Replies of the Republic of Serbia to the Questionnaire of the UN Special Rapporteur on the Rights to an adequate standard of living

THE RIGHT TO ADEQUATE HOUSING AND CLIMATE CHANGE

1. The main effects of the climate crisis in the Republic of Serbia are air pollution, changes in seasonal temperatures (increased or decreased), the occurrence of droughts and floods, the occurrence of hail, the spread of invasive species, and the occurrence of landslides. In terms of property and housing security, floods and landslides threatened security, availability and accessibility.

The most drastic example is the flood in Obrenovac, in the middle of 2014, which caused the evacuation of the population and the subsequent rehabilitation of the terrain and buildings.

1. There is a difference in the impact of the climate crisis on housing in urban and rural areas. The high concentration of exhaust fumes, concrete, glass, asphalt makes life in the city sometimes unbearable.

The difference in the impact of climate change on the city and the rural area is noticeable during disasters when rural areas suffer the most consequences due to the lack of infrastructure, material resources and adequate equipment for defense against disasters. Examples of disasters, in terms of housing and accessibility in rural areas, are heavy snowfalls and landslides that occur after floods. Economic conditions are affected by the occurrence and consequences of hail in agricultural and fruit growing areas, and the occurence of invasive species is also evident, which affects the annual yield in those areas.

1. The most vulnerable groups affected by climate change are groups that directly depend on weather and climate conditions because it is their main source of livelihood, as well as members of the Roma national minority who live in Roma settlements.

Population engaged in agriculture, fruit growing, vegetable growing, production and sale of annual yields that directly relate to climatic conditions is also affected.

Also, there is a significant difference in housing conditions between the Roma and the general population. Roma settlements are spatial urban and non-urban (rural and suburban) entities predominantly inhabited by members of the Roma national minority, which are often viewed as places of spatial and social segregation of Roma men and women. Research has shown that almost all the population living in Roma settlements uses basic, improved sources of drinking water (98%) and 86% uses basic sanitary services[[1]](#footnote-1). The share of the population from Roma settlements that uses drinking water from the water supply piped to an apartment or house is 78 percent. However, a large number of Roma households in substandard Roma settlements do not have access to electricity (32 percent of substandard Roma settlements are not connected to the electricity network and 38 percent are not connected to the water supply network). In the period March-September 2020, in cooperation with the UN Human Rights Team, the Social Inclusion and Poverty Reduction Unit conducted "Mapping of substandard Roma settlements according to risks and access to rights in the age of the COVID-19 pandemic". The mapping included a total of 702 substandard Roma settlements located on the territory of 94 LGUs, where 167,975 people live. Collected data include access to clean water and sewage, health risks in the relevant epidemiological context, performing activities with increased health risks, as well as access to electricity and sustainable sources of income. The data were obtained from established institutional mechanisms for the inclusion of Roma men and women at the level of local self-government units and from the representatives of civil society organisations.

1. Primarily groups that depend on weather conditions, such as farmers and related groups, are significantly affected by the climate crisis.

No single person who requested protection or who was granted protection on this basis has yet been referred to the Commissariat for Refugees and Migration, as the authority responsible for reception and support in integration of persons who have been granted protection. In accordance with the non-discrimination principle, by which the Commissariat is guided in its work, in the event a person requests or receives protection on this basis, all support would be provided in the same manner, to the same extent and under the same conditions as for other persons that have the status of an asylum seeker or persons who have been granted asylum. The same applies to persons in the process of voluntary return. All internationally displaced persons who are in the Republic of Serbia, as well as migrants in an irregular position, can be included in the assisted voluntary return programme, if there are basic living conditions in the country of origin.

1. Due to the loss of property as a result of climate disasters, affected groups of people receive material and financial assistance for the reconstruction of housing units as well as household furniture. Also, the sanitary and epidemiological rehabilitation of the terrain is conducted to avoid the spread of infectious diseases. Commissions formed by local self-government units visit the area in order to make a list of and later assess damage, as well as to determine the degree of vulnerability of the population in order to allocate adequate funds for establishing optimal living conditions.
2. In mid-May 2014, the Republic of Serbia was hit by floods caused by several days of rainfall. A total of 29 municipalities were partially or completely flooded. A large number of residential and commercial buildings were flooded, and over 30,000 citizens were evacuated from flooded areas. Based on the then applicable Law on Emergency Situations, the Government of the Republic of Serbia declared a state of emergency due to the occurrence of a natural disaster - flood. These floods that caused damage to Serbia are estimated at one billion and 532 million euros. A total of 51 people lost their lives in the floods, of whom 24 drowned.

The Government of the Republic established the *Public Investment Management Office*, as a body responsible for managing reconstruction projects and providing assistance after natural and other disasters. During the year, the Office verifies the assessment of damage caused by natural disasters that is conducted by commissions formed by the local self-government unit, and prepares proposals for measures to the Government, which adopts state aid and reconstruction programmes to mitigate the consequences. The Ministry of Agriculture, Forestry and Water Management is also involved in the development of a *Unified Methodology for the Assessment of Damage Caused by Natural and Other Disasters* under the responsibility of the Office. The Office manages projects for reconstruction and provision of assistance after natural and other disasters, primarily projects for the reconstruction of thousands of preschool, school, health, and social care institutions. Together with the Office, the Ministry of Agriculture, Forestry and Water Management continuously informs local self-government units about ways and possibilities for obtaining compensation for damage or loss caused by natural disasters. All activities, both in the decision-making process and in the implementation process, are coordinated, with the active participation of local communities.

The consequences of such events are also repaired through the social protection system. Thus, at the session held on 23 December 2011, the Assembly of the City of Belgrade, on the basis of the Law on Social Protection ("Official Gazette of the RS", No. 24/11) and the Statute of the City of Belgrade, passed a *Decision on social protection* *rights and services* according to which, within the framework of material support, individuals and families are entitled to one-time and intervention one-time financial assistance. Namely, *the right to one-time financial assistance* is exercised by individuals and families who are currently in an extremely difficult situation that they cannot overcome on their own without partial or complete financial support from the social community for certain purposes. The provision contains a decisively stated purpose of "eliminating the consequences of natural disasters" (Article 59). The deadline for deciding on the right to one-time assistance is thirty days from the date of initiation of the procedure (Article 63).

Furthermore, the right to *intervention one-time financial assistance* "can be exercised by an individual or a family whose apartment was damaged by a natural disaster, which they use on the basis of ownership or on the basis of lease for an indefinite period of time, regardless of the amount of income of the individual, or the family, in the amount of one to three salaries" (Article 65). The City Center for Social Work can recognise the right to intervention one-time financial assistance, within 24 hours (urgent procedure) of finding out about the case of an individual or a family who found themselves in an extremely difficult situation that occurred as a result of natural disasters in which the apartment they use on the basis of ownership or on the basis of lease is completely or significantly damaged, with the previously obtained consent of the organisational unit of the City Administration in charge of social protection affairs, without conducting a complete procedure, only on the basis of the determined identity of the damaged party. Otherwise, the deadline for deciding on the right to intervention one-time financial assistance is thirty days from the day of the initiation of the procedure.

1. In addition to the legal act, the Government may adopt regulations that would ensure grants to damaged parties, as was the case in July 2020 - the Regulation on the Establishment of the State Programme for Assistance and Reconstruction of Damaged Family Residential Buildings Owned by Citizens Due to the Effects of Floods in June 2020.

**In measures**

1. Green urban planning aims to comprehensively improve climate conditions, preserve biodiversity, protect landscapes and species, increase green infrastructure and sustainable management and planning, for all housing groups and people in the city and rural areas. The *Climate* *Change Adaptation Action Plan and Vulnerability Assessment of the City of Belgrade* contains measures for the improvement of green infrastructure, increase of energy efficiency, improvement of the warning system against climate crises (floods, droughts, landslides...), provision of information and raising awareness, and rehabilitation of green spaces and streets. All measures have a positive effect on the housing of people in the city and in rural areas;

Examples of implemented measures are: reduction of the number of boiler rooms with unfavourable energy sources (coal, fuel oil...) and high CO2 emissions, introduction of gas heating or district heating system, development of the Rulebook on energy efficiency in residential buildings and houses, introduction of ISO 14001:2004 in PUC "Beogradske Elektrane", energy rehabilitation of buildings. Policies for solving environmental problems could be combined in a comprehensive long-term programme for combating climate change.

As part of the programme for providing permanent housing solutions for refugees and internally displaced persons, the Commissariat for Refugees and Migration does not set additional conditions for persons to whom it grants housing support in the form of building material for the completion of the construction of houses or the reconstruction of existing buildings. It is believed that completion of a house or replacement of carpentry and wall insulation will improve energy efficiency, and no additional certificates are required from beneficiaries. At the same time, the implementer of housing care projects is responsible for the allocation of building material and for the procurement of only construction material that meets ecology and energy efficiency requirements and standards. When new apartments are built to meet housing needs, all standards and certificates stipulated by law must be applied during the design and construction phase.

1. With the participation of the public and local communities in decision-making. The Law on the Planning System from 2018 envisages a procedure that involves the public and transparency in the adoption of legal and planning documents of the public policy. The law envisages the effects analysis as an analytical process that is conducted during the process of planning, formulating and adopting public policies and regulations, with the aim of looking at the change to be achieved, its elements and the cause-and-effect relationships between them, and the selection of optimal measures for the achievement of public policy goals (*ex-ante* effects analysis), as well as during and after the implementation of already adopted public policies and regulations, for the purpose of evaluating effects, reviewing and improving those public policies or regulations (*ex-*ante effects analysis).

The principles on which this law is based are the *principle of equality and non-discrimination*, which implies that when drafting and implementing planning documents, human and minority rights and freedoms guaranteed by the Constitution and law are respected; the *principle of coordination and cooperation*, which implies that planning is performed by taking into account interests of other participants in the planning system, especially by taking into account priority goals of the Government, as well as initiatives, needs and priority goals of local authorities; the *principle of publicity and partnership*, which implies that public policies are determined in a transparent and consultative process, or that during the preparation and implementation of planning documents, as well as the effects analysis and evaluation of the effects of public policies, a transparent process of consultations with all stakeholders and target groups is conducted, including associations and other civil society organisations, scientific-research and other organisations, taking care to enable the realisation of individual legal and other interests of all stakeholders and target groups, while simultaneously protecting the public interest; *sustainable growth and development*, which implies that, when drafting and implementing planning documents, requirements of environmental protection, combating climate change, mitigating the effects of climate change and adapting to climate change, preventing excessive use of natural resources, increasing energy efficiency, using renewable sources and reducing greenhouse gas emissions are taken into account, as well as their effects on society, especially on local communities, their development and peculiarities, vulnerable categories of the population, gender equality, and fight against poverty.

The *Law on Disaster Risk Reduction and Emergency Situation Management* (2018) regulates emergency action, declaration and management; the system of protection and rescue of people, material and cultural goods and the environment from natural disasters, technical and technological hazards - accidents and disasters, consequences of terrorism, war and other large scale disasters; competences of state agencies, autonomous provinces, local governments and participation of the Police and the Serbian Army in protection and rescue activities; rights and obligations of citizens, companies, other legal entities and entrepreneurs concerning emergency situations; organisation and activities of civil protection on protection, rescue and elimination of the consequences of natural disasters and other accidents; funding; inspection supervision; international cooperation and other issues relevant for the organisation and functioning of the protection and rescue system.

The provisions of the aforementioned Law prescribe the *Principle of Equality and Protection of Human Rights*, which reads: entities of the system of disaster risk reduction and emergency situation management take special care of the implementation of the principle of gender equality and especially take care that no decision, measure or action encourages or leads to a less favourable position of women and attend to their equal participation in the system of disaster risk reduction and emergency situation management. Also, the principle of participation and solidarity, which envisages that vulnerable citizens have the right to participate in designing the content and implementation of disaster risk reduction activities, as well as the right to participate in proposing, undertaking and executing certain measures, tasks and activities related to protection and rescue and express their needs in terms of means of assistance. Competent authorities and other entities involved in the implementation of disaster risk management measures and activities are obliged to consistently take care of the protection of human rights, gender equality and especially protection of the poor, the elderly, children, persons with disabilities, refugees and displaced persons, as well as other vulnerable groups of the population. Measures and activities for reducing disaster risks must be accessible and apply to persons with disabilities, children, the elderly and other persons who are particularly exposed to risk. Also, please note that the relevant Law recognises the needs of vulnerable groups such as pregnant women and mothers with children, exempting the aforementioned categories of the population from the obligation to perform protection and rescue tasks.

The Law for the first time introduces the *Risk* *Register* as an interactive electronic geographic and information database on all risks (hazards) from natural and other hazards in the territory of the Republic of Serbia. The Risk Register is envisaged to be kept at the central level within the Ministry of Internal Affairs, in cooperation with other state administration bodies, and to include relevant data of line ministries, special organisations, agencies and local self-government units. The plan is to provide access to the relevant database to all entities that make their own risk assessments or perform some construction and other investment works.

The main goal of the adoption of this Law was the need to legally regulate, in a uniform manner, the system of disaster risk reduction and emergency situation management, as part of the uniform national security system in the Republic of Serbia, by creating legal conditions for the establishment of such an integrated system.

The *Law on Reconstruction after Natural and Other Disasters* from 2015 regulates the reconstruction procedure and provision of assistance to citizens and business entities that suffered material damage caused by natural and other disasters. Foreign citizens and stateless persons who, in accordance with the law, have temporary or permanent residence permit in the Republic of Serbia have the right to assistance under the same conditions as domestic citizens. A business entity, in the sense of this law, means companies, entrepreneurs and registered agricultural holdings that conduct their activities with funds that are predominantly owned by private or cooperative enterprises. Material damage, in terms of this law, means physical damage or destruction of immovable or movable assets on the territory of the Republic of Serbia owned by citizens or business entities, which occurred as a direct consequence of natural or other disasters.

Strategies provide an assessment of vulnerability to the effects of extreme climate events and prescribe measures for their monitoring and implementation.

The *National Strategy for Protection and Rescue in Emergency Situations* (2011) includes a comprehensive system of prevention, mitigation, protection, rescue and restoration in the event of an emergency, with the aim of protecting the life, health and property of citizens, the environment and cultural heritage. The national strategy defines and determines national coordination mechanisms and programme guidelines for the reduction of disasters caused by natural phenomena and dangers of accidents, as well as protection, response and remediation of the consequences. A new strategic document, *Strategy for Disaster Risk Reduction and Emergency Situation Management with accompanying Action Plan*, is being prepared.

The *National Natural Disaster Risk Management Programme* was adopted by the Government on 19 December 2014 as a response to the crisis caused by catastrophic floods in May 2014. The National Programme was created with the aim of providing a general framework for the development of a comprehensive programme of protection against natural disasters, as well as for coordination, directing funds and implementing activities related to disaster risk reduction and management.

1. The main obstacles are that people are uninformed and there is an inadequate level of awareness and lack of knowledge about environmental issues.
2. Urban environments contribute significantly more to climate change than rural environments.

Cities are the main sources of air pollution that comes from heating plants, traffic, air conditioners, inefficient heating elements, which also affects the occurrence of "urban heat islands" with increased air temperature. The reduced porosity of the soil in cities and the lack of green areas directly affect the quality of life in the city, and consequences are visible during heavy rainfall, increased temperature, emission of harmful gases and noise pollution. The expansion of the urban fabric due to investor urbanism leads to the loss of biodiversity and landscapes, spread of negative influence and reduction of the quality of life.

Due to the increasing concentration of people, cities contribute more to the climate crisis in terms of the increasing number of cars on the streets, which results in an increase in exhaust fumes, temperature, microclimate, and more. The tendency of urban sprawl continues, which results in deforestation and disruption of various ecosystems.

1. Since 2021, the city of Belgrade and city municipalities in Belgrade have been implementing energy rehabilitation programmes for residential and public buildings using funds for which they applied in the Ministry of Mining and Energy. The goal is to increase energy efficiency of these buildings, which will reduce energy consumption required for their heating and cooling, which, in addition to heating and cooling costs, reduces production of carbon dioxide and negative impacts on the climate. Implemented measures are as follows: replacement of exterior joinery, thermal insulation of the facade.

Other implemented measures are as follows: reduction of the number of boiler rooms with unfavourable energy sources (coal, fuel oil...) and high CO2 emissions, introduction of gas heating or district heating system, development of the Rulebook on energy efficiency in residential buildings and houses, introduction of ISO 14001:2004 in PUC "Beogradske Elektrane", energy rehabilitation of buildings. Both in rural and urban areas, more could be done to implement measures for reduction and elimination of negative impacts on the climate.

13. It is necessary to provide sustainable financial resources for these purposes.

14. All relevant available data on climate change as well as the impact of climate change on relevant national level sectors and systems can be found in the Second Report of the Republic of Serbia according to the United Nations Framework Convention on Climate Change, which is available at https://w№v.klimatskepromene.rs/wp-content1up10ads/2() 1 7/ 12/Drugi-izvestai-o-promeniklime-SNC Srbiia.pdf .

The Report, among other things, includes specific measures for adaptation to changed climate conditions for each of the relevant sectors, taking into account projections of the future climate change. Additionally, the analyses point to the need to conduct further and more detailed analyses in all sectors and to promote the need and possibilities of adaptation at the sector level.

The Law on Climate Change ("Official Gazette of the RS", No. 26/2021) envisages development of a Programme for Adaptation to Changed Climate Conditions with an Action Plan, whose goal is to assess impacts of climate change on society and economic sectors in the country, determine adaptation measures in the most vulnerable sectors and assess benefits and costs of their implementation, as well as to identify institutions that will be responsible for their implementation. Defining and implementing measures for adaptation to changed climate conditions, in addition to fulfilling obligations towards the international community, is one of the conditions for sustainable economic development of the country and reduction of risks, damage and losses caused by natural disasters. By creating the Programme, the Republic of Serbia fulfills its obligations under the Paris Agreement and the UN Framework Convention on Climate Change, as well as requirements in terms of harmonisation of national and EU legislation. The adaptation programme is in the drafting phase and will be adopted by the Government at the proposal of the Ministry of Environmental Protection within two years of the adoption of the Law on Climate Change.

We would also like point out the Law on Energy Efficiency and Rational Use of Energy ("Official Gazette of the RS", No. 40/2021), the Rulebook on Energy Efficiency of Buildings ("Official Gazette of the RS", No. 61/11), the Afforestation Strategy of the City of Belgrade ("Official Journal of the City of Belgrade", No. 20/2011), and the Climate Change Adaptation Action Plan with Vulnerability Assessment.

The *National Typology of Residential Buildings in Serbia built since 2013* represents work on researching the basic architectural characteristics of these buildings, determining the existing level of their energy efficiency, as well as looking at energy performance improvement possibilities. In a methodological sense, this book relies on the previous research results and classification of the building stock, which were conducted in the period 2011-2013 by a group of authors from the Faculty of Architecture of the University of Belgrade, and which were published in 2013 in the form of a set of three monographs - Residential Buildings of Serbia. The special importance of the research lies in the fact that it is focused on the construction period that is characterised with the commencement of the application of new energy efficiency regulations. Like previous research, this one was conducted and published with the support of the Energy Efficiency in Buildings project of the German Agency for Technical Cooperation (Deutsche Gesellschaft für Internationale Zusammenarbeit – (GIZ) GmbH).

15. In cooperation with the UN Development Programme, the Ministry of Agriculture, Forestry and Water Management implements the project "Advancing medium and long-term adaptation planning to changed climate conditions in the Republic of Serbia" and the project is financed by the Green Climate Fund.

16. With the adoption of the Law on Climate Change ("Official Gazette of the RS", No. 26/2021), the Republic of Serbia established one of the main components of the institutional and legal framework necessary for fight against climate change, and that is the establishment of the greenhouse gas (GHG) emission reduction system and the development of the Programme of Adaptation to Changed Climate Conditions with the accompanying Action Plan. This Programme will contain an analysis of the socio-economic situation that affects adaptation to climate change, an analysis of observed climate change, an overview of expected climate change, an analysis of the impact of climate change on sectors and systems, identification of the sectors most affected by climate change, a description of the desired change, its segments and their cause-and-effect relationships, general and specific public policy goals to be achieved, a proposal of adjustment measures in these sectors, including the housing sector.

The Minister of Agriculture, Forestry and Water Resources was appointed as the national contact person for cooperation with the Green Climate Fund. Through cooperation with this Fund, the Draft National Priority Programme of the Republic of Serbia for Cooperation with the Green Climate Fund for the period up to 2025 was prepared. With this Programme, the Republic of Serbia aims to move further in the direction of low-carbon development and reduce sensitivity to the harmful effects of climate change through enhanced adaptation measures, thereby ensuring continuous living conditions in climate crisis conditions.

With regard to the City of Belgrade, the *Action Plan for Sustainable Energy and Climate for the City of Belgrade and the Action Plan for a Green City* were adopted in March 2021, in which adaptation and mitigation measures for climate change are presented.

17. The Law on Planning System regulates the planning system of the Republic of Serbia, that is, public policies system management and medium-term planning, types and content of planning documents that are proposed, adopted and implemented by all participants in the planning system in accordance with their competences, mutual compliance of planning documents, the procedure for determining and implementing public policies, and the obligation to report on the implementation of planning documents, as well as on the execution of the obligation to conduct the analysis of effects on regulations and on the evaluation of the effects of those regulations.

With the participation of public and local communities in decision-making, in accordance with the Rulebook on good practice guidelines for public participation in the preparation of draft laws and other regulations and acts ("Official Gazette of the RS", No. 51/2019), the Guide for public participation in planning, drafting and monitoring the implementation of public policies and regulations, the Law on Disaster Risk Reduction and Emergency Situation Management ("Official Gazette of the RS", No. 87/2018).

18. International cooperation is crucial for ensuring a fair transition, as well as technology transfer, exchange of know-how experiences, and more. This is a global phenomenon that must be approached on a global level in every sense.

19.Non-solidarity on a global scale, as was the case with the vaccines against the COVID-19 virus.

20.We believe that it is important to emphasise poverty, members of vulnerable social groups (primarily people with disabilities and the elderly), reduction of deforestation and forest degradation, as well as the role of large companies or the business sector.

1. Report "Status of vulnerable groups in the process of accession of the Republic of Serbia to the European Union – Status of Roma men and women", the Social Inclusion and Poverty Reduction Unit of the Government of the Republic of Serbia, 2021 [↑](#footnote-ref-1)