authorised, on behalf of the Government, to coordinate the work of the public administration body in the field of social inclusion of Roma.³⁰ The main task of the Coordination Body is to deliberate on all issues relevant for the social inclusion of Roma and to coordinate

the work of public administration bodies, local self-government unit bodies, and to initiate cooperation with civil society organisations and other stakeholders. The scope of work of the Coordination Body includes improving intersectoral cooperation in the field of social inclusion of Roma, deliberating on and providing recommendations for resolving urgent situations that may lead to additional vulnerability of Roma, proposing methods to achieve prescribed, as well as additional measures/activities contributing to the greater social inclusion of this national minority, as well as the process of European integration. **An Expert Group of the Coordination Body was also appointed, tasked with performing professional duties in regards to current issues in the field of social inclusion of Roma.** In addition to operative support for the Coordination Body, the duty of the Expert Group is to monitor the work of coordinators for Roma issues, as well as mobile teams that are tasked with improving the status of Roma at the local level on behalf of local self-government units.

The adoption of the **Decision on establishing the Coordination Body for Improving the Status and Social Inclusion of Roma and Monitoring the Implementation of the Strategy for the Social Inclusion of Roma in the Republic of Serbia 2016-2025** in June 2021³¹ whereby the previous decision was placed out of force, and the constitutive session of the Coordination Body held on 25 August 2021, have confirmed the efforts towards improving the quality of life for the Roma. The new Coordination Body is now presided over by the Prime Minister of the Republic of Serbia, and the Secretariat of the Coordination Body

is in the Ministry for Human and Minority Rights and Social Dialogue. Furthermore, an Expert Group of the Coordination Body was formed, having a session in mid-September to more actively take part in the work on the Action Plan. Furthermore, there are plans to involve civil society in the work of the expert group to improve the process itself.

The Action Plan for the implementation of the Strategy³² envisaged a number of measures and activities for the period 2017–2018, but the Action Plan for the implementation of the Strategy for the period 2019–2020 has not been adopted yet, having an unfavourable effect on the optimal implementation of activities and monitoring of the implementation of the effects of measures at the national and local level. However, changes to the Strategy and Action Plan have been announced to be implemented by the end of the current year.

Another important mechanism for coordination, monitoring and dialogue between various stakeholders is the **Seminar on the Social Inclusion of Roma in the Republic of Serbia**, held biannually since 2011. This approach represents an opportunity to present results achieved during the past period in various areas and through a broad consultative process and establishment of a constructive intersectoral dialogue in the form of operational conclusions to identify the priorities and responsibilities of various stakeholders for the forthcoming period. The operational conclusions represent an overview of the status and obligations undertaken by Serbia to be met during a two-year period to further improve the status of the Roma.³³

Furthermore, the Subcommittee for Social Policy and Employment, held as an annual mechanism for monitoring the implementation of the Stabilisation and Association Agreement of Serbia with the European Union continuously monitors the implementation of the Operational Conclusions from the Seminar on the Social Inclusion of Roma in the Republic of Serbia.

An important Working (technical) meeting on the social inclusion of Roma in the Republic of Serbia was held on 23 June 2021 between the competent institutions of the Republic of Serbia, representatives of civil society organisations, associations and networks dedicated to Roma rights, as well as the EU Delegation to Serbia with representatives of the European Commission. The topic for the meeting was the protection and improvement of the status of Roma in the segments of healthcare, education, housing, employment, social welfare and personal IDs. The goal is to hold this meeting biannually, like the Seminar on the Social Inclusion of Roma, and to establish a format whereby every year, in an alternating fashion, an event would be held dedicated to such important topics, thus establishing a new practice to improve the status of a vulnerable group such as the Roma. The recommendations from this meeting are the subject of consultations with the European Commission and will be finalised during the forthcoming period.

The goals set in sectoral strategic documents are also important for improving the status of Roma, recognising the specific position of the needs of the Roma population. Strategies in the field of education, social welfare and

employment have expired, and a new strategic framework in these fields has been created based on an analysis of the achievement of goals and effects of previous strategies.

A new Employment Strategy has been adopted for the period 2021-2026, and its overall goal is establishing stable and sustainable growth in employment based on knowledge and decent work.³⁴

The measures envisaged by the Employment Strategy relate to the implementation of active labour market policy measures, the improvement of their implementation, the creation of new ones, and the improvement of the monitoring of the state of trends in the labour market and the outcomes and effects of these measures. Specific measures have been envisaged to improve the status of the Roma, having in mind their share and other characteristics that indicate an unfavourable status in the labour market. **The Action Plan for the period 2021-2023 defines measures to improve the status of unemployed Roma in the labour market:** inclusion in functional adult education Programmes; inclusion in motivation-activation training; outreach and information for Roma on measures and services provided by the National Employment Service; inclusion of Roma vulnerable on multiple grounds into the package of measures; promoting entrepreneurship with additional support and mentorship. In accordance with the Law on Employment and Unemployment Insurance, the Action Plan contains categories of harder-to-employ persons that have priority in their inclusion in active labour market policy measures. Roma have been recognised as a harder-to-employ category of persons, and having in mind that Roma, in particular Roma

women, face multiple factors of harder employability (low level of education, beneficiaries of social welfare, women, etc.) they have special priority in inclusion in active labour market policy measures.

The drafting of the Social Welfare Strategy was initiated and started in 2019, but it has not been adopted yet.³⁵

The latest strategic document in this field was created in 2005 without a clearly defined duration. Lacking a coherent strategic framework on social welfare, the Government of the Republic of Serbia has directed reform in the field of social welfare through National Reports on Social Inclusion and Poverty Reduction, adopted in three-year periods. A total of three reports have been published thus far, with the drafting of a fourth issue under preparation. Furthermore, based on an initiative by the European Commission in the process of European integration through a highly participative process, an Employment and Social Policy Reform Programme (ESRP) has been prepared, containing to a significant extent measures in the field of social welfare by 2020. However, the drafting of a new ESRP has not been initiated. The Economic Reform Programme (ERP) annually harmonises a smaller number of measures related to social welfare (the ERP for 2021-2023 was adopted in early 2021). The negotiation process on the accession of Serbia to the EU has defined and directed the development of social welfare through various chapters, i.e. through chapter 19 Social Policy and Employment and chapter 23 Judiciary and Fundamental Rights.

The new strategic framework defining the goals of the Republic of Serbia in the field of improving education by

2030 and the related Action Plan for the implementation of the Strategy during 2021-2023 have been adopted in June 2021.³⁷

The previous strategic framework that was defined for the period until 2020 placed a particular emphasis on the improvement of inclusive education, measures and activities for improving the status of Roma children at all levels of education. The new strategic framework also recognises the importance of additional support systems for vulnerable target groups and notes that the legal framework relevant for the education of Roma children has been improved during the past period by prescribing various measures for enrolment, support for education and prevention of drop-out of children from the educational system. However, issues were still noted regarding the coverage of Roma children by various levels of education, along with the fact that there are still segregated schools and classes where the majority of pupils are children of Roma nationality, and that the problems of discrimination are still pronounced. The desired situation by 2030 is that education is based on principles of social justice and equal opportunities for all children without discrimination and defining that particular attention will be aimed at maintaining existing and further improvement of support systems for Roma children. Achieving results in this field requires strengthening intersectoral cooperation and human capacities at all levels. For the forthcoming period it is extremely important that activities and measures in the field of improving the education of children of Roma nationality at all levels are clearly defined and prioritised, both towards sustainability and improvement of existing measures (pedagogical assistants, affirmative enrolment measures

in secondary schools, scholarship programmes, measures for preventing dropout, etc.), as well as in the creation of new measures and systems of support for Roma families and children of all ages.

The Strategy for Prevention and Protection from Discrimination 2013-2018³⁸

is the first such strategy adopted as a harmonised system of public policy measures, conditions and instruments the Republic of Serbia should implement to reduce all forms and specific cases of discrimination. The strategy covers all persons and groups of persons in regards to their personal characteristics, particularly national minorities and vulnerable social groups that are most frequently exposed to discrimination.

An Impact Analysis was conducted in 2019 as the baseline for drafting a new Strategy for Prevention and Protection from Discrimination 2020-2025,

as a Working Group has been formed, and the draft document is expected in the forthcoming period. In accordance with the Work Plan of the Government of the Republic of Serbia, the adoption of this strategy and the relevant Action Plan is envisaged by the end of 2021.

Another important strategic document that could improve the living conditions of the Roma community at a systemic level is the housing strategy. **The draft National Housing Strategy 2020-2030 has been prepared, but the strategy has not been adopted.**

The legal framework regulating the system of education, social welfare and healthcare, as well as prohibition of discrimination has been considerably improved during recent years in the Republic of Serbia, explicitly defining

various provisions relevant for increasing social inclusion and improving the status of vulnerable groups.

The Law on Social Welfare (2011)

regulates the right to social handouts aimed at the poor (financial social assistance, one-off assistance) and handouts for persons with disabilities (allowance and increased allowance for assistance and care for another person), social welfare services, service provider institutions, quality control mechanisms, and competences in establishment and financing.³⁹ The Ministry of Labour, Employment, Veteran and Social Affairs has prepared a draft Law on amendments to the Law on Social Welfare in mid-2018. New amendments to the Law have been initiated in 2021, and their adoption is expected by the end of the year.

The Law on the Fundamentals of the Education System (LFES) envisages numerous provisions important for improving inclusive education.⁴⁰

The Law prescribes that for a child, pupil or adult person who, due to social deprivation, development impairments, disabilities, learning impairments, risk of early drop out, or other reasons requires additional support in education, the institutions shall provide for the elimination of physical communication obstacles, adapting the method of achieving the school curriculum and the drafting, adoption and implementation of an individual educational plan. An intersectoral commission assesses the needs of the child, pupil or adult person for additional educational, healthcare or social support. Additional support relates to rights and services that provide the child with overcoming physical and social obstacles for the unfettered performance

of everyday life activities relevant for inclusion in the educational process, life of the community and progress. For members of a national minority educational work may be performed bilingually – in the language and script of the national minority and the Serbian language. A Rulebook on actions by the institution in case of suspicion or identified discriminatory behaviour, insults to the reputation, honour or dignity of a person has also been adopted. Laws and by-laws explicitly define that institutions prohibit discrimination and discriminatory treatment that directly or indirectly, overtly or covertly, differentiate or provide unequal treatment, and/or omissions (exclusion, limitation or prioritisation) compared to persons or groups of persons, as well as members of their families or persons close to them, overtly or covertly.

The Law on the Prohibition of Discrimination defines the forms and cases of discrimination and procedures for protection from discrimination.

The law, *inter alia*, defines that everyone has the right to healthcare and social welfare, as well as access to all levels of education under equal conditions and without discrimination.⁴² Amendments to the Law on the Prohibition of Discrimination that expand the provisions of the Law under aspects of segregation and forms of discrimination and other elements were adopted in May 2021.⁴³

Evaluation and overview of the status and obligations of the Republic of Serbia in the process of accession to the European Union

The obligations of the Republic of Serbia in the process of accession to the European Union in regards to improving the status of the Roma are primarily defined through chapter 19 – Social Policy and Employment and chapter 23 – Judiciary and Fundamental Rights.

The Government of the Republic of Serbia adopted the Negotiation Position and Action Plan for Chapter 19 in May 2020. Chapter 23 was opened in 2016, and after several revisions the latest Action Plan for this chapter was adopted in July 2020.

Chapter 19 – Social Policy and Employment.

The most important objectives of the European Union in the field of social employment policy are improving the social welfare system, raising the educational level of the workforce, achieving a high employment rate with particular care for underrepresented categories on the labour market, ensuring appropriate working conditions, and social inclusion. **The EU Acquis regarding social policy and employment** includes minimum standards in the fields of labour law, equal opportunities, occupational health and safety and combating discrimination. Member states participate in EU processes in the field of employment policy, social inclusion and social welfare. Member state social partners participate in the social dialogue at the European level. The European Social Fund is the chief financial instrument whereby the EU supports the implementation of its employment strategy and contributes to social inclusion efforts.

In the field of labour legislation, the EU Acquis in this field is aimed towards achieving equal opportunities for all, protecting the principle of equal pay for equal work, prohibition of discrimination on any grounds, and strengthening social dialogue.

With the accession to the European Union, standards are to be adopted that EU policies in this field are based on. In addition to compliance with obligations in the EU accession process, it is important to note that policies and measures in this field are primarily important for improving the quality of life of all citizens of Serbia, especially for the process of social inclusion of Roma through improving the social welfare system; raising the educational level of the workforce; achieving a high employment rate and prohibition of discrimination in employment, as well as other walks of life.

Chapter 23 – Judiciary and Fundamental Rights relates to compliance with political criteria that are the basic precondition for further European integration of accession countries.

At the European Union level there are few regulations on the subject matter covered by this chapter, since it was mostly left to the member states to regulate these issues in the best possible manner and through best European practices to comply with standards that represent the fundamental values the European Union rests on. Fundamental rights cover an entire spectrum of ensuring the safeguarding of human and minority rights. The European Charter of Fundamental Rights is part of the European Union Acquis, and the European Union Acquis also covers all international instruments in this field, primarily international instruments adopted within the Council of Europe and the United Nations.

The Progress Report on the Republic of Serbia in the process of EU accession for 2020 notes several key assessments regarding compliance with Serbia's obligations in improving the status and social inclusion of the Roma.⁴⁴

It notes that in the field of combating discrimination the legal framework is in line with European standards, but that it remains necessary to adopt all amendments and by-laws that will respond to the obligations of Serbia and provide further harmonisation with European legislation. Amendments to the Law were adopted in 2021 and there is a forthcoming new assessment by the European Commission on the harmonisation of these changes with Serbia's obligations in the process of EU accession. It is also noted that the Anti-Discrimination Strategy has expired in 2018, and a new strategic framework has not yet been developed.

In July 2019 in Poznan, Serbia has signed the Declaration on the Integration of Roma in the Western Balkans, containing quantified obligations in key priority areas. However, the Action Plan (2019-2020) under the Strategy for the Social Inclusion of Roma in Serbia has not been adopted. The Coordination Body for Monitoring the Implementation of the Strategy did not meet regularly and in accordance with the agreed frequency. Furthermore, the expert group that includes civil society organisations and was mandated to support the work of the Coordination Body has never met. The fifth Seminar dedicated to the Social Inclusion of Roma was held in October 2019. The operational conclusions have been finalised, but the monitoring of their implementation is unsatisfactory, primarily

because the institutional structures and mechanisms working on Roma integration are insufficiently efficient and complicated, without a clear division of responsibilities. Coordination between national and local authorities, as well as budgeting of measures for improving the status of Roma is still not at a satisfactory level.

Measures aimed at promoting Roma employment have still not produced adequate results. Budget allocations for active labour market policies are insufficient, and despite a slight increase in 2019 over 2018, they were once again reduced in 2020. The National Employment Plan for 2020 was adopted in December 2019. Informal employment is being reduced, but remains high among the Roma population. The transition from education to the labour market is particularly challenging for young Roma. The low level of education remains a key obstacle to employment.

In the field of non-discrimination in employment and social policy it is necessary to intensify the implementation of the recommendations of the Commissioner for the Protection of Equality on the development of an anti-discrimination policy for employers in Serbia ("Code of Equal Practices").

The coverage and adequacy of monetary handouts for ensuring basic needs is insufficient to cover essential needs. Furthermore, it is necessary to increase the quality and coverage of services, as well as the supervisory and regulatory mechanisms, monitoring and evaluation. The Progress Report on Serbia in the EU accession process for 2020 notes that considerable progress was made in social

welfare services at the local level, or in the deinstitutionalisation process.⁴⁵

A certain degree of progress was made in increasing the participation of vulnerable students at all levels of education. This was achieved, in addition to other targeted measures, by increasing the number of scholarships, affirmative action during enrolment in secondary schools and faculties, and increasing the number of pedagogical assistants. However, it is necessary to strengthen the implementation of measures for reducing the school drop-out rate, measures for reducing the segregation of Roma students, and increase the number of Roma children in programmes for early childhood development and preschool education. Activities have been intensified in combating discrimination and violence in schools, and a Rulebook for pedagogical and andragogic assistants was adopted as a step towards regulating the conditions for their hiring, but their job descriptions have not yet been regulated.

The legalisation of Roma settlements is a priority issue. Many Roma households do not have access to electricity, potable water or a sewer connection. The adoption of the National Housing Strategy 2020–2030 is expected. Roma returnees from abroad are in a particularly difficult situation regarding social and economic inclusion. In accordance with readmission agreements it is important to strengthen mechanisms for resolving their needs.

Civil society organisations and the Protector of Citizens have warned of the particularly vulnerable status of Roma living in informal settlements during the COVID-19 pandemic. In the field of healthcare, the obligation of regulating the

legal basis for the activities of healthcare mediators is experiencing considerable delays. Furthermore, the Protector of Citizens has noted that additional safety measures need to be undertaken in cases of particularly vulnerable categories of citizens, especially citizens of Roma settlements.

Key recommendations for improving the status of Roma in the context of the accession of the Republic of Serbia to the European Union

The Republic of Serbia has the duty to protect Roma citizens from discrimination, anti-Gypsyism and social exclusion. Equity in all areas of society, social inclusion and Roma participation requires the Government of the Republic of Serbia and all institutions at the national and local level to join and take action in partnership with civil society and international organisations, with the full participation of the Roma themselves. Only this kind of joint long-term vision can produce significant progress and make it possible for Serbia to be a country where all individuals and communities have equal rights and opportunities in all walks of life.

During the forthcoming period it is necessary to improve the efficiency of operation of established mechanisms for coordination, monitoring and reporting on the implementation of strategic objectives and measures defined by the Strategy on the Social Inclusion of Roma. The more efficient work of the Coordination Body and Expert Group can contribute to the timely monitoring of the achievement of set goals, improved coordination of various institutions among all stakeholders, and

more effective use of resources and funds from the budget of the Republic of Serbia, international donors, and primarily European Union funds. **In October 2020 the European Commission has presented the Enlargement Package that includes a Notice on the Enlargement Strategy and annual reports for Western Balkans countries.** At the same time, the EU has presented the Economic and Investment Plan for the Western Balkans, aimed at improving the long-term economic recovery of the region, green and digital transition, promote economic regional cooperation, promote economic growth and support the reforms required for progress on the road to the EU. This EU plan will mobilise EUR 9 billion from IPA III funds during the period 2021-2027 to support the economic convergence of Western Balkans countries, primarily through investments and raising competitiveness and inclusive development, sustainable connections between the green and digital transition. The plan also envisages investment into innovation, healthcare, education, culture, youth and sports. These are powerful tools to promote not only regional economic development and sustainability, but also its social cohesion, involving the full economic participation of all citizens, including the Roma. This plan notes that Roma integration in society through support for the full participation in education and the labour market will be a key priority in the European integration process. Support was also announced for improving the quality of higher education, employment, healthcare and social welfare, increasing participation in the labour market, particularly for youth, women, vulnerable groups and minorities, particularly the Roma. One of the 10 flagship initiatives is the Youth Guarantee.

It is necessary to accelerate the adoption of relevant legal and strategic documents, such as: a new law and strategic framework defining priorities in the field of social welfare; and prevention and prohibition of discrimination. It is also necessary to harmonise the Strategy for the Social Inclusion of Roma of the Republic of Serbia with the new strategic framework and goals defined by the EU strategic framework until 2030; define and adopt an Action Plan for the implementation of the Strategy on the Social Inclusion of Roma, and establish efficient mechanisms for monitoring the implementation of strategies and sectoral Action Plans. It is important to initiate the drafting of a new Employment and Social Policy Reform Programme (ESRP) with the participation of all stakeholders, or in the Economic Reform Programme to significantly strengthen the assessment of the impact of reforms on society, particularly on improving the status of vulnerable groups.

Within the European integration process Serbia should make use of the opportunity to establish effective instruments for monitoring social welfare policies. In preparing for EU membership, Serbia has the obligation of developing monitoring instruments that exist at the EU level. In the European Union, comparable data on methods of funding social welfare are mainly accessible under two groups of data – MISSOC and ESSPROS. Furthermore, at the EU level there is a Joint Assessment Framework (JAF) for progress in the context of social inclusion and poverty reduction.

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