



# **IDA's Compilation of Disability Related Extracts of Concluding Observations of the Committee on Economic, Social and Cultural Rights**

**CESCR Committee's 71st session  
(14 Feb 2022- 04 Mar 2022)**

<b>Committee on Economic, Social and Cultural Rights – 71<sup>st</sup> session - 2022</b>	
Total number of Concluding Observations	6
Number of countries receiving recommendations on persons with disabilities	6
Percentage of countries receiving recommendations on persons with disabilities	100%
Number of recommendations including explicit references on disability	36

**BAHRAIN - E/C.12/BHR/CO/1**

**BELARUS - E/C.12/BLR/CO/7**

**CZECH REPUBLIC - E/C.12/CZE/CO/3**

**DEMOCRATIC REPUBLIC OF CONGO - E/C.12/COD/CO/6**

**SERBIA - E/C.12/SRB/CO/311**

**UZBEKISTAN - E/C.12/UZB/CO/3**

Official versions of Concluding Observation are available on the website devoted to the session [here](#).

## **BAHRAIN - E/C.12/BHR/CO/1**

### **Non-discrimination**

14. The Committee is concerned that:

(a) While the constitutional and legislative framework of the State party contains anti-discrimination provisions, there is no comprehensive anti-discrimination legislation and policy framework; certain individual and groups, such as **persons with disabilities and** lesbian, gay, bisexual, transgender and intersex persons, the prevalence of widespread discrimination in practice, stigmatization and negative stereotypes hinder their access to economic, social and cultural rights (art. 2(2)).

(b) Despite the State party's efforts to improve their living conditions in last years, a large number of migrant workers face discrimination in employment and their access to adequate housing, education, and healthcare and services is limited;

(c) Despite the constitutional prohibition of discrimination on the basis of religious affiliation, the Committee is concerned that members of the Shia community and stateless persons including stateless Bidoon as well as those who were deprived from their citizenship, reportedly face discrimination in education, employment as well as the exercise of their cultural rights.

**15. While noting that there is no provision in law that is directly discriminatory, the Committee recommends that the State party:**

**(a) Adopt a comprehensive anti-discrimination legislation and policy framework aimed at ensuring equality and addressing direct, indirect, multiple and intersecting forms of discrimination on any ground;**

**(b) Strengthen its efforts to ensure non-discriminatory access to economic, social and cultural rights by migrant workers, including by protecting them from discrimination in employment and removing the barriers they face with regard to their access to adequate housing, education, and healthcare and services;**

**(c) Take effective measures to eliminate discrimination on the basis of religious affiliation in the enjoyment of economic, social and cultural rights, including by enhancing its efforts to address the discrimination faced by members of the Shia community in education, employment and in the exercise of their cultural rights;**

**(d) Adopt the measures necessary to prevent and reduce statelessness with a view to guaranteeing their non-discriminatory access to economic, social and cultural rights, and consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;**

**(e) Take all necessary measures to eliminate negative stereotypes and stigmatization of members of marginalized groups, such as persons with disabilities, persons living with HIV, lesbian, gay, bisexual, transgender and intersex persons and refugees including through awareness-raising campaigns for the public, healthcare providers, teachers, social workers, and law enforcement and other public officials;**

**(f) Establish mechanisms to ensure that victims of discrimination can seek effective remedies**

**(g) Take into account the Committee general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

### **Unemployment**

18. The Committee notes the various measures taken by the State party to counter unemployment, including those aimed at supporting small and medium-sized enterprises.

The Committee remains concerned, however, at the rates of unemployment in the State party, especially among persons with disabilities, youth and women, including university graduates. The Committee is further concerned that the State party's targeted policies and programmes have not effectively reduced unemployment (art. 6).

**19. The Committee recommends that, the State party:**

**(a) Address the structural causes of unemployment in the State party, including the jobless economic growth;**

**(b) Review vocational and university programmes so that they meet current labour market demands and capitalize on the high level of education to ensure that it translates into job opportunities;**

**(c) Monitor the impact of the "first job programme for youth" and adopt labour measures targeted specifically at women and persons with disabilities;**

**(d) Put into place services providing assistance to the unemployed, especially the persons with disabilities and women;**

**(e) Take into account the Committee general comment No. 18 (2005) on the right to work in the implementation of labour plans and policies**

### **Right to social security**

26. The Committee notes that the State party provides social support in the form of cash benefits, under its Social Security Act No. 18 of 2006, to families or individuals who do not have a sufficient source of income. It also notes that the State party has established contributory social security schemes under Act No. 13 of 1975, Decree-Law No. 11 of 1976, and Decree-Law No. 24 of 1976. However, the Committee regrets the lack of statistical information about coverage of its population by both contributory and non-contributory social security schemes, including disadvantaged and marginalized individuals and families; it also regrets the lack of information on whether the amount of social assistance benefits is sufficient to cover the real costs of living, including during the Covid-19 pandemic (art. 9).

**27. The Committee recommends that the State party provide in its next periodic report comparative statistical data on recipients of social security benefits, disaggregated by sex, age group, nationality, disability, family size, income group and other relevant criteria, including during the Covid-19 pandemic, to enable the Committee to better assess the social security system of the State party. In this regard, please also include information on the correlation between social security benefits and the cost of living should also be included in the report in order to guarantee beneficiaries and their families an adequate standard of living. The Committee draws the State party's attention to its general comment No. 19 (2008) on the right to social security.**

### **Access to healthcare and services**

40. While noting the information provided by the State party in relation to the implementation of its health improvement strategy (2015–2018), the Committee is nevertheless concerned about:

(a) The reported shortcomings with regard to the capacity of its hospitals and other healthcare facilities, and limited availability of medical infrastructure and equipment, as well as of qualified doctors and other healthcare professionals, including as a result of arrests and dismissal of a large number of healthcare professionals following demonstrations that occurred in 2011;

(b) Limited access to healthcare and services, including access to COVID-19 testing, treatment and immunization, by disadvantaged and marginalized individuals and groups, in particular persons deprived of their liberty, stateless persons and migrant workers (art. 12).

**41. The Committee recommends that the State party:**

- a) **Increase the allocation of human, technical and financial resources to the health sector in order to ensure the accessibility, availability, affordability and quality of healthcare and services for everyone without discrimination, including by improving the infrastructure of the healthcare system and ensuring that hospitals are adequately staffed with suitable medical personnel and that they have sufficient and appropriate infrastructure and equipment;**
- b) **Take effective measures to identify and address different barriers faced by disadvantaged and marginalized individuals and groups in accessing healthcare and services, including, person with disabilities, persons deprived of their liberty, stateless persons and migrant workers;**
- c) **Apply the provisions of the Committee's general comment No. 14 (2000) on the right to the highest attainable standard of health, and its two statements on the COVID-19 pandemic and economic, social and cultural rights (E/C.12/2020/1), and on universal and equitable access to vaccines for COVID-19 (E/C.12/2020/2).**

### **Right to education**

46. While noting that the State party provides primary and secondary education in public schools free of charge for its citizens, the Committee remains concerned that the educational laws and regulations of the State party do not provide non-citizen children, including children of migrant workers and stateless children, with access to primary and secondary education that is free of charge (E/C.12/BHR/1, para. 365). It is also concerned about cases of children deprived of their liberty being denied access to education in detention facilities. The Committee further regrets the lack of information with regard to access to inclusive and quality education by disadvantaged and marginalized children, including children of migrant workers, stateless children and children with disabilities (art. 13).

**47. The Committee recommends that the State party take all measures necessary to guarantee in law and in practice non-discriminatory access to compulsory and free-of-charge primary and secondary education to all children, in particular disadvantaged and marginalized children, including but not limited to children of migrant workers, stateless children, children deprived of their liberty and children with disabilities. It also requests that the State party provide in its next periodic report disaggregated statistical data with regard to its education system, including school enrolment, attendance and completion rates, in order to enable the Committee to better assess access to education in the State party.**

### **BELARUS - E/C.12/BLR/CO/7**

#### **Non-discrimination**

9. While noting that there are several sector-specific pieces of legislation in the State party that prohibit discrimination, the Committee is concerned that the sectoral approach of the State party does not provide full protection against discrimination on all the grounds prohibited by the Covenant. The Committee notes reports of discrimination against groups in socially vulnerable situations, in particular women, lesbian, gay, bisexual, transgender and intersex persons, persons with disabilities, persons living with HIV, and linguistic and

religious minorities. The Committee is also concerned about the lack of effective remedies for victims of discrimination (art. 2).

**10. The Committee recommends that the State party:**

**(a) Ensure that its laws effectively prohibit, and provide appropriate sanctions for, direct and indirect discrimination in all fields of economic, social and cultural rights;**

**(b) Develop, in close consultation with civil society organisations, and adopt a comprehensive anti-discrimination law that addresses discrimination, including in the private sphere, defines and prohibits direct and indirect discrimination, and provides for effective remedies, including psychological support, in cases of discrimination for all victims;**

**(c) Improve its data collection system to collect data on discrimination on the basis of prohibited grounds, allowing for development of targeted policies and programmes.**

**(d) Take into account the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

### **Disaggregated data on unemployment**

15. The Committee regrets the lack of disaggregated data on the de facto unemployment rate in the State party, which impedes analysis and targeted support of groups that are disadvantaged and marginalized in the labour market (art. 6).

**16. The Committee recommends that the State party collect data on the de facto unemployment rate disaggregated by sex, disability, health, ethnic, socio-economic and other relevant status and ensure that its measures to address unemployment are developed to target the groups most affected by it. The Committee requests the State party to provide these statistics, and information on any measures taken based on them, in its next periodic report.**

### **Employment of persons with disabilities**

21. While noting a number of measures taken by the State party to increase employment of persons with disabilities and a significant increase in funding for this purpose, the Committee continues to be concerned about the low employment rate among persons with disabilities. The Committee is also concerned about the lack of inclusive and accessible working environments for persons with disabilities (art. 6).

**22. The Committee recommends that the State party take further steps to reduce unemployment and enhance access to employment for persons with disabilities, including by introducing effective incentives to promote employment of persons with disabilities and by amending domestic labour legislation to include the obligation for employers to provide reasonable accommodation in the workplace when required.**

### **Right to education**

41. While noting the assessment of the State party that general education at all levels is provided for free and in an equal manner to all, the Committee is nevertheless concerned about:

(a) The particular difficulties faced by children in rural areas in accessing education as well as by the low educational achievement of these children;

(b) The low level of enrolment rates of Roma students at all levels of education, including tertiary, as well as by the persisting discrimination against Roma students in the educational environment;

(c) The difficulties faced by pregnant adolescents to continue their education;

- (d)The numerous expulsions of students from educational institutions because of their political opinions;
- (e)The difficulties in the continuation of school education for children in correctional centres;
- (f)The measures to ensure equal access to education, including remote schooling, and to protect students during the COVID-19 pandemic, not being sufficiently tailored to the needs of students in socially vulnerable situations, including students with disabilities.

**42. The Committee recommends that the State party:**

- (a)Take measures to identify the special vulnerabilities of children belonging to socio-economic disadvantaged groups, including those in rural areas, who, in practice, do not have equal opportunities in accessing education and design tailored measures to ensure adequate support for them to access and to continue their education;**
- (b)Adopt tailored measures to increase the enrolment rates of Roma students at all levels of education, including tertiary; adopt measures to enable Roma students to remain in the educational system and develop mechanisms that allow for the detection of discrimination against Roma students; and provide, in the next periodic report, disaggregated data on the situation of Roma students, by age groups, at all levels of education;**
- (c)Develop tailored measures to ensure that pregnant adolescents can continue their education;**
- (d)Ensure that no students are unjustly expelled, including based on their political opinions, and ensure the right to legal and other redress in case of unjust expulsion;**
- (e)Ensure that children in correctional facilities are able to continue their education in practice and all their rights are ensured in line with the Convention on the Rights of the Child;**
- (f)Evaluate the negative impacts that COVID-19 related restrictions have and have had on students belonging to groups in vulnerable situations and develop measures to mitigate and counteract such negative impacts; and ensure that children without internet access are enabled to participate in remote schooling when required.**

**Inclusive education for students with disability**

43.While welcoming the adoption by the State party of its new Education Code with a focus on inclusive education, and while noting the information provided by the State party that the majority of students with disabilities are educated in an inclusive fashion in mainstream education, the Committee is concerned about the insufficient number of teachers and other educational specialists trained in inclusive education methodologies and a lack of reasonable accommodation for students with disabilities in schools (art. 13).

**44.The Committee recommends that the State party take measures to further expand the availability of inclusive education at all levels of education. The Committee also recommends that the State party ensure that students with disabilities are provided with reasonable accommodation in educational institutions at all levels of education and that teachers and other educational specialists are trained in inclusive education methodologies.**

**CZECH REPUBLIC - E/C.12/CZE/CO/3**

**Non-discrimination**

12.While noting targeted policies and strategies adopted by the State party, the Committee is concerned about persistent discrimination, hate speech, prejudices and stereotypes directed towards certain individuals and marginalized and disadvantaged groups. The

Committee is further concerned that the shift of the burden of proof does not apply in all cases of discrimination. It is also concerned about the failure to report discrimination is associated with the low degree of trust in the government institutions. Furthermore, the Committee is concerned about discrimination based on gender identity and sexual orientation, and regrets that, in the absence of the recognition of same-sex marriage, registered partnerships do not provide protection equivalent to marriage (art. 2 (2)).

**13. The Committee recommends that the State party:**

**(a) Redouble its efforts to prevent and combat discrimination, in particular against Roma, persons with disabilities, migrants, refugees and asylum seekers, lesbian, gay, bisexual, transgender and intersex persons, including by implementing strategies with an intersectional approach;**

**(b) Conduct awareness-raising campaigns and provide information on procedures to report cases of discrimination and mechanisms available to victims;**

**(c) Ensure that law enforcement officers, judiciary personnel and other public officials are properly trained so that they can perform their obligation professionally with victim-centered approach;**

**(d) Amend the Civil Procedure Code to ensure the same level of protection for all victims of discrimination regardless of the grounds and area of discrimination;**

**(e) Ensure that registered partnerships of those in same-sex relationships are provided with protection equivalent to marriage of people in heterosexual relationships;**

**(f) Take into account its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

### **Unemployment**

20. The Committee welcomes the overall very low long-term unemployment rate and policies, such as the Antivirus Programme to mitigate the effects of the COVID-19 pandemic. Nevertheless, the Committee is concerned at significant discrepancies in the unemployment rate across Regions. The Committee also expresses its concern that some groups face more difficulties in accessing work; many of which work in the informal sector of the economy and have been disproportionately affected by the COVID-19 pandemic. Furthermore, the Committee regrets the lack of statistics on informal employment and the limited protection for workers in this sector (art. 6).

**21. The Committee recommends that the State party:**

**(a) Continue its efforts to reduce unemployment in all Regions of the country;**

**(b) Intensify its efforts to support Roma, persons with disabilities, women with children, young people, persons aged 50 and above, and migrants, in gaining access to employment, including by implementing targeted positive measures, facilitating their access to technical and vocational training opportunities, and collecting data on their situation;**

**(c) Ensure that programmes promoting the inclusion of the most disadvantaged and marginalized groups into the open labour market do not perpetuate their concentration in low-skilled jobs and the informal economy;**

**(d) Undertake steps to facilitate the transition of workers from the informal sector to the formal sector of the economy, including by collecting data on their situation and ensuring that they are covered by labour laws and have access to social protection;**

**(e) Take into account its general comment No. 18 (2005) on the right to work.**



## **Social security**

28. The Committee is concerned about reports that courts restrict the legal capacity of persons with intellectual and psychosocial disabilities to apply for social benefits and pensions, and do not ensure procedural accommodations. It is also concerned about insufficient staffing of the medical assessment service, which leads to delays in processing requests for disability benefits, and the continuity of its operations following the retirement of current staff. Furthermore, the Committee is concerned that many refugees are not eligible to receive the pension scheme benefits due to obstacles in proving the required number of years of employment and remain dependent on minimal subsistence allowances (art. 9).

29. **The Committee recommends that the State party:**

- (a) Implement a Civil Code reform to recognize the legal capacity of all persons with disabilities and implement a supported decision-making system; respect their legal capacity to access social services and social security schemes;**
- (b) Strengthen capacity-building programmes for the judiciary on the human rights model of disability; adopt mechanisms to provide persons with disabilities with age-appropriate accommodations, and raise awareness in society about the right to equal recognition before the law of persons with disabilities;**
- (c) Ensure adequate staffing of the medical assessment service to avoid delays in proceedings, in particular, in cases of allowances for care, contributions, and issuance of disability cards;**
- (d) Amend the Pension Insurance Act to facilitate access to the national pension scheme for refugees and asylum seekers;**
- (e) Take into account its general comment No. 19 (2007) on the right to social security.**

## **Children in institutions**

30. The Committee takes note of the legislative and policy efforts made by the State Party to reduce institutionalization and strengthen foster care, including the National Strategy for the Protection of Children's Rights 2021 – 2029 and the legislation putting an end to the placement of children under three years into institutional care. Nevertheless, the Committee is concerned at the very high number of institutionalized children in the State Party, in particular, Roma children and children with disabilities. The Committee is further concerned that the childcare system remains fragmented and at the lack of an effective deinstitutionalization policy for children and family-based care options. Moreover, the Committee expresses its concern that children with "behavioural difficulties", labelled as "anti-social" or "at risk", are placed into institutions by civil proceedings, and do not benefit from legal assistance (art. 10).

31. **The Committee urges that the State party:**

- (a) Ensure effective coordination among various ministries to unify the childcare system;**
- (b) Implement a national policy and strategy with a time-bound action plan to accelerate progress towards the deinstitutionalization, in support of community-based and family-based options, giving particular attention to children with disabilities, Roma children and very young children;**
- (c) Accelerate the discussion of the draft act on support to families and alternative family care with a view to its adoption;**
- (d) Ensure the implementation of the legislation that introduced the age limit of three years for placement of a child in institutional care;**
- (e) Guarantee the adequate provision of family-based care options, including a sufficient number of trained foster parents;**

**(f) Ensure that children are not separated from their families and placed in alternative care due to their “behavioural difficulties”.**

### **Right to adequate housing**

36. While noting various efforts, such as the Social Housing Project implemented by municipalities, the Committee expresses its concern that the State party has not yet adopted a comprehensive social housing system and a social housing law. The Committee is concerned about the lack of availability of adequate housing, and that housing costs and rental prices are high and that funds for housing allowance are insufficient. While noting that the provision allowing for housing “benefit-free zones” was quashed in 2021 by the Constitutional Court, the Committee remains concerned by reports that Roma face multiple barriers to the realization of their right to housing. The Committee also notes that some owners are reluctant to rent apartments to migrants, who are also often charged rents above-market prices for substandard housing. Moreover, it is concerned that the State Party has a very high number of homeless and regrets there is not an effective mechanism to prevent and address this (art. 11).

**37. The Committee recommends that the State party:**

**(a) Develop and effectively implement a human-rights based national strategy on housing with appropriate funds, a monitoring system, and, to this end, collect disaggregated statistics, especially on the housing situation of disadvantaged and marginalized groups;**

**(b) Expedite the adoption of a social housing law;**

**(c) Increase the availability of adequate and affordable housing, in particular by expanding the supply of social housing and housing subsidies, with particular attention to disadvantaged and marginalized groups, such as Roma, migrants, persons with disabilities, and older persons;**

### **De-institutionalization of persons with disabilities**

42. While noting the National Plan for the Promotion of Equal Opportunities for Persons with Disabilities 2021–2025, the Committee is concerned at the high levels of institutionalization of persons with disabilities, in particular those with intellectual or psychosocial disabilities. The Committee is also concerned that the State party continues to invest resources in institutional settings and regrets the insufficient support services that would enable persons with disabilities to live independently in their local communities. The Committee further notes with concern that there is no clear policy to end the use of restraints in mental health services, despite the reform of psychiatric care (arts. 10, 12).

**43. The Committee urges the State Party to:**

**(a) Develop, implement, and provide adequate resources for an effective deinstitutionalization policy, with a clear time frame and benchmarks, involving consultation with persons with disabilities through their representative organizations at all stages;**

**(b) Allocate sufficient resources for the development of support services in local communities that would enable all persons with disabilities to choose freely with whom, where and under which living arrangements, they will live;**

**(c) Adopt legal and practical measures to end coercive measures in mental health services.**

### **Inclusive education**

46. The Committee recognizes the State Party efforts undertaken to promote inclusive education, such as the inclusive education action plans and the Decree No. 27/2016.

However, the Committee is concerned that a significant number of children with disabilities, in particular, those with intellectual disabilities and autism, still receive their education in special schools. The Committee is also concerned that school counselling facilities determine support measures based primarily on a medical approach. Furthermore, the Committee is concerned that reasonable accommodation is not always provided and that many teachers do not have sufficient training in inclusive learning (arts. 13 and 2, para. 2).

**47. The Committee recommends that the State party:**

**(a) Amend its legislation, including the Decree No. 27/2016 Coll. on the Education of Pupils with Special Educational Needs and Gifted Pupils, to ensure the effective inclusion of all children with disabilities into mainstream education at all levels;**

**(b) Allocate sufficient human, technical and financial resources, and ensure the provision of accessible and inclusive learning environments, buildings and educational materials, reasonable accommodation, and individualized support;**

**(c) Guarantee that support measures are adopted under the human rights-disability approach and do not lead to any segregation or reduction in the quality of education;**

**(d) Ensure an adequate number of trained teachers and adequately remunerated teaching assistants.**

## **DEMOCRATIC REPUBLIC OF CONGO - E/C.12/COD/CO/6**

### **Non-discrimination**

26. Le Comité note avec préoccupation que l'État partie n'ait pas encore adopté une loi générale de lutte contre la discrimination couvrant tout motif dans l'ensemble des domaines couverts par le Pacte. Le Comité s'inquiète également de l'absence de mesures efficaces pour lutter contre la discrimination de fait concernant la jouissance effective des droits économiques, sociaux et culturels à laquelle font face les peuples autochtones, notamment les Batwa, les personnes déplacées à l'intérieur du pays et les personnes ayant un handicap (art. 2, par. 2).

**27. Le Comité recommande à l'État partie :**

**a) D'adopter une loi générale contre la discrimination, conformément au paragraphe 2 de l'article 2 du Pacte et à l'observation générale no 20 (2009) sur la non-discrimination dans l'exercice des droits économiques, sociaux et culturels, interdisant la discrimination directe et indirecte pour tout motif dans l'ensemble des domaines couverts par le Pacte;**

**b) De garantir l'accès à des recours effectifs aux victimes de discrimination, incluant la possibilité d'obtenir réparation;**

**c) De prévenir et de combattre efficacement la discrimination dont sont l'objet les peuples autochtones, notamment les Batwas, les personnes déplacées à l'intérieur et les personnes ayant un handicap, y compris par des campagnes de sensibilisation et le recours à des mesures d'action affirmatives afin de garantir l'exercice de l'ensemble des droits reconnus dans le Pacte à toutes les personnes sans discrimination.**

### **Droit au travail**

34. En dépit des efforts de l'État partie pour réduire le chômage, le Comité relève que l'impact de ces mesures n'a pas été significatif et que le marché du travail est marqué par une prolifération de chômage parmi les jeunes, de fortes inégalités dans les opportunités d'emploi et par le nombre élevé des travailleurs employés dans l'économie informelle qui ne sont pas couverts par la législation du travail ni par le système de sécurité sociale. Le Comité regrette également ne pas avoir reçu des informations concernant les mesures prises pour

remédier à la perte d'emplois causée par la crise provoquée par la pandémie de COVID-19, en particulier dans les groupes de population plus touchés par le chômage (art. 6 et 9).

**35. Le Comité recommande à l'État partie:**

a) **D'élaborer et de mettre en œuvre, en consultation avec les partenaires sociaux, une politique nationale de l'emploi qui compte des objectifs précis pour réduire le chômage et combattre toute forme de discrimination, en ciblant ses efforts en particulier sur les jeunes, les femmes, les personnes handicapées et toutes les autres groupes touchés par la discrimination ;**

b) **De redoubler d'efforts pour renforcer la qualité de l'éducation et de la formation technique et professionnelle ;**

c) **De veiller à ce que les travailleurs employés dans l'économie informelle bénéficient de la protection de la législation du travail et aient accès à la protection sociale et de continuer ses efforts pour réduire progressivement le nombre de travailleurs dans ce secteur de l'économie, en les intégrant dans l'économie formelle ;**

d) **De prendre les mesures nécessaires permettant de faire face à l'impact de la pandémie de COVID-19, en ce qui concerne le marché du travail et le manque de revenus pendant cette période ;**

e) **De se référer à son observation générale no 18 (2005) sur le droit au travail.**

**SERBIA - E/C.12/SRB/CO/3**

**Free legal aid**

10. While welcoming the adoption of the Free Legal Aid Act, the Committee is concerned about:

(a) The insufficient and uneven provision of free legal aid service by local governments;

(b) The lack of clarity on the procedure for civil society organizations to provide free legal aid under the Law, which has effectively impeded access to free legal aid by those who are most in need;

(c) The lack of awareness, particularly among disadvantaged and marginalized individuals and groups, of the availability of free legal aid and the application procedure (art. 2 (1)).

**11. The Committee urges the State party to intensify its efforts to make free legal aid available and accessible to all persons in need. In particular, it recommends that the State party:**

(a) **Ensure that the eligible persons receive quality free legal aid regardless of their place of residence by strengthening the capacity of local governments;**

(b) **Provide clear guidelines to local authorities as to the procedure for the provision of free legal aid by civil society organizations, including the eligibility criteria for free legal aid;**

(c) **Raise public awareness on the availability of free legal aid and the application procedure, particularly among workers in social welfare centres and disadvantaged and marginalized individuals and groups, including women, young people, persons with disabilities, Roma, refugees, asylum seekers, migrants, internally displaced persons, and victims of human trafficking.**

**Data collection**

12. The Committee is concerned about the lack of systematic collection of disaggregated data in the areas of economic, social and cultural rights, which hampers the accurate assessment of the realization of the rights and the development of effective and targeted policies and programmes. (art. 2 (1)).

**13. The Committee recommends that the State party:**

**(a) Improve its system for data collection, management and analysis with a view to regularly tracking progress in the realization of the Covenant rights, developing public policies based on evidence and designing targeted measures for disadvantaged and marginalized individuals and groups;**

**(b) Systematically collect data in the areas of economic, social and cultural rights, disaggregated on the basis of prohibited grounds, including sex, age, disability, ethnic origin and region, and include such data in its next periodic report;**

**(c) Take into account the conceptual and methodological framework on human rights indicators that was developed by the Office of the United Nations High Commissioner for Human Rights (HRI/MC/2008/3).**

### **Non-discrimination**

28. The Committee is concerned about the substantive discrimination faced by disadvantaged and marginalized individuals and groups, in accessing work, social protection, housing, healthcare services and education. The situation has further deteriorated due to growing hate speech, including through social media (Arts. 2(2), 6, 9, 10, 11, 12, 13 and 14).

**29. The Committee urges the State party to intensify its efforts to promote equality and combat discrimination against Roma and persons belonging to national minority groups, persons with disabilities, refugees, asylum seekers, internally displaced persons, and lesbian, gay, bisexual, transgender and intersex persons. In particular, it recommends that the State party:**

**(a) Take the steps necessary to remove all discriminatory legal provisions and adopt the pending anti-discriminatory legislation without delay and strengthen the enforcement of anti-discrimination legislation with a view to ensuring the equal enjoyment of economic, social, and cultural rights in practice;**

**(b) Take measures necessary to ensure that public authorities conduct an equality test when preparing new regulations or policies that have impact on the enjoyment of economic, social, and cultural rights by disadvantaged and marginalized individuals and groups, as provided for in the Law on the Amendments to the Law on Prohibition of Discrimination;**

**(c) Enhance awareness and sensitization, including regarding online hate speech, among public officials and the public.**

### **Persons with disabilities**

34. The Committee is concerned that the denial of reasonable accommodation for persons with disabilities is not recognised as a form of discrimination and that public facilities and public transport are largely inaccessible by persons with disabilities. It is also concerned about the continuing institutionalization of persons with disabilities and the limited availability of community-based services. It is further concerned about the persistently low level of employment and social integration of persons with disabilities (Arts. 2(2) and 6).

**35. The Committee recommends that the State party:**

**(a) Ensure the legal recognition of the denial of reasonable accommodation as a form of discrimination and the provision of reasonable accommodation, particularly in the workplace and at school;**

**(b) Improve accessibility to public facilities, including medical clinics, and public transport;**

**(c) Facilitate the deinstitutionalization of persons with disabilities and expand community-based services for them;**

**(d) Improve the employment of persons with disabilities, including by establishing incentives and special measures, and to integrate workers with disabilities in the mainstream labour market.**

#### **Poverty**

54. The Committee is concerned about the continuing high incidence of poverty, particularly among Roma, persons belonging to national minority groups, persons with disabilities and internally displaced persons, despite some progress achieved. The Committee notes with regret the closure of the Social Inclusion and Poverty Reduction Unit and it is concerned about the absence of concrete policy and institutional framework on poverty reduction (Arts. 9 and 11).

**55. The Committee urges the State party to intensify its efforts to accelerate poverty reduction. In particular, it recommends that the State party:**

**(a) Adopt a framework policy on poverty reduction, specifically focused on those who are in systemic poverty, including Roma, persons belonging to national minority groups, persons with disabilities and internally displaced persons;**

**(b) Put in place a mechanism that will coordinate the implementation of the poverty reduction policy by various actors and monitor the progress;**

**(c) Allocate sufficient human and financial resources to poverty reduction measures and design them to reach the persons living in poverty with a view to enhancing the efficacy of poverty reduction measures.**

#### **Right to education**

65. The Committee is concerned about:

**(a) The disproportionately high dropout rates at the primary and secondary education levels as well as the low attendance rates at the preschool and secondary education among Roma children;**

**(b) The continuing segregation of children with disabilities in special schools and classes, despite the progress achieved;**

**(c) The disproportionate impact of the COVID-19 on disadvantaged and marginalized children in access to education (Arts. 2(2), 13 and 14).**

**66. The Committee recommends that the State party:**

**(a) Take measures to ensure that all children, particularly Roma children, complete the compulsory education by addressing the root causes that prevent them from doing so;**

**(b) Continue to expand inclusive education opportunities to children with disabilities;**

**(c) Make up for the learning opportunities lost due to the pandemic, particularly by disadvantaged and marginalized children, and prevent further disruption of education.**

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#### **Persons with disabilities**

24. The Committee notes the adoption of the Act on the Rights of Persons with Disabilities (No. ZRU-641, 15 October 2020) and other measures to promote the rights of persons with disabilities. However, the Committee is concerned that persons with disabilities face barriers to access economic, social, and cultural rights, due to the lack of effective implementation of reasonable accommodation, especially in schools, universities, and medical facilities (art. 2 (2)).

**25. The Committee recommends that the State party adopt measures to ensure that persons with disabilities have access to public services and facilities, and ensure that they have**

access to employment, health services and social services. It also recommends strengthening State party's efforts to achieve inclusive education at all levels, including through improving the physical accessibility of schools and universities, by providing adequate transportation, equipping educational facilities with adapted learning materials, and providing teachers and educators with adequate training.

#### **Right to social security**

38. The Committee notes the information by the State party on the adoption of the National Strategy for Social Protection (2021–2030) and the implementation of the first stage of the compulsory health insurance system. The Committee is concerned, however, about the lack of coordination among governmental entities regarding different social protection measures and the inadequate level of social benefits and its unavailability to all relevant population groups (arts. 9 and 12).

39. **The Committee recommends that the State party effectively implement its National Strategy on Social Protection, including by establishing a clear coordination and administrative mechanism, with a view to covering all segments of the population, particularly those in the informal sector and to accelerate the roll-out of the compulsory health insurance. It also recommends ensuring appropriate level of social protection benefits for persons with disabilities, older persons, Roma/Lyuli, refugees and asylum seekers, and to conduct periodic recalculations of social allowances. The Committee refers the State party to its general comment No. 19 (2007) on the right to social security and its statement, adopted in 2015, entitled "Social protection floors: an essential element of the right to social security and of the Sustainable Development Goals" (E/C.12/2015/1).**

#### **Protection of the family and children**

40. The Committee notes the information by the State party on preparation of the Bill on Domestic Violence and the Bill on Social Protection of Orphans and Children Deprived of Parental Care, as well as the implementation of deinstitutionalization policy for children. However, the Committee is concerned about the inadequate level of family-based and alternative care support for families, particularly for children belonging to disadvantaged and marginalized groups. The Committee is also concerned about the lack of systematic data collection on the situation of children belonging to disadvantaged and marginalized groups (arts. 9 and 10).

41. **The Committee recommends that the State party:**

- (a) Accelerate the adoption of the Bill on Domestic Violence to criminalize all forms of domestic violence, including marital rape, and to ensure its effective implementation, with a view to protecting all victims and bringing perpetrators to justice and preventing impunity;**
- (b) Accelerate the adoption of the Bill on Social Protection of Orphans and Children Deprived of Parental Care and intensify its efforts to strengthen family-based and alternative care support for children, particularly children with disabilities, while ensuring the effective implementation of its deinstitutionalization policy;**
- (c) Ensure the systematic collection of statistics on children belonging to disadvantaged and marginalized groups.**

#### **Right to adequate housing**

44. The Committee takes note of the information on the affordable housing programmes implemented by the State party. However, the Committee is concerned about the insufficiency of social housing especially for members of disadvantaged and marginalized

groups and the lack of information on the situation of the residents impacted by the Sardoba Reservoir Dam burst in May 2020 (art. 11).

**45. With reference to its general comment No. 4 (1991) on the right to adequate housing, the Committee recommends the State party to intensify its efforts to provide affordable and social housing, including to residents of the Sardoba region who lost their houses as a result of the flood in May 2020, persons with disabilities, Luyli/Roma, refugees, stateless and asylum seekers.**

### **Right to education**

54. The Committee notes the measures adopted to improve access to education, including by increasing preschool coverage and the ongoing efforts to enhance the quality of education. The Committee is concerned however about reports regarding lack and inadequacy of accessibility of persons with disabilities to educational institutions. The Committee is concerned about the low level of enrolment of Roma/Lyuli children in education (arts. 13 and 14).

**55. The Committee recommends that the State party enhance its efforts towards achieving universal access to quality education at all levels, including by:**

- (a) Strengthening measures to improve the quality of education by allocating sufficient resources to the education sector, increasing the number of qualified teachers and teaching material;**
- (b) Improving the educational infrastructure to ensure the accessibility of persons with disabilities to all schools and universities and to achieve inclusive education;**
- (c) Take effective measures to improve access to education for Roma/Lyuli children, their retention and increase their secondary school completion rates.**