

**GOVERNMENT OF THE REPUBLIC OF SERBIA  
TO THE COMMITTEE ON THE RIGHTS OF THE CHILD**

**THE SECOND AND THIRD PERIODIC REPORT ON  
THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE  
CHILD**

**December, 2014**

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## **INTRODUCTION**

1. In accordance with the obligations undertaken under the Convention on the Rights of the Child, the Republic of Serbia<sup>1</sup> as the contracting state, pursuant to Article 44, paragraph 1.6 of the Convention, submits to the Committee on the Rights of the Child the Second and the Third Periodic Report of the Republic of Serbia on the implementation of the Convention on the Rights of the Child which was prepared in compliance with the applicable Implementation Guidelines in terms of the form and contents of periodic reports submitted by contracting states, which were adopted on November 23, 2010, having regard to the Resolution of the General Assembly A/RES/68/268 as of April 9, 2014.

2. The Report is comprised of three sections: The first one refers to the implementation of the Convention and recommendations of the Committee made during the review of the initial reports, the second section consists of statistical and other data while the third one contains an overview of the adopted strategic and other legislative documents relevant to the rights of the child and available translations in the English language. Although Kosovo and Metohija constitute an integral part of the Republic of Serbia, which is acknowledged in the UN Security Council Resolution 1244, the competent authorities of the Republic of Serbia are not able to implement the Convention in part of its territory given the fact that, pursuant to the said Resolution, the Province is administered by the United Nations Interim Administration in Kosovo (UNMIK).

3. The report was coordinated and prepared by the Office for Human and Minority Rights. Both state and provincial institutions took part in its preparation<sup>2</sup>, as well as relevant civil society organisations for the protection of children's rights: the then Ministry of Labour, Employment and Social Policy, Ministry of Education, Science and Technological Development, Ministry of Health, Ministry of Interior, Ministry of Foreign Affairs, Ministry of Justice and Public Administration, Ministry of Defence, Ministry of Culture and Information, Ministry of Youth and Sport, Commissariat for Refugees and Migration, Office for Kosovo and Metohija, Social Inclusion and Poverty Reduction Unit, Statistical Office of the Republic of Serbia, Provincial Secretariat for Health Care, Social Policy and Demography, Provincial Secretariat for Sport and Youth, Provincial Secretariat for Education, Administration and National Communities, Centre for Children's Rights - an organisation that coordinates the activities of the Coalition for Monitoring Children's Rights in Serbia and PRAXIS. The report was adopted at a session of the Committee on the Rights of the Child held on April 9, 2015. Pursuant to Article 44, point 6, of the Convention, the entire civil society and general public will be acquainted with the report content.

### **I General Measures of Implementation (Article 4, 42 and 44, paragraph 6)**

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<sup>1</sup>In December 1990 the SFRY ratified the Convention on the Rights of the Child. The Republic of Serbia undertook the obligations under the Convention („Official Gazette of the SFRY – international treaties”, No. 15/90 and „Official Gazette of the FR Y”, No. 4/96 and 2/97). In May 2002 the Federal Republic of Yugoslavia ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and the Optional Protocol on the Involvement of Children in Armed Conflict (“Official Gazette of the FR Y – international treaties” Number 22/02)

<sup>2</sup> The names of the government institutions, which participated in its preparation, are used in the report in accordance with the then applicable Law on Ministries as of 2012.

## **A. Legislative, strategic and other measures aimed at exercising the rights of the child in accordance with the Convention (Article 4 and 41 of the Convention)**

4. A programme of comprehensive social, political and economic reforms is being implemented in the Republic of Serbia (RS). Numerous strategic documents, substantive and procedural laws have been adopted and international treaties ratified. The Stabilisation and Association Agreement with the European Union (EU) came into force on September 2013. This status requires further harmonisation of the national legislation with EU standards or regulations,<sup>3</sup> principles and provisions of the Convention and other international documents and, above all, their full implementation which also refers to exercising children's rights.

### Recommendation 8 CRC/C/SRB/CO/1

5. During the reporting period RS signed *the Third Optional Protocol to the Convention on the Rights of the Child on a Complaint Procedure* on February 28, 2012 and demonstrated readiness and commitment to protect children's rights. In accordance with the recommendation, *the Convention on Protection of Children and Cooperation in respect of Inter country Adoption and the Council of Europe Convention on Protection of Children Against Sexual Exploitation and Sexual Abuse were ratified*. Furthermore, the following were also ratified: *the International Convention for the Protection of All Persons Against Enforced Disappearance, the UN Convention on the Reduction of Statelessness, the Council of Europe Convention on Action against Trafficking in Human Beings; the European Convention on Extradition with additional protocols; the Convention on Cybercrime and an Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of racist and xenophobic nature committed through computer systems ; the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*.

6. RS is a member of many conventions within the International Labour Organisation (ILO), in particular the ILO Convention no. 138 on Minimum Age for Admission to Employment and the ILO Convention no. 182 on the Worst Forms of Child Labour and the ILO Recommendation no. 190 concerning the prohibition and immediate action for the elimination of the worst forms of child labour.

7. Numerous strategic documents and legal regulations containing measures to improve and protect children's rights (over 80 laws) were adopted: The Law on the Fundamentals of the Education System (2009), Law on Social Welfare (2011), Law on Amendments to the Law on Health Care (2012), Civil Procedure Law (2011), Law on Enforcement and Security (2011), Criminal Procedure Code (2012). Such a large number of regulations should be fully harmonised, which may result in omissions in practice. The Ombudsman drew up and presented a preliminary draft Law on the Rights of the Child<sup>4</sup> at the end of 2011. The process of establishing a system based on the rule of law is in progress and it is characterised by constant improvement of skills of professionals involved in exercising children's rights.

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<sup>3</sup> National Programme for the Adoption of the EU Acquis for 2013-2016.

<sup>4</sup> <http://www.ombudsman.rs/attachments/Nacr%2009.11.11..doc>

## Recommendations 10 and 12 CRC/C/SRB/CO/1

8. *The National Action Plan for Children (NAP)* is a general state policy on children and one of the most comprehensive, influential and quoted documents concerning children's rights<sup>5</sup>. The NAP was not reviewed as planned in 2010 and its implementation was monitored in a systematic manner only by some authorised entities. The Ministry of Interior (MOI) developed sectorial action plans for monitoring the implementation of the Action Plan of the National Strategy for Prevention and Protection of Children against Violence and the Action Plan of the National Youth Strategy adopted in line with the NAP priorities. The Ministry included 42 organisational units (27 police administration units and 15 organisational units within the Ministry). Local action plans for children were adopted by 23 local self-government units. It can be concluded that *the Council for Child Rights* efficiently performed part of its tasks during the reporting period, but neglected the role of co-ordination between government institutions and other social stakeholders. There was a hiatus in Council's work - since organising a national conference *For Safe Childhood* (end of 2010), at which the results of annual monitoring of the implementation of the Action Plan of the National Strategy for Prevention and Protection of Children against Violence were presented. The government reactivated the Council for Child Rights in January 2014.

### **B. Mechanisms at national and local levels (Institutional protection of children's rights)**

9. Sectoral responsibilities concerning the rights of the child were not changed during the reporting period. The line ministries for social policy, education, health care, interior, justice, culture and information, youth and sport have the most important role.

10. The adoption of the Law on Ministries on July 26, 2012 resulted in the abolition of the Administration for Human and Minority Rights, which was an administrative unit within the then Ministry of Human and Minority Rights, Public Administration and Local Self-Government. Instead, *the Office for Human and Minority Rights was established (OHMR)*, which performs duties for the Government and line ministries relating to, inter alia, the protection and promotion of human and minority rights, monitoring the compliance between national regulations and international treaties and other international legal acts on human and minority rights and the treatment of members of national minorities. The OHMR assumed the responsibility with regard to implementing policies and projects relating to social inclusion of the Romani community; it coordinates and supervises the performance of the line ministries which are implementing measures envisaged under the Strategy for the Improvement of the Status of Roma People. The Office also initiated the introduction of mechanisms for monitoring the implementation of the recommendations of the UN Universal Periodic Overview and contracting bodies.

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<sup>5</sup>“An Analysis of the Republic of Serbia Legislation from the Perspective of the Rights of the Child”, the Child Rights Centre [www.cpd.org.rs](http://www.cpd.org.rs) and UNICEF, December 2010 - January 2011 <http://www.unicef.rs/analiza.zakonodavstva-republike-srbije.html>

11. The adoption of *the Law on Migration Management* resulted in a change of the name of the Commissariat for Refugees to the ***Commissariat for Refugees and Migrations*** in accordance with the powers set forth under the said law and the previously adopted Law on Refugees.

12. ***The Social Inclusion and Poverty Reduction Unit*** provides support to the Deputy Prime Minister and the Republic Secretariat for Public Policies to coordinate, supervise and report on the Government activities concerning social inclusion. The first national report on social inclusion and poverty reduction was prepared in 2011.

13. The establishment of the following government bodies is relevant for children's rights: ***The Council for Monitoring and Improving the Performance of Institutions for Adjudication in Criminal Procedures and Enforcement of Criminal Sanctions against Juveniles*** (2009), ***the Council for Persons with Disabilities*** (2013) and ***the Youth Council*** (2014).

14. The National Assembly carries out its activities relating to the protection of the rights of the child through the work of a separate ***Committee on the Rights of the Child***, which was established in July 2012. In this way, the commitment to bringing children's rights into focus of reform processes in Serbia was institutionally confirmed. At a session held on March 2013, the Committee unanimously adopted an initiative of the Incest Trauma Centre - Belgrade<sup>6</sup> and assumed the role of an official proponent of the abolition of the statute of limitations on child sexual offences (Article 108 Of the Criminal Code). The Committee organised numerous public hearings. The Committee on Human and Minority Rights and Gender Equality is also involved in matters with regard to children's rights.

Recommendation 14 CRC/C/SRB/CO/1 and 17,CRC/C/OPAC/SRB/CO/1

15. The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights awarded **the Ombudsman** (Ombudsman) the "A" status accreditation in March 2010, which confirmed that it is an independent institution established in line with the Paris principles. Accordingly, the Ombudsman was appointed to perform the duties of the Independent Preventive Mechanism for the prevention of torture at national level (NPM). In performing the new duty, the Ombudsman particularly co-operates with the Provincial ombudsman of the AP Vojvodina and nine associations with which a cooperation agreement on systematic monitoring of the treatment of persons deprived of liberty and occurrence of torture in some areas was concluded.

16. ***Deputy Ombudsman for the Rights of the Child*** was appointed in October 2008, whereby the recommendation of the Committee was implemented. The Ombudsman established the Council on the Rights of the Child in 2009 as a professional and advisory body. Independent supervision of the protection of the rights of the child in AP Vojvodina is performed by the Deputy Ombudsman for the Rights of the Child. The Deputy Ombudsman for the Rights of the Child and the Deputy Provincial Ombudsman for the Rights of the Child are members of the European Network of Ombudspersons for Children (ENOC), in which they actively participate. The Decision on the Ombudsman – the City of

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<sup>6</sup> <http://www.incesttraumacentar.org.rs/index.php?lang=sr>

Belgrade stipulates that the city ombudsman appoints its deputy who specialises in matters relating to the protection of children's rights.

17. The Ombudsman is authorised to oversee the observance of citizens' rights, identify violations occurred due to any acts, actions or omissions by governing bodies if **Republic laws, other regulations and general acts have been violated**. The relation between the Ombudsman and the Provincial Ombudsman and the local self-government units responsible for the protection of citizens' rights is based on mutual co-operation within the remit of the Ombudsman set forth under Article 35 of the Law on the Ombudsman. The Ombudsman submits a regular annual report to the National Assembly.<sup>7</sup>

18. *The Panel of Young Advisors* is an advisory body of the Ombudsman, which is comprised of thirty children aged 13-17 from all over Serbia, who have been selected in compliance with the principles of territorial representation, gender equality and participation of children belonging to vulnerable groups. During 2013 they debated with both children and adults about the use of corporal punishment and positive parenthood during upbringing and disciplining of children.

19. Pursuant to **the Law on the Serbian Armed Forces**, Article 29, democratic and civilian control of the Serbian armed forces is performed by the National Assembly, the Ombudsman and other state authorities in line with their competence, as well as the citizens and the public.

20. The National Assembly appointed a *Commissioner for Protection of Equality* in May 2010. The Youth Panel of the Commissioner for Protection of Equality - *Discrimination Busters*, which was established during 2012, enables children to express their opinion on the occurrence and causes of discrimination and suggest preventive programmes and activities which they think would be the most effective with youth. The Commissioner submits an annual report to the National Assembly<sup>8</sup>.

### **C. International cooperation**

21. Intensive international co-operation is taking place and it is reflected in professional and financial support to the reform processes in the RS, which is provided by the representatives of international organisations and agencies. On the other hand, the RS participates in the activities of international and regional organisations at international forums and seminars. A large number of support programmes is directed to strengthening the CSO capacities as well as developing a partnership with holders of public powers. Numerous seminars, conferences and public hearings were organised with the aim of regularly providing information on the status of children in Serbia, progress and key issues about their promotion - particularly marginalised children.

22. Examples of co-operation: Government of the Republic of Serbia and UNICEF Co-operation Programme (2011-2015) and a mid-term report on the implementation of the Programme activities; In April 2011 the RS joined the UN Blue Heart Campaign against Human Trafficking and the Council of

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<sup>7</sup> Annual reports in English: [http://www.ombudsman.rs/index.php/lang-sr\\_YU/izvestaji/godisnji-izvestaji](http://www.ombudsman.rs/index.php/lang-sr_YU/izvestaji/godisnji-izvestaji)

<sup>8</sup> <http://www.ravnopravnost.gov.rs/en/reports/annual-report>

Europe Project “Hands Should Protect and Nurture, Not Punish - Raise Your Hand against Corporal Punishment of Children”; since the ratification of “the Lanzarote Convention” the RS has been participating in the activities of the CoE bodies and monitoring its implementation as well as in the activities of the National Coordinators Network for monitoring the implementation of the CoE Strategy for the Rights of the Child 2012-2015; CSO Incest Trauma Centre - Belgrade is an official leader of the Campaign to Stop Violence against Children “1 to 5” (2011 – 2014); participation in European initiatives of the Decade of Roma Inclusion and preparation of the CoE Declaration on the Roma People (2010)

23. According to the statistics of the European Court of Human Rights, at the end of September 2013, 11,950 complaints were lodged against the RS, which is 10.7% of the total number of complaints before the Court. A majority of the judgments passed so far refers to too long duration of judicial proceedings and failure to enforce domestic judicial decisions. All judgements and crucial decisions are translated and published on the Ministry of Justice webpage and in the “Official Gazette of the RS“. Certain judgements of the European Court of Human Rights pertain to the protection of the rights of the child: V.A.M. against Serbia, 2007; Tomić against Serbia, 2007; Jevremović against Serbia, 2007; Damnjanović against Serbia, 2008; Felbab against Serbia, 2009; M.V. against Serbia, 2009; Stojanović against Serbia, 2009; Dimitrijević, Jakovljević against Serbia, 2010; Krivošej against Serbia, 2010; Veljkov against Serbia, 2011; Zorica Jovanović against Serbia, 2013.

#### **D. Approximation of the principles and provisions of the Convention on the Rights of the Child (Article 42 and 44, paragraph 6)**

##### Recommendation 22 CRC/C/SRB/CO/1 and 13, 19 CRC/C/OPAC/SRB/CO/1

24. One of the responsibilities of the Parliament Committee on the Rights of the Child is monitoring the implementation of the Convention on the Rights of the Child. The then Working group on the rights of the child, which later developed into the Committee, organised a first seminar on the Concluding Observations and Recommendations of the Committee in April 2009. Members of the Parliament are thoroughly acquainted with the contents of the Convention, the monitoring mechanism of its implementation, government obligations and the status of children’s rights in the Republic of Serbia.

25. A working group for co-ordinating activities regarding the implementation of the Convention provisions was set up at the Ministry of Interior and it prepared an analysis of the implementation of the Committee’s concluding recommendations from its scope of work for the period between June 2008 and December 2011 and developed a plan of the implementation of the Convention provisions, which are executed by 18 organisational units at the Ministry head office. The Convention with its Optional Protocols, the submitted and initial reports of the RS on their implementation as well as the Committee’s concluding recommendations are available on the webpages of the relevant government

authorities, independent regulatory bodies<sup>9</sup> and CSOs. *A Report on Exercising the Rights of the Child in the Republic of Serbia from Child and Youth Perspective*<sup>10</sup> is available on the webpage of the Office for Human and Minority Rights, which is the second children's report – the Child and Youth Coalition on the Implementation of the Convention.

26. The Provincial Secretariat for Health Care, Social Policy and Demography of the AP Vojvodina has been printing and distributing a publication named *Children have the Right to Know Their Rights* since 2007, having an annual circulation of 20,000 copies, with the aim of introducing the oldest preschool children and their parents to the principles and provisions of the Convention. The Convention rights are presented in the publication in verses and drawings that are adapted to children. The publication was printed in the languages (Serbian, Hungarian, Romanian, Ruthenian, Slovak, Croatian) which are officially used in the territory of the AP Vojvodina and in the Romany language.

33. Pupils in all classes of primary and secondary schools are introduced to the rights of the child under the Convention within one of the two mandatory optional subjects - Civic education and Sociology and Constitution and Citizens' Rights in secondary school.

27. **Judicial Academy**<sup>11</sup> commenced operations on January 1, 2010 and resumed the training sessions which had been previously organised by the Judicial Training Centre. The Academy conducts training for judges, prosecutors, lawyers and police workers who need to receive such training pursuant to the Law on Juvenile Criminal Offenders and Judicial Protection of Juveniles. Apart from the above mentioned, the organised seminars were also attended by social workers and special pedagogics from different social welfare centres, who deal with children who are in conflict with the law and those employed in institutions working with children in conflict with the law as well as representatives of the institutions dealing with the victims. Special seminars refer to the obligations which the RS assumed by signing or preparing to sign agreements and conventions as well as to the judiciary sensibilization regarding specific issues, such as vulnerable groups, discrimination and domestic violence. It is practice to belatedly include special seminars for a particular year in the scheduled training programme.<sup>12</sup>

28. Training sessions on both human and children's rights are carried out in institutions at national, sub-national and local level as well as in independent government bodies for the protection of human rights within their scheduled and project activities. Training is conducted in cooperation with the relevant civil society organisations. **Human Resource Management Service** submits to the Government a programme proposal for professional development of civil servants and organises professional development in accordance with the adopted programme.

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<sup>9</sup>Available on the Ministry of Interior webpage [www.mup.gov.rs](http://www.mup.gov.rs) link "Children and Police"  
[http://www.mup.gov.rs/cms\\_cir/decaipolicija.nsf/index.html](http://www.mup.gov.rs/cms_cir/decaipolicija.nsf/index.html)"

<sup>10</sup> <http://www.ljudskaprava.gov.rs/index.php/ljudska-prava-cir/konvencije/55-konvencija-o-pravima-deteta>  
[http://www.ljudskaprava.gov.rs/images/izvestaj\\_dece\\_i\\_mladih\\_2012\\_eng.pdf](http://www.ljudskaprava.gov.rs/images/izvestaj_dece_i_mladih_2012_eng.pdf)

<sup>11</sup> [http://pars.rs/home/stalna\\_obuka/maloletnici.html](http://pars.rs/home/stalna_obuka/maloletnici.html)

<sup>12</sup>Some of the seminar topics are: UN conventions, Committee standards and practice, non-discrimination - national и international standards, seminars on human rights, the European Convention on Human Rights and Fundamental Freedoms, practice of the European Court of Human Rights, seminars for lawyers of the Serbian Bar Chamber on juveniles and juvenile victims of human trafficking

Recommendation 16 CRC/C/SRB/CO/1 16 CRC/COPSC/SRB/CO/1

29. National Child Helpline **NADEL – HELPLINE** covers the entire state territory, it is a free-of-charge, confidential, anonymous, telephone line, which is available 24 hours a day to children and youth in order to encourage them to overcome numerous developmental and social challenges, but also to inform and educate about and protect them against all forms of violence. The number is very easy to memorise: **0800-123456**. Twenty-five counsellors work on the helpline: pedagogics, psychologists, social workers, doctors and attorneys-at-law. The most discussed issues with the counsellors are: psychosocial (1/4 of the conversations), peer relations (every fifth unfolded conversation), violence and abuse (12%), asking for information (12%). Most calls come from Belgrade, mainly from children aged 10-12 whereas calls from 16-18 years olds are infrequent, but more extended. The counsellors who answer the phone provide the callers with information on how to solve the reported problem, what steps should be taken and in what order. When they are faced with level III violence the counsellors should inform and involve *the Republic Inspection* which further acts in accordance with its competence. The counsellors record all necessary information in line with the protocol and send it electronically to *the Violence Prevention Unit* which monitors and keeps all the protocols. During 2013 NADEL received about 119,435 calls in total and 1,479 unfolded calls - which is 9,415 received and 400 unfolded calls more than in 2012. In January 2014 the child helpline stopped being funded through projects but instead it has been financed from the state budget ever since and the calls are free of charge. **A helpline for reporting violence in schools – 08000 200 201** was opened in December 2011 in order to stop and prevent violence and create a safe environment for pupils and provide conditions for unhindered learning. The line is intended for children, parents, all employees in educational institutions as well as those who are in different ways involved in the prevention of violence (they can call from 8:30 to 16:30). Sixty counsellors are trained to work on the helpline for reporting violence in schools in cooperation with UNICEF and the National Child Helpline NADEL. Apart from the free telephone lines **192** and **193** at the Ministry of Interior and an e-mail address: [info@mup.gov.rs](mailto:info@mup.gov.rs), which the citizens (including children) can use to contact the police for help, there are also two e-mail addresses on the website: [childprotection@mup.gov.rs](mailto:childprotection@mup.gov.rs), intended for the protection of children against abuse and exploitation on the Internet, and [ukp@mup.gov.rs](mailto:ukp@mup.gov.rs). These addresses should be used to report criminal offences, i.e. ask for police help and protection. **The European Hotline for Missing Children - 116000** was established in 2013. In 2008 the Ministry of Health introduced a means of communication with citizens through the so-called **White Telephone**, i.e. voice machine and text messages, which citizens, including children, should use to ask questions and complain about issues that are part of the Ministry of Health scope of work and responsibilities. This service is available 24/7. The telephone counselling centre *Children of Serbia*, whose main goal is continuous improvement of the quality of health care for mother and child, commenced operations on March 8, 2014 in 14 health centres, with a tendency to extend the service to all health centres in the country which have the necessary conditions for it. This represents the implementation of good practice of the telephone counselling *Hello Baby*, which received 942,797 telephone calls between 2001 and 2011. According to UNICEF data, this service connected about 200,000 new mothers and visiting nurses. The service obtains data about new born babies from maternity hospitals, invites

mother to schedule the first visit and forwards family information to the local health centre. Since 2012 the service has been collecting information about health and psychosocial risks of the new-borns in order to ensure necessary additional support to their families. The National Health Insurance Fund assumed financial liability for the telephone counselling on July 2014.

## **E. Funding for children**

### Recommendation 18 CRC/C/SRB/CO/1

30. Funding for children is provided from the state budget, sub-national budget and the budgets of the local self-government units, donation proceeds, loans and other sources. Budgets of the indirect budget beneficiaries are included in the settlors' budgets. Services provided and actions taken in order to exercise children's rights are funded from the budgets of local self-government units<sup>13</sup> and the sub-national budget. The budgets of the ministries that are responsible for the rights of the child are determined annually in the Budget System Law for a particular year. Uniformity in the manner of presenting information about special children allowances has not become common practice yet, which makes it difficult to monitor and analyse<sup>14</sup>. Funds from the budget are appropriated for associations.

### Recommendation 20 CRC/C/SRB/CO/1

31. Data on children are collected from different sources; ministries have their own systems for collecting data depending on their competence. Data are also gathered by other institutions within specific areas of work. Particularly important is data processing by the Statistical Office of the Republic of Serbia (SORS), which publishes publications, studies and analyses.

32. *DevInfo base* is a database intended for monitoring social development. The SORS has developed a municipal DevInfo base in cooperation with UNICEF,<sup>15</sup> which offers a large number of information with regard to education, health and social welfare for each of 174 municipalities in the RS. This database is updated twice a year and it contains 166 socio economic indicators classified according to gender, age and other variables.

33. The *Delivery of Improved Local Services Project - DILS*<sup>16</sup> envisages, within one of its components, the introduction of a uniform electronic keeping of records and documents in the social welfare centres and residential care facilities, which will enable automatic generation of all recorded data about the beneficiaries as well as integration into a single information system. The entire process of managing the project and keeping the records and documentation about the provided services and beneficiaries was developed electronically. In 2013 a total number of 32 training sessions were

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<sup>13</sup> According to **the First National Report on Social Inclusion and Poverty Reduction** (2011) there are big differences in local self-government units in terms of their financial capacities, line ministries and competent services have insufficiently developed information systems about how budgetary funds are spent, the most vulnerable social groups are often not acquainted with their rights and have no influence on budget preparation

<sup>14</sup> *Guidance on Preparing a Programme Budget* was adopted in February 2014.

<sup>15</sup> <http://devinfo.stat.gov.rs/diSrbija>

<sup>16</sup> The project is implemented in the line ministries for social policy, health care and education.

conducted for 600 employees of social welfare centres in order for them to be able to work in the new operating system.

34. In 2011 the line ministry for social welfare (MLESP) made available its database about the social profile of local self government units and thus the overview of the allocation of key social allowances provided from the national budget. A survey *Harmonisation of Social Welfare Indicators for the purpose of National Reporting according to International Treaties and Adopted National Strategic Documents* was conducted in cooperation with the Republic Institute for Social Protection (ISP) for the purpose of reforming data collection and processing. One of the goals of the survey was harmonisation with the guidelines of the UN contracting bodies, additional issues that are submitted to the contracting state and concluding observations of the Committee on the reports on the implementation of these contracts. The findings of the survey were in whole included in the innovated records and documentation which have been kept by social welfare institutions since 2013 through an established IT work environment.

35. In 2013 *the Institute of Public Health of Serbia “Dr Milan Jovanović Batut”* defined a set of data and indicators for monitoring the occurrence of child abuse, neglect and exploitation, which also includes sexual abuse, developed an electronic base for data collection and started establishing *the Register of Suspected Abuse and Neglect of Children*. A hundred and sixty teams have been set up in health care institutions which submit reports to the Institute on suspected abuse and neglect of children. Furthermore, the *Register of Children with Developmental Disorders* was established.

36. A *Uniform Information System in Education* was set up and it comprises consolidated data from the records of all institutions dealing with children and pupils, parents, guardians, foster parents and employees, who are to be provided with necessary educational, social and health support.

37. *The Centre for Protection of Human Trafficking Victims* is a social welfare institution at general government level, which was established in April 2012, and it keeps a uniform database on human trafficking victims in the RS.

#### Recommendation 24 CRC/C/SRB/CO/1

38. The adoption of **the Law on Associations** (2009) contributed to introducing a legal framework for establishing and operating of domestic and foreign associations in the RS. In 2010 the Government established *the Office for Cooperation with Civil Society*<sup>17</sup> which ensures the provision of co-ordinated operations of public institutions and promotion of co-operation between public authorities and associations and other CSOs. Cooperation between government institutions and civil society is reflected in the preparation of strategic documents, legal regulations, training and professional development, preventive actions, in joint implementation of partner projects, participation in round table discussions and conferences.

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<sup>17</sup> <http://civilnodrustvo.gov.rs/en/> The Project on Strengthening the Dialogue and Cooperation between the Republic of Serbia Government and Civil Society in terms of the Establishment of an Incentivising Environment for CSOs Development was implemented in 2012.

## II Definition of the child (Article 1)

39. Beneficiaries of social welfare programmes pursuant to Article 6 of the **Law on Social Welfare** can be local and foreign citizens and stateless persons in accordance with the law and international treaties. According to Article 41 a minor (child)<sup>18</sup> and a young person up to the age of 26 are the beneficiaries of the right to and services of social protection when, due to family and other life circumstances, their health, safety and development are endangered, i.e. if it is certain that they cannot reach an optimal development level without the support of the social welfare system. Pursuant to **the Law on Youth**, the young and youth are persons from 15 to 30 years of age.

## III General principles (Article 2, 3, 6, and 12)

### A. Non-discrimination

#### Recommendation 26 (CRC/C/SRB/CO/1)

40. In accordance with the **Anti-Discrimination Law** each child, i.e. a minor, is guaranteed equal rights and protection in the family, society and state regardless of their own or personal characteristics of their parents, guardians and family members. *Commissioner for Protection of Equality* prepared in 2013 a **Separate Report on Children Discrimination**, which indicates that children of the Roma national community and children with developmental disorders and disabilities are most often exposed to discrimination. Discrimination most frequently occurred in preschool institutions and schools, most often due to the fact that adequate precautionary measures were not taken and a lack of a timely response of responsible persons in situations when discrimination had already occurred. Children of the Romani community are more often victims of peer discrimination. Children with developmental disorders and disabilities are in a more unfavourable position as well as children without parental-care<sup>19</sup>. During the period between 2011 and October 1, 2013 the Commissioner initiated nine anti-discrimination litigations, four of which concerned discrimination of children and youth. The Commissioner also lodged ten motions for instituting misdemeanour procedures, three of which concerned children. Four recommendations out of 149 referred to children during 2011. Two warnings out of 15 issued concerned children.

41. In order to implement the **Strategy for the Improvement of the Status of the Romani Community in the Republic of Serbia**<sup>20</sup> two action plans were adopted, one for the period between 2009 and 2011 and the other one from 2013 to 2015, which define the priorities envisaged for each of 13 areas significant for the improvement of the Roma status.

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<sup>18</sup> The Republic of Serbia Constitution stipulates that a child is an underage person, i.e. a person who is under the age of 18

<sup>19</sup> <http://www.ravnopravnost.gov.rs/sr/publikacije/svi-smo-jednaki-i-mo%C5%BEemo-zajedno>

<sup>20</sup> A Basic Study for a new strategy for the improvement of the status of the Romani community is being prepared.

42. In accordance with the provisions of the Convention and relevant regulations on the rights of the child, the Government adopted in June 2013 the **Strategy for the Prevention of and Protection against Discrimination**, which was prepared by competent government institutions and relevant CSOs in order to prevent discrimination and improve the status of nine, most vulnerable social groups (women, children, persons with disabilities, elderly people, LGBT population, national minorities - particularly the Romani community, refugees, internally displaced persons and members of other vulnerable migrant groups, persons whose health status can be the cause of discrimination, members of small religious communities and religious groups) as well as the Action Plan for the implementation of the Strategy until 2018. The OHMR, in cooperation with the service of the Commissioner for Protection of Equality, is conducting the Implementation of Anti-discrimination Policies Project using 2011 IPA funds.

43. A corpus of new laws was adopted in the reporting period with regard to education, which ensures that all children are to be included in the education system. Adoption of **the Law on the Fundamentals of the Education System** in 2009 contributed to the introduction of inclusive education. Two amendments to the Law were made: in 2011 the following issues were more accurately defined - record keeping and public documents, the role of national councils of national minorities when educational activities in the majority of classes are performed in a national minority language and the performance of interdepartmental committees (when instead of a recommendation of the chosen doctor committees provide opinions on additional support during the education process and school enrolment for children with developmental disorders); in 2013 amendments were made with reference to the approach to education at all levels concerning children, pupils and adults with developmental disorders and disabilities as well as persons in social welfare institutions, patients treated at home or in hospital, reduction of the attrition rate in education, organisation of language courses for children of expelled and displaced persons or persons who have been repatriated to their country on the basis of a readmission agreement and the role of an andragogical assistant. The Law stipulates that school books should be adapted for children with developmental disorders and disabilities in line with their needs and provide them with other (additional) support which should be specified under a separate regulation, i.e. **the Rulebook on Additional Educational, Health and Social Support to Children and Pupils**.

44. Various needs of children belonging to socially vulnerable groups that due to social deprivation, developmental disorders, disabilities, difficulties in learning and other reasons need additional support in terms of education, health care or social welfare are assessed and monitored by local committees which include representatives from these three departments. The assessment relies on a complete and individualised approach which is based on equal abilities in terms of children and pupils' needs in order to ensure social inclusion by providing adequate support through access to rights, services and resources. Additional support is envisaged in the procurement and adaptation of school books and teaching resources (e.g. Braille), assistive technologies, engaging a pedagogical assistant and/or personal attendant as well as other trained people who can provide support and education in a development group or school for the education of children with developmental disorders. Development

of inclusive education contributed to eliminating the obstacles that the Romani community faced in education, but constant support is needed, particularly at local level, in order for the started processes to be continued and maintained. Children with exceptional abilities have the right to education that values their specialist educational needs as part of the regular system, separate classes or a separate school. Foreign citizens and stateless persons have the right to education under the same conditions and in the manner prescribed for local citizens.

45. The application of the non-discrimination principle in police practice means equal treatment of each minor in all police organisational units. A minor is not obliged to indicate his/her nationality in criminal or misdemeanour cases. A minor who was applied police power to is informed orally/by being served a form on the right to the protection against discrimination.

### **B. Best interests of the child (Article 3)**

#### Recommendation 28 CRC/C/SRB/CO/1

46. **The amendments to the Law on Health Care** in 2011 improved patients' rights, i.e. the rights of the child. A child aged 15, who is capable of reasoning and independent decision-making, has the right to access to his/her medical records, to make decisions and give consent on his/her own, and can independently make a decision on taking medical measures over him/her as well as the right to data confidentiality – the child can prevent parents from accessing the child's medical records for the purpose of protecting the confidentiality of the information on his/her health condition. The principle of the child's best interest is consistently applied in social protection of the child and family law.

47. Special attention is paid to the protection of the rights of the child during the implementation of enforcement and security. **Child allowance and scholarships and financial support** to pupils and students were exempted from enforcement under the Law on Enforcement and Security adopted in 2011. If eviction involves juveniles, the court, i.e. enforcement officer, shall notify the social welfare centre about the enforcement eight days before the enforcement day at the latest; in case the child is in jeopardy when the executive title or enforcement ruling orders immediate surrender of the child or life, health and development of the child are at risk, the enforcement ruling shall be served to the enforcement obligor at the time of the first enforcement action. The Law prescribes that during the enforcement procedure the court shall take particular care to protect child's interest to utmost extent.

48. Police action in the best interest of the child is regulated in previously adopted regulations. A juvenile police officer is obliged to inform a juvenile and his/her parents or guardian about their rights and reasons for applying police power, to ensure that they can actively participate in the procedure and make observations and express opinions, to issue a copy of the official memorandum or record of the collected information at their request and in certain circumstances to enable the juvenile to choose a trustworthy person who will be present during the conversation. When informing the public about events in which juveniles took part, the police must not indicate the name or initials of the juvenile and other data which can lead to revealing the person's identity.

## C. Right to life, survival and development (Article 6)

### Recommendation 30 CRC/C/SRB/CO/1

49. According to the Multiple Indicator Cluster Survey on the life quality of women and children – MICS5, conducted by UNICEF and the SORS during 2014, the death rate in Romani settlements is 13(per thousand live births), the mortality rate of children under the age of five in Roma settlements is four (national rates from the vital statistics database for the same referential period are six for infants and seven for children under five). The national average prevalence of delayed growth of children up to five years of age is 6% whereas that average in Romani settlements is 19%. New standards of taking care of newborns at regional level are being developed in order to reduce significant differences in the infant mortality rate.

50. **The Law on Protection of Persons with Mental Illness** prohibits every form of ill-treatment, neglect, exploitation, abuse or degrading treatment, physical restraint and isolation of persons with mental illness who are placed in a psychiatric institution, but will be solely applied when it is the only means of preventing such persons from putting their own lives and safety or life and safety of others at risk due to their behaviour. The use of psychosurgery and sterilisation is forbidden. The Law on Social Welfare forbids placing children under the age of three in residential care facilities.

51. In order to provide safety protection of lives and body integrity of juveniles, the police take operational police actions, such as “School Police Officer”, “School without Drugs and Violence” and “Armagedon - Protection of Juveniles against Pornography Exploitation” Apart from the operational actions, precautionary informative and educational actions are also taken with the aim of informing children and pupils about safety protection: “School without violence - my school is a safe school”, “Drug sucks - there is only one life!”, “October - a human trafficking awareness month”, “Safe childhood - development of youth security culture” and “Fireman in school”, through lectures on “the prevention of drug and alcohol abuse, peer violence (physical, sexual, emotional, violence via the Internet and social networks), domestic violence, violence at sports events and public assemblies and in critical situations.” With the support of the UNICEF Office in Belgrade and Citizens Association LINK 011, 100,000 flyers “Let’s Stop Violence Together” and 2,000 posters “My Police Officer and I” were printed out, and 20,000 flyers “Ten Rules for Safe Internet Use” were printed along with “Save the Children“. The indicated promotional material was distributed to pupils and teachers in primary schools. A Family Manual on Emergency Preparedness was developed in co-operation with the OSCE Mission in Serbia. It was translated into the languages of Albanian, Hungarian and Romani minority groups and uploaded to the Ministry of Interior webpage.

52. The new **Law on Road Traffic Safety** envisages special protective measures for children, stricter penalties for the offender in certain circumstances when a twelve-year old child is in the vehicle at the time of the misdemeanour. The vehicle speed in a school zone is limited to 30 km/h and to 50 km/h outside residential areas. The law prescribes compulsory curriculum and syllabus in preschool institutions, primary and secondary schools, which refer to traffic safety of children and pupils.

53. **The Law on Amendments to the Criminal Code**, which was adopted in December 2012, introduced the institution of hate crime to the national criminal law. Article 54a of the Law prescribes a special circumstance in terms of weighing up a penalty for a hate crime committed on the basis of person's race, religion, nationality, ethnicity, sex, sexual orientation or gender identity, and the court shall deem such a circumstance aggravating unless it is stipulated as an attribute of a criminal act.

#### **D.. Respect for the view of the child (Article 12)**

##### Recommendation 32 CRC/C/SRB/CO/1

54. Pursuant to **the Law on Social Welfare**, the child is entitled to participate and express his/her opinion in all procedures deciding on his/her rights. The Law introduces the right of the beneficiary to lodge a complaint. The right of the child to express his/her opinion and participate in court proceedings is observed in practice in a manner that is conditioned by positive regulations. A pupil, parent, i.e. guardian of the child and pupil may file a complaint to the managing director of the institution in case of violation of rights or inappropriate behaviour of the employees towards the child and pupil within 15 days from the day of the event occurrence. All citizens, including underage persons, may lodge complaints to the Internal Control Department at the Ministry of Interior, which supervises the legitimacy of the police performance. The **Law on Youth** adopted in 2011 is significant for increasing social participation of youth, which is in practice achieved through the activities of youth offices and co-operation with youth associations and associations addressing youth issues. **The National Youth Strategy**, adopted in 2008, contributed to improving the conditions for youth participation, particularly for young and vulnerable groups.

#### **IV D. Civil rights and freedoms (Article 7, 8, 13 – 17, 28, paragraph 2, 37, point (a) and 39)**

##### **A Birth (notification) registration, name and nationality (Article 7)**

##### Registration after birth, recommendations 33and 34 CRC/C/SRB/CO/1

55. **The Law on Civil Registry Books** and the accompanying by-laws contributed to improving the exercise of the right of entry in the birth register regardless of whether the child's parents are known or unknown, the child is without parental care or adopted, whether the birth registration is entered within or beyond the legal time frame for registration. The exercise of the concerned right was also improved due to the adoption of the **Law on Amendments to the Law on Republic Administrative Fees**, which prescribes exemption from administrative fees for all documents and actions related to the recording in the birth register. The procedure of birth recording in the birth register is also regulated by **the Instruction on Keeping Civil Registry Books and their Forms**. The procedure of restoring destroyed and missing registry books was also laid down, specifying that all persons from the territory of the AP Kosovo and Metohija can exercise their right to be registered in the said official records.

56. According to **the Rulebook on How to Conduct a Procedure and Take Minutes on Finding a Child**, each person who finds a child is obliged to report it to the competent police administration unit or, if circumstances dictate, to the nearest health care institution (Casualty).

57. The **Law on Amendments to the Law on Extrajudicial Proceedings** defines the procedure for determining time and place of birth on the basis of which all persons who are not recorded in the birth register and, at the same time, cannot provide evidence about the time and place of birth as stipulated under the regulations on keeping civil registry books may submit to the court a proposal for providing birth evidence and record the birth facts in the birth register on the basis of a legally binding resolution. Apart from the persons whose birth is provided evidence for, the procedure can be initiated by any person who has immediate legal interest in it as well as the social welfare centre. In order to improve the status of the Roma national minority, a legally binding Instruction for Social Welfare Centres on How to Apply Article 71 a-n of the Law on Extrajudicial Proceedings was adopted. A total number of 247 proposals for determining time and place of birth were lodged and 157 decisions on determining time and place of birth were taken from September 2012, when the Law came into force, until October 15, 2013.

58. The conclusion of the Memorandum of Understanding between the then Ministry for Human and Minority Rights, Public Administration and Local Self-Government, the Ombudsman and UN High Commissioner for Refugees – Serbia, on April 2012, resulted in establishing a Technical Group comprised of the representatives from several departments. The foundations of closer co-operation, co-ordination, planning and implementation of measures, whose goal is to provide immediate support to the Romani community, above all, in recording in the birth register, were established at national level for the first time. Juveniles who are in the social welfare system but do not have a personal name were identified as well as the fact that the records of the social welfare centres include eleven children who are neither recorded in the birth register nor have any identification documents, and nine children who do not have a personal name. Appropriate procedures were initiated in order to resolve these children's issues.

59. Training sessions on the *Enforcement of the Law on Extrajudicial Proceedings – determining time and place of birth* were conducted for judges; training sessions were also organised for registrars and assistant registrars who keep civil registry books, employees working at social welfare centres and police administration units of the Ministry of Interior whose job is related to recording facts and data in the birth register; visits to Roma informal settlements were organised with the aim of getting acquainted with the manner of exercising their rights, determining their needs, identifying persons who are not recorded in the birth register and providing free aid during the procedure before a registrar or the court for being registered in the official records. Media campaigns were organised with the aim of introducing and involving the wider society, civil society organisations, representatives of the Romani community and other entities interested in solving the issue.

60. Positive effects have been noticeable since the law enforcement, so the number of completed requests for a subsequent birth entry in the birth register in 2009 was 9,573, in 2010 – 7,996, in 2011 – 774, in 2012 – 1,552 and in 2013 – 784 (20,679 persons in total).

61. **The Law on Permanent and Temporary Residence of Citizens**, which came into effect on November 2011, envisages a facilitated procedure for registering a permanent residence, which is

necessary for issuing personal documents, for all citizens and particularly for the Romani community which has the largest number of persons without personal documents. The Law specifies that in case a citizen is not able to register permanent residence in accordance with the legal basis prescribed under the law, a competent authority will issue a resolution to the citizen specifying that the address of residence will be either the address of the institution where the citizen is permanently accommodated or the social welfare centre (SWC) whose authority the citizen belongs to, simultaneously notifying the institution, i.e. the social welfare centre, that its address will be the citizen's address. An application to register permanent residence of a juvenile should be lodged within three months from the day of his/her birth, i.e. eight days from the day of taking up residence at the address which is to be registered as the permanent residence address. The adopted **Rulebook on the Form of Registration of Permanent Residence at the Address of the Institution or Social Welfare Centre** came into effect in December 2012. On the basis of the permanent residence determined in such a manner, every national over the age of ten is eligible to be issued an identity card. Members of the Romani national minority are issued personal documents as a matter of priority and urgency and, also, for the purpose of exercising one's right to be issued personal documents, if possible, the documents necessary for their issuance are obtained of its own motion. The ministry for social policy adopted in June 2013 a mandatory **Instruction for Social Welfare Centres and Residential Care Facilities** on the registration procedure of permanent residence at the address of a SWC or a residential care facility. Those legal provisions which allow for SWCs to be used as a temporary registration address are inconsistently implemented. The implementation of **the Rulebook on the Process of Registration and Withdrawal of Registration of Permanent and Temporary Residence of Citizens, Registration of Temporary Stay Abroad and Return from Abroad, Passivation of Permanent and Temporary Residence, Forms and Record-Keeping Method** started on August 9, 2013.

#### **B. Preservation of identity (Article 8)**

62. The provisions of the Law on Civil Registry Books, the Law on the Unique Master Citizen Number, the Law on Permanent and Temporary Residence of Citizens, the Identity Card Law and the Law on Travel Documents are relevant for the preservation of identity. The preservation of child identity is generally achieved through the right to a name and a citizenship and efficient adoption of children without parental care. A total number of 443 adoptions, i.e. 287 by domestic and 48 by foreign adoptive parents, took place between 2009 and 2011. Child's name was not changed in any of these adoptions. **The Law on Amendments to the Law on Travel Documents** stipulates that persons under the age of three are issued a travel document which expires after three years upon its issuance whereas persons from the age of 4 to 14 are issued a travel document which will expire after five years upon its issuance. Persons over 14 years of age are issued a travel document which expires after 10 years upon its issuance.

#### **C. Freedom of expression and the right to request, obtain and share information (Article 13 and 17)**

63. *The Commissioner for Information of Public Importance and Personal Data Protection* drew up a manual for secondary school pupils, which is posted as a link on the Commissioner's website under the name *You Have a Right to Know – the Right to Free Access to Information*. Secondary school pupils are enabled to get closely acquainted with their right to ask for information of public importance, available in government authorities, which interests them and how to exercise their right<sup>21</sup>.

#### **D. Freedom of thought, conscience and religion (Article 14))**

64. The education system is available to members of different religions. Pupils in primary and secondary schools can learn about core beliefs of religion through an optional subject *Religious Education*. They can choose the following: Orthodox catechism, Islamic religion - Ilmudin, Catholic catechism, Evangelical Lutheran catechism of the Slovak Evangelical Church a.v.e., religious education of the Christian Reformed Church, catechism of the Evangelical Christian Church or Religious Education-Judaism.

#### **E. Freedom of association and peaceful assembly (Article 15)**

65. The Law on Associations recognises the right of the child to freedom of association. A minor who is 14 years of age can be a founder of association, whose legal representative is obliged to submit an assent statement. Persons up to 14 years of age are also provided with the possibility of becoming members of an association with their legal representative being obliged to submit a prior assent statement on joining.

#### **F. Protection of privacy and reputation (Article 16)**

66. Ethical principles are observed and certain legally imposed limitations are applied when reporting on children and minors. Since police officers are most often the first ones to find out about a committed criminal offence or misdemeanour in which juveniles might take part, police workers (including spokespersons at police administration units) must not reveal confidential information in order not to jeopardise the further procedure course and generate adverse effect on dignity, psychophysical and social development of the minor as well as his/her family reputation. The announcement may include a short description of the incident (the date, time and broader scene of incident, data on minor's age and gender).

67. **The Law on Broadcasting** prescribes general obligations of broadcasters for programme schedules. The National Broadcasting Agency adopted in 2011 and 2012 a **Binding Instruction on the Code of Conduct of Broadcasters with regard to "Realities"** and a **General Binding Instruction on the Code of Conduct of Broadcasters in respect of Programme Content that May Be Harmful to Physical, Mental and Moral Development of Minors**. The agency is authorised to impose appropriate measures on broadcasters. The Ministry of Culture and Public Information is entitled to file a complaint against print media (22 complaints were lodged from June 2009 until the end of 2011). Special attention is paid to training and informing programmes of journalists alone on

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<sup>21</sup> [www.pravodaznas.rs](http://www.pravodaznas.rs)

ethical standards of professional conduct which serve to protect children's rights in journalistic reporting.

#### **G. Access to information from different sources and protection against material harmful to children's welfare (Article 17)**

68. The Project *Click Safe*<sup>22</sup> has been implemented since 2009 under the auspices of the ministry for telecommunication. It offers children information on how privacy and safety can be protected on the Internet against sexual abuse and harassment in the virtual world. A free anonymous telephone line (**0800 252 252**) is provided for all citizens who want to teach their children how to use the Internet safely. A **Centre for Safe Internet was established** in January 2013 in order to raise awareness and organise educational activities for primary and secondary pupils, parents, teachers and to provide relevant information to the public. The Department for Combating Cyber Crime of the Ministry of Interior is carrying out an operational action called "Armageddon" directed towards the protection of minors against pornography exploitation. The Department actively participates in the activities of the Centre, co-operates with *Microsoft Software* and *Telenor* in terms of filtering and blocking content which might represent sexual abuse of minors for pornographic purposes on the Internet. Serbia has accessed the Global Alliance Against Child Sexual Abuse Online. A link ***We Should Protect Children Against Paedophilia Online*** is posted on the Ministry of Interior website as well as an e-mail address [childprotection@mup.gov.rs](mailto:childprotection@mup.gov.rs) for submitting electronic messages and also for children to report criminal offences and/or seek police help and protection. In cooperation with "Save the Children" 20,000 flyers "Ten Rules for Safe Internet Usage" were printed out and distributed to pupils and teachers in primary schools. The ***Children and Police*** link includes the said flyer as well as the presentation called "Safe Use of the Internet and Social Networks" which is used when organising lectures and workshops under the "Safe Childhood - Developing a Youth Security Culture" Project

69. ***The Violence Prevention Unit*** at the Ministry of Education has developed a project called *Stop Digital Violence* in cooperation with UNICEF and Telenor. Training sessions for pupils, teachers and parents are carried out within the project as well as a campaign *Choose Your Words Carefully and Stop Hate*, which invites young people to spread positive messages, respond to and report digital violence, is initiated. The Ministry of Sport and Youth established in February 2013 the **National Committee for Implementing a Campaign for Combating Online Hate Speech**<sup>23</sup>.

#### **H. Prohibition of torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment (Article 28, paragraph 2 and 37, point (a))**

Recommendations 36 and 37 CRC/C/SRB/CO/1

70. **The Rulebook on Prohibited Conduct of Social Workers** (2012) closely defines prohibited conduct towards beneficiaries, i.e. physical, emotional and sexual abuse, exploitation and neglect, and apart from the indicated forms of violence, several provisions of the Rulebook specify how such

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<sup>22</sup> <http://kliknibezbedno.rs/sr/naslovna.1.1.html>

<sup>23</sup> [www.nemrznji.rs](http://www.nemrznji.rs)

violence affects the child as a beneficiary of the social services with a particular emphasis on the specific status of and the need to protect the child while using the social welfare system. All residential care facilities are obliged to orally notify the inspection and without delay about each incident in the facility within 24 hours at the latest.

71. In order to ensure transparency during the supervision of the performance of residential facilities for persons with disabilities and independent monitoring, the then MLESP concluded in June 2011 a Memorandum of Cooperation with an organisation called *Mental Disability Rights Initiative Serbia (MDRI-S)* with the aim of implementing the Monitoring of Institutions During Social Welfare Reforms Project. The MDRI-S visited the following social welfare institutions during the monitoring: Centre for Protection of Infants, Children and Youth in Belgrade, Residential Home for Children with Developmental Disorders “Kolevka” in Subotica, Residential Home for Persons with Autism in Veternik, Novi Sad, Residential Home for Children and Youth with Developmental Disorders in Sremčica, Belgrade, Residential Home for Children and Youth with Developmental Disorders in Stannica and Adult Residential Facility in Kulina<sup>24</sup>.

72. *The Internal Control Department* within the MOI conducts compliance evaluation of the police performance, particularly in terms of observance and protection of human rights when carrying out police tasks and applying its power. According to the available data at the Department, criminal charges were lodged against four police officers to a competent public prosecutor for committing three criminal offences of ill-treatment and torture (Article 137 Of the Criminal Code) against four male juveniles (two of them being 15 and 16 years old and the other two 17). The criminal offences were committed in 2010, 2012 and 2013 and a disciplinary procedure for gross negligence was carried out against all four police clerks. Monitoring of the implementation of recommendations of the European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment at the MOI is performed *by the Committee for the Implementation of Standards of Police Conduct in Torture Prevention*, which pays special attention to the protection of juvenile rights.

73. Article 45 of **the Law on Fundamentals of Education System** prohibits physical, psychological and social violence, ill-treatment and neglect of children and pupils, corporal punishment and personal insults and/or sexual abuse of children and pupils or employees at the institution. The institution is obligated to immediately file a complaint to the competent authority if any signs of violence, abuse or neglect can be noticed in the child. A **Special Protocol on the Protection of Children and Pupils Against Violence, Abuse and Neglect (2009)**, a **Manual on Protocol Implementation containing best practice examples (2009)** and a **Manual on Institutional Conduct in response to Violence, Abuse and Neglect (2010)** were adopted.

## **I. Measures to promote physical and psychological recovery and social re-integration of a victim child (Article 39)**

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<sup>24</sup>Detailed information on wards in the Residential Home for Children and Youth with Developmental Disorders “Dr Nikola Šumenković” in Stannica are included in the Second Periodic Report on the implementation of the Convention against torture and other cruel, inhuman or degrading treatment or punishment

74. A preliminary draft law on children's rights, drawn up by a working group under the Ombudsman, prohibits corporal punishment and degrading treatment for the purpose of disciplining the child in all environments as well as the use of physical force and physical restriction on the child. However, physical force and restriction on the child may only be used, if necessary, in accordance with the law for the shortest possible period and to such an extent that is needed to protect the life and health of the child, other person or property of a great value. The Council for Child Rights and "Save the Children" supported the CoE campaign "Hands Should Protect and Nurture, Not Punish - Raise Your Hand against Corporal Punishment of Children". The MOI posted a video clip as part of the campaign on its web page within the link "Children and Police" and distributed the publications of "Prohibition of Corporal Punishment of Children" to its employees.

## **V Family environment and alternative care (Articles 5, 9-11 18, (paragraphs 1 and 2), 19-21, 25, 27, (paragraph 4) and 39)**

### **A. Family environment and parental guidance in accordance with child's developmental abilities (Article 5)**

#### Recommendations 39, 43, 45, 46 CRC/C/SRB/CO/1

75. The Law on Social Welfare envisages the development of services for intensive family support, provided in the community in which the family lives with the children, which are established and financially supported by local self-government. The MLESP supports the development of services in the community for children and family: estimating and planning services; daily services in the community; independent life supportive services; counselling and therapeutic and socially educational services; accommodation services. Depending on the beneficiary's needs, social welfare services can be provided simultaneously and in combination with the services provided by educational, health and other institutions (interdepartmental institutions). According to the ISP data at the Social Welfare Services Base, there are currently 17 counselling centres that provide specialised family supportive services, mainly at SWCs. If they do not have specialised family counselling centres, SWCs have to provide family counselling services to families that address them for counselling purposes or a specific problem. The main focuses on providing services to families. Services for children with developmental disabilities are mainly provided by the public sector.

### **B. Joint parental responsibility, parent aide and child protective services (Article 18)**

76. Apart from offering support to families and children, a social welfare centre also provides psychological and social counselling services, supervises the exercise of parental rights, makes decisions on protection measures, particularly with regard to protecting children against all forms of violence, and initiates court proceedings. Civil organisations have an important role in the formulation and implementation of family and child assistance and support policy. Financial support to families with children is ensured by means of co-financing child services or providing additional allowances. Article 9, paragraph 1, of the **Law on Financial Support to Families with Children** defines the entitlement to pay during maternity leave and childcare leave, maternity benefit, child allowance, pre-

school allowances for children without parental care and with developmental disorders, recourse of pre-school costs for children from financially vulnerable families. Concrete adopted measures concerning children from complete families, single parent families and children belonging to the most vulnerable groups are related to convenience for exercising the right to child allowance and its increased amount that local self-government is entitled to introduce if needed and possible.

77. Amendments to the Law on Health Insurance, which were adopted at the end of 2012, stipulate that health insurance should include single parents with children up to seven years of age, whose monthly income is below the income laid down under the law that regulates health insurance. The health insurance issue of children and families with children with a rare disease is still pending, medical treatment is often not covered by mandatory health insurance, parental leave for the purpose of child medical care is limited by law and finally no adequate family support is provided under labour laws or any other family support.<sup>25</sup>

### **C. Separation from parents (Article 9)**

78. Conditions and a method of separating the child from one or both parents are regulated in a normative manner under the provisions of the Family Law (Article 60, 81, 82, 197, 198 and 332) and under the Criminal Code in case of domestic violence (Article 194).

### **D. Family reunion (Article 10)**

79. The MLESP takes concrete measures, acting on the request of both local and foreign citizens, with the aim of resolving issues of maintaining personal relationships and direct contacts between the child and the parents living in different countries, directly intercedes with the competent authorities in order for them to draw attention to parents about the importance of implementing the decisions made by courts or the social welfare centre with regard to the above mentioned.

### **E. Child subsistence (Article 27, paragraph 4)**

80. Legal subsistence is defined by means of imperative rules; renunciation of the right to subsistence is not permitted. This right has no statute of limitations. Any issues related to child subsistence are laid down in the Family Law. Avoidance of paying alimony is subject to criminal sanctions. Currently, at the Ministry of Finance<sup>26</sup> there are ongoing proceedings concerning 756 alimony cases whereas in 2012 proceedings were instituted on the basis of 60 new motions for alimony payment. The OHMR has the mediator role in the procedures for affecting the claims of foreign obliges and it submits the received claims to the competent social welfare centres for final processing and handling. During the period between 2009 and 2013 the line ministry for social policy was submitted 265 alimony claims in total. All these claims were updated and necessary measures and actions were taken on the basis of them.

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<sup>25</sup> The Strategy on Prevention of and Protection against Discrimination

<sup>26</sup> <http://www.mfp.gov.rs/pages/article.php?id=8846>

## **F. Children deprived of family environment (Article 20)**

### Recommendation 41 CRC/C/SRB/CO/1

81. Over 90% of children and youth without parental care who are accommodated in residential care facilities, almost six thousand, are taken care of through kinship and non-kinship foster care in approximately 4,300 families. The number of children in foster care and foster families has significantly increased, whereas the number of children without parental care who are accommodated at residential care facilities has been reduced. Children with developmental disorders are still partly at residential care facilities (approximately 500 children or 54, 6% of the total number of children with developmental disorders at residential facilities).<sup>27</sup> A child under three years of age is not provided residential care unless there are particularly justifiable reasons, provided that the child cannot spend more than two months in a residential care facility except the ministry for social welfare consented otherwise. The number of these children was reduced to only 44 at the end of 2013. The number of Romani children is overproportioned among the children accommodated in residential care facilities and foster families. Currently, five foster care and adoption centres are operational and three more such institutions are planned to be opened, which will, among other things, provide the children with out-of-home care through specialised foster care.

82. Novak Djokovic Foundation, UNICEF and MLESP commenced in 2013 co-operation with regard to the development of innovative services which will reduce the risk of unnecessary family separation and institutionalisation of children, provide support for timely risk identification and directing families to support services; piloting new and strengthening existing services aimed at the prevention of family separation when it is in child's best interest and enhancing the foster care system in order to ensure adequate alternative care for children up to the age of three accommodated in residential care facilities.

## **G. Periodical review of treatment in care (Article 25)**

83. The judge of the juvenile court that imposed a correctional measure and the juvenile prosecutor have to monitor the results of the enforcement of the correctional measure by visiting the minor at the institute or institution where the measure is enforced and by having direct access to and reviewing reports on the enforcement of the said corrective measure. The competent social welfare centre is obliged to submit twice a year to the juvenile court judge and juvenile prosecutor a report on the enforcement process of other correctional measures. The juvenile court judge may request such a report within a shorter time limit and may also order that the report be made by a competent person. SWCs and residential care facilities for children and youth are obliged to provide a prior opinion of the ministry for the accommodation of each child under 18 and to periodically evaluate the need for further stay of the children at these facilities and report on it to the ministry, i.e. social welfare institutes. Social welfare institutes monitor the following activities of SWCs: referral of children and youth to residential care facilities, children and youth leaving the facility, implementation of other forms of children and youth care, activity planning in order to incentivise the use of less restrictive

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<sup>27</sup> UNICEF (2014) Situation Analysis (in preparation).

protection forms, the implementation of provisions of the family law legislation pertaining to the protection of children and youth at residential care facilities.

## **H. Domestic and inter country adoption (Article 21)**

### Recommendation 43 CRC/C/SRB/CO/1

84. Adoption is laid down under the Family Law and accompanying bylaws. Duration of an adoption procedure is subject to its complexity. Adoption of children belonging to vulnerable groups who are particularly difficult to adopt, including siblings, children with disabilities/developmental disorders and children of minority groups, is for now mainly promoted through inter country adoption since most domestic adopters (95%) want to adopt a healthy child as young as possible and of the same nationality. The Republic of Serbia signed in 2009 two CoE conventions: *European Convention on the Exercise of Children's Rights* and *European Convention on the Adoption of Children – Revised*. *The Convention on Protection of Children and Co-operation in Respect of Inter country Adoption* was ratified in October 2013.

## **I. Child abduction and wrongful retention (across national borders) (Article 11)**

85. **The Law on Enforcement and Security** stipulates that when an enforceable document requires the surrender of an abducted or retained child for the purpose of being returned to a foreign country or for the purpose of reinstating parental guidance and care for the child in a foreign country, the enforcement will be carried out by taking away and surrendering the child to the oblige in accordance with the terms and conditions under the law. The enforcement procedure is particularly urgent. The act of seizing the child from the person with whom the child is and surrendering to a parent, i.e. other person or an institution entrusted with the child's custody and education, is performed by a judge in cooperation with a psychologist from the social welfare centre, school, family counselling centre or other institution specialised for mediation in family relationships, with police support if needed.

## **J. Child abuse and neglect, including physical and psychological recovery and social reintegration (Article 19 and 39)**

86. **A General Protocol for Action and Cooperation of Institutions, Bodies and Organisations in Situations of Domestic and Intimate Partner Violence against Women**, which was adopted in November 2011, establishes intersectional co-operation between the line ministries for labour and social policy, justice, interior affairs and health care. For the first time a national document *explicitly specifies that a child is a victim of violence when he/she is a witness to domestic violence*.

87. **A Manual on the Implementation of the Special Protocol on the Health Care System for the Protection of Children against Abuse and Neglect**, as of 2012, provides guidelines for everybody and recommendations to health workers on how to talk to children about experiences which are unpleasant for them. Children participate by being asked questions, provided with suitable information and the opportunity to express their wishes, standpoints and opinions during all stages of the protection process and in a manner that corresponds to their age and ability to understand the situation. Over 85%

of health care institutions established a professional team for the protection of children against abuse and neglect by mid 2013. Health centres and other health care institutions posted posters which sensitise children and their parents to recognise violence and to report it.

88. Minors who are actual or potential victims of abuse and neglect are treated by police workers holding certificates which guarantee that they have completed the necessary training and acquired special skills in the field of children's rights and judicial protection of minors. The newly adopted **Special Protocol on Conduct of Police Officers in Protection of Minors against Abuse and Neglect** promoted police procedures in the protection process of children against ill-treatment and neglect. Special attention is paid to the protection of a minor victim and the method of having a conversation with him/her. The Special Protocol is posted on the MOI webpage within the link *Children and Police* and in the electronic record of regulations *Paragraf lex*; it was printed out in 2,000 copies with the support of "Save the Children" and distributed after the promotion in order to be implemented. In order to promote the protection of children against abuse and neglect, agreements on intersectoral co-operation during the implementation of the General Protocol on the Protection of Children against Abuse and Neglect were signed in Belgrade, Novi sad, Niš and Kragujevac.

89. **A Special Protocol on Conduct of Social Welfare Centres – Social Welfare Centres in Situations of Domestic and Intimate Partner Violence against Women** was adopted in March 2013. The Protocol lays down a responding method of SWCs during the fight against violence and a manner of providing protection and support to victims of violence. Experts working at social welfare facilities have to attend accredited training programmes in order to be able to deal with this issue<sup>28</sup>.

90. According to the 2014 MICS5 results the proportion of parents using violent methods in disciplining their children was reduced from 67% to 43% in comparison to 2010. Ninety-three percent of parents think that corporal punishment should not be applied in education and upbringing of children.

## **VI VI Developmental disorders, health and social assistance (Article 6, 18 (paragraph 3), 23, 24, 26, 27 (paragraph 1-3) and 33)**

### **A. Children with disabilities (Article 23)**

#### Recommendations 48 and 49 CRC/C/SRB/CO/1

91. A reform of the child care system contributed to significant progress. The total number of children accommodated at residential care facilities was reduced by 58% over the last few years. However, the situation of children with developmental disorders and with disabilities is slowly getting better, the number of children in foster care has tripled, but it is significantly smaller in terms of children with developmental disorders. The number of services for children and youth with developmental disorders and disabilities, which are now available in 65% of municipalities, has increased in local communities. The number of children aged 0 to 3 who are accommodated in residential care is reduced by 80%. **The**

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<sup>28</sup> <http://www.zavodsz.gov.rs/>

**Law on Social Welfare** has been amended to include a larger number of beneficiaries of care allowance and the entitlement to a continuous monthly benefit for parents who have, for at least 15 years, been directly nurturing a child who is entitled to an increased care allowance. Numerous actions were taken in order to improve community services, such as day care centres, assisted living, home assistance services or personal assistants, whereas residential (home) care is a last resort service when support cannot be provided in a less restrictive form. Construction works are drawing to a close at the Home for Children and Youth in Šabac, which will then accommodate 40 beneficiaries and thus the existing capacities will be doubled and therefore will accommodate persons with autism for a longer period. Deinstitutionalisation is spread from larger institutions, such as Kulina, to foster families mainly, the concept of small home communities is developed for children with the most complex disorders for whom are impossible to create conditions for returning to their own families. Small home communities have been established in Niš, Aleksinac, Negotin, Belgrade and Banja Koviljača. In order to protect their severely disabled new-born infant, one of the parents may, after the maternity and childcare leave is over, use paid leave for the purpose of special childcare until the child is five years old.

92. **The Law on Preschool Education** prescribes enrolment of children with developmental disorders in regular groups at nursery schools or developmental groups which children with highly severe developmental disabilities are enrolled in, as well as the development of an individualised education programme for children who need additional support. Pupils with developmental disorders are entitled to education in regular primary schools and schools for the education of children with developmental disorders. All pupils of the appropriate age have been enrolling in the first class of regular primary school since the 2011/2012 school year. Pupils are provided with additional support through *an individualised education programme – IEP* and additional health and social support, which is determined by an interdepartmental committee<sup>29</sup>. Pupils are enrolled in these schools with parents' approval and on doctor's recommendation. There are 47 special needs primary schools. Secondary education of children with developmental disorders is organised in the following way: schools for pupils with developmental disorders, special classes in regular schools, regular school classes where children with developmental disorders and disabilities are taught together with other children. Instead of former condensed programmes, individualised education programmes are now used in schools for children with developmental disorders and disabilities. Adopted regulations: **A Professional Instruction on How to Provide Additional Support for Education of Children, Pupils and Adults with Developmental Disorders in an Educational Group and/or Other School or Family by a School for Children with Developmental Disorders (2012)**, **A Rulebook on Additional Educational, Health and Social Support to Children and Pupils (2010)**, **a Rulebook on a Training Programme for Pedagogical Assistant (2010)**, **a Rulebook on Publishing Textbooks with Small Circulation (2010)**.

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<sup>29</sup> Committees established by local self-government have not fully materialised in all local self-government units

93. The 2014 Ombudsman Annual Report indicates that children with developmental disorders and with disabilities are in the unenviable position, often living isolated from the local community and highly exposed to prejudice, and not included in the social welfare system.

## **B. Survival and development (Article 6, paragraph 2)**

See Iunder II C

## **C. Health and healthcare (Article 24)**

### Recommendations 51-55 CRC/C/SRB/CO/1

94. Healthcare is provided from mandatory health insurance funds for all children up to 18 years of age at health centres, as primary healthcare institutions, and in other healthcare institutions if needed (secondary and tertiary level), for women who are planning family, during pregnancy, childbirth and maternity leave up to 12 months after giving birth, single parents with children up to seven years of age whose monthly income is below the earnings laid down under the law on health insurance; for Romani people who do not have permanent or temporary residence due to their traditional way of life. A certain number of children belonging to vulnerable groups are still deprived of health care and early development for administrative reasons. The amendments to **the Law on Health Care** resulted in a simplified procedure of issuing health insurance card to Roma nationals who do not have permanent or temporary residence due to their traditional way of life. **The Law on Exercise of Rights to Healthcare for Children, Pregnant Women and New Mothers**, which was adopted in November 2013, stipulates that children up to 18 years of age, pregnant women and new mothers within a period of up to 12 months after giving birth to a live child are entitled to full healthcare, including the right to medicines in accordance with the Law on Health Insurance and general acts of the National Health Insurance Fund as well as to paid travel costs regarding the use of healthcare regardless of a health insurance basis and regardless of the fact that their health insurance card is not verified.

95. The adopted **Ordinance on National Healthcare Programme for Women, Children and Youth** is aimed at reducing mortality and morbidity rates of children under five years of age, measures to promote the health of women during their reproductive age, reducing the perinatal and neonatal mortality rate and preserving the health of young children (prevention and reduction of injuries, prevention of diversion from a nutritional status, protection of children against ill-treatment and neglect, early discovery of risk factors - psychosocial and health factors and provision of adequate preventive, therapeutically and rehabilitation services) targeting particularly vulnerable groups, working with parents and promoting healthcare availability and quality. The Rulebook on the National Health Insurance Fund prescribes the content and scope of preventive measures which are 100% financed from the mandatory health insurance funds for pregnant women.

96. The Action Plan for the implementation of the Strategy for Improving the Romani Community Status 2013-2015 additionally defines activities directed towards the reduction of the mortality and morbidity rates of Roma children. Apart from the very important service provided by visiting nurses to

pregnant women, new-borns and infants under five years of age and their families, the Ministry of Health also introduced health mediators for Roma settlements in 2008. This project is funded by the ministry and carried out by 75 mediators in 60 local self-government units with the largest number of Romani people in order to improve health of the Roma community, particularly women and children, promote healthcare availability and the level of being informed about health, reduce inequality.

97. Topics concerning the protection of reproductive health and promotion of healthy lifestyles are treated within the compulsory programmes of certain subjects (e.g. *Nature and society* in lower school classes and *Biology* in higher classes). Schools also plan to implement programmes or projects as part of their educational activities (classroom community) in co-operation with health centres or civil society organisations on the basis of their documents (School Programme, Annual Activity Plan, Development Plan). The 2011 Rulebook on Continuing Professional Development envisages dozens of programmes, which can improve professional competences of teachers in this field and which were included in the Catalogue, as part of the imposed provisions within the continuing professional development under the Rulebook. In this way, teachers are encouraged to carry out these programmes working together with pupils.

#### **D. Social welfare and child protective institutions and services (Article 26 and 18, paragraph 3)**

98. A hundred and forty SWCs are operational, i.e. 173 departments of the SWC (in 174 towns and municipalities), whose services are available 24 hours to all those who are in need of them, paying special attention to vulnerable groups (children, old people, invalids, Romani people and members of other minority groups). Availability of the SWC services is ensured by means of co-ordinating activities with other public services, humanitarian organisations, civic associations and other organisations in a local community, informing the citizens via mass media, public lectures, presentations, leaflets, etc. displaying the address and telephone number of the centre in appropriate public places and services in the community (the building of the local self-government unit, health centre, employment centre, local media), establishing offices in remote places and using other adequate ways.

#### **E. Standard of living (Article 27, paragraph 1-3)**

99. The right to pecuniary social assistance (PSA) is exercised under the Law on Social Welfare, which ensures a better coverage of multi-member households (most often Romani) by applying the so-called equivalence scale which better estimates the presence of each additional household member and makes a better difference between the adults and children in the same household. Families where all members are unfit for work and single parent families are allocated 20% higher benefits; the amount of assistance intended for families having more than six members is approved for six members (the previous law acknowledged five members). A domestic violence perpetrator is not deemed a family member, i.e. his/her income and property do not affect the exercise of the domestic violence victims' right to pecuniary social assistance if they meet other requirements prescribed under this law. The law imposes and ensures one-off assistance to persons who are suddenly or temporarily in need of social

assistance, which may be pecuniary or in kind. A local self-government unit is in charge of the provision of one-off assistance. The MESTD has been implementing the *Free School Books* project for four years now. Textbooks for all pupils from the first to the fourth class of primary school have been provided so far. Free extraordinary education has been provided since 2009 in support of pupils who terminated regular secondary education.

100. *The National Strategy for Social Housing* (2012) envisages special measures regarding informal Roma settlements. An Action Plan for displacing unhygienic settlements in the territory of the city of Belgrade and housing of displaced families was adopted in order to improve living conditions of Roma families in terms of housing, education, healthcare and employment.

## **F. Abuse of narcotic drugs, tobacco, alcohol and other substances**

### Recommendation 57 CRC/CSRB/CO/1

101. Particularly worrying is growing risky behaviours in young people whose abuse of drugs, alcohol and tobacco together with violence is more frequent and requires integrated measures and actions in order to be prevented. According to MOI data, minors, mainly aged 16 to 18, are slightly involved in illicit drug manufacture and trade and account for only 4% of the totally reported drug offenders. Keeping illegal drugs for own use (mainly smaller quantities) is also sanctioned whereas the involvement of minors in such offences accounts for 7%. In order to inform children and pupils about the mechanisms for abuse prevention and suppression of psychoactive substances, the police and schools organise lectures together under the action *Drug sucks, there is only one life!* and the project *Safe childhood – development of youth security culture*, whose topic is *The vicious circle of drugs and alcohol*. Permanent and temporary operational police actions *School without Drugs and Violence* and *Network* are taken in order to prevent the sale and distribution of narcotic drugs in school zones.

102. Pursuant to the Law on Fundamentals of Education System, a severe violation of work ethic of an employee working in the institution is abetting children and pupils in using alcohol and narcotics or psychoactive substances or allowing, providing or failing to report the supply and use of the same. A severe violation is abetting, aiding and giving pupils and using alcohol, tobacco, a narcotic or a psychoactive substance. Topics concerning the use of psychoactive substances are treated within the compulsory programmes of certain subjects (e.g. Nature and society in lower school classes and Biology in higher classes). Prevention programmes are being implemented, such as *Creative Work with Pupils on Prevention of Psychoactive Substances Abuse*, which includes pupils in over a hundred primary schools, *Family Support* involving parents and pupils in fifty primary schools and *Life Skills-Based Health Education*, which was implemented in about twenty secondary schools, etc. Schools are independent in their implementation of prevention programmes developed in the local community or in cooperation with parents and health centres. *The 2011 Rulebook on Continuing Professional Development* envisages dozens of programmes, which were included in the Catalogue and which can improve professional competences of teachers in this field, as part of the imposed provisions within the continuing professional development under the Rulebook.

103. In order to eliminate new HIV infections in children and protect children with behavioural disorders and those without adequate parental care, as particularly vulnerable groups with a growing risk, a *Shelter for Children and Youth* was established in 12 municipalities as part of the SWC or other social welfare institution, *Day care for Children with Behavioural Disorders* in seven municipalities, the service provider in five municipalities is the SWC, the *Club for the Young with Behavioural Disorders* in seven municipalities and *Assisted Living for the Young Who Are Becoming Independent* in 19 municipalities. Accredited programmes have been developed for experts working in social care institutions, children and their parents and foster parents. *The Centre for Protection of Infants, Children and Youth*, located in Belgrade, was the project holder of the HIV Prevention and Education of Children without Parental Care about Life Skills. The target group of the project was children/youth between 12-18 years of age while the main project activity was a prevention workshop *Life Skills-Based Health Education*. The project included 1820 children by 2012 while the target group was expanded to include not only children/youth in a facility, but also children/youth in foster families, guardian care, beneficiaries of the institute for education of children and youth, beneficiaries of shelters and of day care for children with behavioural disorders. The programme is implemented through 18 workshops that deal with several topics: health concept, HIV and sexually transmitted diseases, reproductive health, legal and illegal drugs, mental health. The educational programme includes over 80% of children/youth in social care institutions, whereas 80 adult experts, 80 peer educators and 300 foster parents were educated. The organisational unit of the Centre for Protection of Infants, Children and Youth - *Home for Secondary School Pupils and Students, as a partner of the Addictions Institute* in Belgrade, conducted a series of educational workshops and discussion groups with youth on the subject of drug addiction and HIV. As a result of this activity, a certain number of youth volunteered for confidential counselling and testing while a certain number is included in therapy. Over 50 young people from the social welfare system were included in the programme implementation for less than three years.

#### **G. Measures to protect children of imprisoned parents and children living in prison with their mothers**

104. Article 90 of the new **Law on Enforcement of Criminal Sanctions** (2014) stipulates that a convicted person is entitled to be visited by his/her children twice a month. Article 119 specifies that a convicted woman who has a child is entitled to keep the child until the sentence expiry or longest until the child is two years old, and afterwards the child's parents mutually decide on whether the child will be entrusted to father's care, other relatives or other persons. In case the parents fail to reach an agreement or their agreement is detrimental to the child, the court competent according to the place of permanent and/or temporary residence of the mother at the time of conviction will decide on whom the child will be entrusted to.

### **VII Education, leisure and cultural activities (Articles 28, 29, 30 and 31)**

#### **A. Right to education, including vocational training and guidance (Article 28)**

### Recommendation 61 CRC/C/SRB/CO/1

105. During the reporting period the following laws were adopted: the Law on Fundamentals of Education System (in 2009, amended in 2011 and 2013), the Law on Schoolbooks and Other Teaching Resources (2009), the Law on Pupils and Students Standard (2009), the Law on Preschool Education (2010), the Law on Primary Education (2013) and the Law on Secondary Education (2013).

106. The number of operable nursery schools is 2384, 1106 primary schools, 608 secondary schools and 86 faculties, which is over 4,000 educational institutions. Children are included in the free compulsory preparatory preschool programme which has been expanded from six to nine months, the enrolment of children from minority groups has been facilitated and educational activities can be performed in mother tongue. Approximately 29% of children from rural areas are included in preschool education. Access to education in poor municipalities is not provided for all children who live 4 km away from school<sup>30</sup>. Inclusive education has been introduced, support mechanisms are envisaged for children and teaching staff for the purpose of its application. A hundred and seventy-nine pedagogical assistants participated in the initial programme and for the last two years new 128 assistants have been engaged, which is 307 in total. Training sessions were developed and organised for more than 600 teachers and managing directors of 180 institutions for the purpose of including more children from marginalised groups in the education system and extending the schooling. The following documents were adopted: **a Rulebook on Elaborate Terms and Conditions for Establishing the Right to an Individualised Education Plan, its Application and Evaluation, a Rulebook on Grading in Primary Schools, a Professional Instruction on How to Provide Additional Support for Education of Children, Pupils and Adults with Developmental Disorders in an Educational Group, Other School and Family by School for Pupils with Developmental Disorders, a Rulebook on Additional Educational, Health and Social Support to Children and Pupils.**

107. Pursuant to the law, individualised education plans - IEP are developed for all pupils who need additional educational support as well as an individualised programme of the final exam according to the progress and the applied IEP.

108. The Reform Programme of Secondary Vocational Education - *Modernisation of Secondary Vocational Education* has been implemented since August 2013. After eight years programmes for 28 experimental profiles were developed and tested in eight work areas. The project includes over 300 secondary vocational schools and more than 4000 teachers underwent different training courses. New educational profiles were introduced to secondary vocational education as part of regular syllabus (they were experimental for a few years) after the evaluation of the Institute for Education Quality and Evaluation. Initially, 12 educational profiles were included in different areas and the remaining ones concerning the regular syllabus were introduced by 2013.

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<sup>30</sup> Over 400 pupils of primary schools from 11 municipalities, who belong to the the most underdeveloped category, do not have organised and paid transport to their schools according to a survey conducted by the Coalition for Monitoring the Rights of the Child in the Republic of Serbia in the second half of 2011 under the action *From Home to School*, which tackled the issue of availability of primary education to children who live further than 4 km away from school.

109. **The Law on Fundamentals of the Education System** insists on tolerance and introduces rules which sanction each employee's activity that disturbs the school atmosphere and each violation of violence prohibition by a teacher towards a pupil is sanctioned by terminating the employment contract. The teacher whose employment contract is terminated due to identified violence against a child will lose his/her work licence. In order for these provisions to be efficiently enforced, the MESTD adopted a **Rulebook on How to Respond to Violence in Education Institutions** which specifically defines assessment and actions to be taken. Training courses on how to apply protocols of all inspectors and counsellors from school administrations were organised with the aim of supporting the enforcement of new regulations but also sanctioning the failure to enforce them. A **Violence Prevention Unit** was established at the ministry in 2012. The Unit organised a large number of training sessions, such as the ones under the project *Protection of Children against Violence in South-East Europe*, (funded by the EU in cooperation with UNICEF) with regard to identifying by and responding of the education system to the situations when children are victims of domestic violence, child trafficking, exploitation and sexual abuse, whereas 160 employees working at education institutions in four towns underwent training. All preschool institutions, primary and secondary schools in Serbia have their **units for the protection of children against violence**. The unit needs to prepare a programme for the protection of children against violence that is composed of two sections: one is related to prevention and the other to taking necessary actions in each school year in accordance with the on-site situation, it also chooses topics to be treated during the school year and seminars for professional development of teachers. During the first term of the 2013/2014 school year, the Violence Prevention Unit, under the *School without Violence* programme<sup>31</sup>, commenced with the *Prevention of Gender-Based Violence* project activities. A programme for training **teams for crisis actions and responding to emergencies** was implemented. The training courses are aimed at assisting schools in dramatic situations which may disrupt regular school activities for a longer period (e.g. pupil's suicide, death of a pupil or teacher). The following preventive activities that the MOI carries out in order to prevent violence against and among children stand out as important ones: the action *School without Drugs and Violence*, programmes *School Policeman* and *School without Violence - My School is a Safe School*, projects *Safe Childhood - Development of Youth Security Culture*, *Sport-School-Police* and 17 local projects under the **Community Policing Strategy** intended for keeping children and youth informed about the prevention of drug and alcohol abuse, school and domestic violence, peer violence and hooliganism.

110. The evaluation findings of the five-year-implementation results of the programme *School without Violence – My School is a Safe School*, carried out by the Institute for Psychology, were published in 2010 and showed the following: the majority of children (56%, in some schools up to 85%) felt safer at school due to the programme implementation; severe forms of violence were reduced (mostly physical violence) whereas all forms of violence are significantly decreased in lower classes; the number of pupils who had been frequently exposed to violence were reduced by 6% and in some

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<sup>31</sup> The total number of schools included in the programme are 251, i.e. 242 primary schools and 9 secondary schools in approximately 90 places in Serbia, which is about 16% of all schools in Serbia. The list of schools waiting to be included in the *School without Violence* programme contains 17 primary and 7 secondary schools, whose sponsors are sought throughout the year.

schools by 50%; however, the programme effects on pupils of higher classes, large schools in urban areas (particularly in Belgrade) were weaker: pupils' readiness to ask their teachers for help when exposed to violence increased significantly.

## **B. Goals of education relating to education quality (Article 29) Children belonging to minority/autochthonous/indigenous groups (Article 30)**

111. A list of priority areas of professional development significant for education development for a three-year period between 2012 and 2014 was developed: prevention of violence, ill-treatment, neglect and discrimination, inclusion of children and pupils with developmental disorders and from socially marginalised groups, an individualised education plan, appreciation of differences and development of multicultural values, nurturing cultural identity, co-operation with parents, pupils, pupil parliaments, ensuring quality education.

112. Since the Law on Prohibition of Discrimination and the Law on National Councils of National Minorities (2009) are adopted, the legal framework for improving the protection of rights of national minorities has been rounded out<sup>32</sup>. Children of national minorities, either in primary or secondary school, are provided with three learning modalities: mother tongue classes (conducted in Albanian, Bosnian, Bulgarian, Hungarian, Romanian, Ruthenian, Slovak and Croatian); bilingual classes - in native and the Serbian language (conducted in Albanian and Serbian, Hungarian and Serbian, Romanian and Serbian, Slovak and Serbian and Croatian and Serbian) and classes in the Serbian language with an optional subject Mother Tongue with National Culture Elements. Textbooks in languages of national minorities, which are low-circulation school books, are printed for educational purposes of national minorities. The MESTD co-finances the printing of textbooks along with publishing houses in order for their prices not to be higher than those of high-circulation school books. Currently, 1300 textbooks are approved for primary and secondary school.

## **C. Right to culture of children who belong to indigenous and minority groups (Article 30)** Response in Annexe 1, page 105

## **D. Civic and human rights education**

113. Since 2012 the OHMR has been conducting a programme *Human Rights Calendar* which implies that each month of the year should be dedicated to, i.e. marked with a number of activities which will contribute to improving the status of a certain group/minority, promoting values and principles of inalienability of elementary human rights. The choice of area/theme complies with the UN international holidays as well as other internationally celebrated holidays, and thus the activities dedicated to fight against violence are carried out in September. Children's rights in November, rights of persons with disabilities in December, celebration of the Tolerance Week and Human Rights Week

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<sup>32</sup> Rights of national minorities in terms of education, the Third Periodic Report on Implementing a Framework Convention for Protection of National Minorities

[http://www.ljudskaprava.gov.rs/images/konvencije/Treci\\_izvestaj\\_o\\_sprovođenju\\_Okvirne\\_konvencije\\_eng.pdf](http://www.ljudskaprava.gov.rs/images/konvencije/Treci_izvestaj_o_sprovođenju_Okvirne_konvencije_eng.pdf)

and the International Human Rights Day during December. Apart from the OHMR and MESTD, other government authorities, independent institutions for the protection of human rights, CSOs, in cooperation with representatives of the international community and media, also celebrate these holidays. The indicated holidays are celebrated in primary and secondary schools along with the Memorial Day of the Victims of Holocaust, Genocide and other Victims of Fascism.

#### **E. Rest, play, leisure, recreation and cultural and artistic activities (Article 31)**

114. **The Sports Development Strategy 2009-2013, the Law on Sport** and a number of bylaws contribute to creating quality conditions for developing and improving sport in children. ***The Ministry of Youth and Sport*** carried out a number of systemic development activities (researches, analyses, recommendations, educational courses) and financially supported numerous projects related to this area. In 2012 a programme named Construction of Sports Facilities for Persons with Special Needs and Disabilities and Rebuilding of Existing Sports Facilities to Meet the Needs of Persons with Disabilities was implemented. During 2013 the ministry commenced with activities pertaining to the improvement of the protection of children and young sportspersons against violence in sports at the invitation of and in cooperation with the Child Rights Centre. A working group draw up a ***Protocol Model for Protection of Children and Youth against Violence in Sports and Recreational Activities*** that entirely relies on the General Protocol for Protection of Children against Ill-treatment and Neglect, which sports organisations may use in order to improve the protection of children involved in their activities.

115. ***The Cultural Development Research Institute*** conducted a research in 2011 named Cultural Life and Needs of Secondary School Pupils in Serbia. The main characteristic of leisure time of secondary school pupils is that the majority of them have up to five hours of free time per day, which they spend doing their favourite activities in the so-called private sphere, such as watching TV and listening to music, playing sport or using a PC, which require a minimum amount of financial resources. Cultural activities, such as being engaged in art or going to cultural institutions, other than watching TV and listening to music, are not their favourite leisure time activities. The financial situation of the majority of families that have a pupil/pupils is very burdensome and thus affects the scope and quality of the cultural life of secondary school pupils.

#### **VIII Special protection measures (Articles 22, 30, 32-36, 37, (b-e) 38, 39, and 40)**

##### **A. Refugee and internally displaced children, unaccompanied/asylum-seeking children, migrant children (Article 22)**

116. The problem of refugees and internally displaced persons is gradually solved. Presently, there are approximately 43,763 *refugees* in the territory of the Republic of Serbia (11,324 from Bosnia and Herzegovina and 32,371 from the Republic of Croatia). The number of *internally displaced persons* from Kosovo and Metohija is 203,480. Collective centres also accommodate minors - 155 internally

displaced and 16 refugees<sup>33</sup>. People in collective centres are provided with food and accommodation by the Republic of Serbia Commissariat for Refugees and Migrations (SRC). All children who have had the refugee status, including internally displaced children since leaving the AP Kosovo and Metohija are entitled to health and social care and included in the educational system. The Commissariat provides funds for children deprived of parental care to be placed in foster families. Adequate measures are taken for the purpose of exercising the right of the child to a standard of living. The CRS uses vulnerability criteria in its programmes and thus the following are at an advantage: families with mentally or physically ill children, single parents with one or more children under 18, families with more children, vulnerable children or adolescents, children with special needs, children who are victims of ill-treatment and violence. The National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons was adopted for the period between 2011 and 2014.

117. The number of persons seeking asylum in the RS has significantly increased. According to the Asylum Department at the MOI, a total number of 2,453 minors sought asylum from 2008 to 2011 (2008 - 2; 2009 -79; 2010 -138; 2011 -722; 2012 -744 и 2013 -768). The MOI adopted a **Compulsory Instruction on How to Treat Smuggled Persons** in 2009. The CRS opened three more centres for asylum seekers in Sjenica, Tutin and Krnjača in Belgrade at the end of 2013, which can accommodate 760 people. There were no problems regarding accommodation capacity over the last year. The number of unaccompanied underage asylum seekers is increasing. The Law on Fundamentals of Education System introduces the possibility of enrolling migrant children in schools without the necessary documentation (birth certificate, registered permanent or temporary place of residence) in place.

#### **B. Children involved in armed conflict, including the right to physical and psychological recovery and social reintegration (Article 38 and 39)**

118. A **Decision on Discontinuance of Compulsory Military Service**, which the Parliament adopted on December 15, 2010, came into effect on January 1, 2011 and since then the military service has been done on a voluntary basis. In accordance with **the Ordinance on the Procedure for Regulating Voluntary Military Service Under Arms**, civilian service, which was an alternative to the military service under arms for those who refused to do the regular service due to the conscientious objection, was discontinued in 2011.

#### **C. Exploitation of children, including physical and psychological recovery and social reintegration (Articles 32, 33, 34 and 35)**

119. The Law on Social Welfare recognises for the first time children and youth who are victims of abuse, neglect, exploitation and human trafficking as the beneficiaries of social care services, as well as foreign citizens in compliance with international treaties. This is a big step forward as it allows for the protection of those children then who are particularly exposed to the risks of exploitation, multiple

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<sup>33</sup> Twenty collective centres are operational, eight of which are in Kosovo and Metohija, which accommodate 1369 persons (310 refugees and 940 internally displaced persons).

discrimination and social exclusion. In its capacity as a social care authority, the SWC provides these children with guardian social care and undertakes all available measures within its remit in order to protect their rights and interests. Furthermore, the right to housing is laid down under Article 41 of the Law. According to the data of the Republic Institute for Social Protection, there were three operational shelters in 2012 for children who live and work on the street in Belgrade, Niš and Novi Sad, where 294 children were referred to by the competent social welfare centre. However, these are not overall data on the number of children who live and work on the street, but only of those children about whom the SWC had information.

120. **The Law on Special Measures for Prevention of Criminal Offences against Sexual Freedom of Minors**, which was adopted in 2013, introduced into the legal system new forms of judicial protection of children who are victims of criminal offences against sexual freedom and **abrogates the statute of limitations on child sexual offences**. The law applies to those who have committed the following offences against minors: rape, sexual intercourse with a defenceless person, sexual intercourse with a child, sexual abuse of power, illegal sexual activities, procuring and facilitating sexual intercourse, acting as a go-between in prostitution, showing, providing and owning pornographic material and exploitation of a minor for pornographic purposes, soliciting a minor to witness sexual activity, abusing the Internet or other means of communication for the purpose of violating sexual freedom of a minor. Special measures have been imposed against the perpetrators of these offences and special records of persons convicted of such offences are kept.

121. The amendments to the Law on Criminal Procedure (LCP) in 2013 contributed to an increase in the number of criminal offences to which special discovery devices can be applied, which accordingly implies that they can be applied to the criminal offence of “showing, providing and owning pornographic material and exploiting a minor for pornographic purposes” (Article 185, paragraph 2 and 3 respectively of the Criminal Code).

122. Sexual violence is classified under the so-called third level which obliges an educational institution to report the case to the MOI and co-operate with health care and social welfare institutions. Sexual violence prevention programmes have been introduced into the Catalogue of Accredited Programmes of Professional Development of Teachers, Preschool Teachers and Professional Associates. The MESTD is carrying out the *Safe Childhood* programme (all primary schools are included) in cooperation with the MOI and one of the topics is child trafficking and/or sexual violence and exploitation. Minors who are victims of sexual exploitation and sexual harassment are treated by police workers who deal with the prevention of sexual offences and hold certificates which evidence that they have completed the necessary training and acquired special skills in the field of children’s rights and judicial protection of minors in accordance with legal regulations and procedures under the Special Protocol on Conduct of Police Officers in Protection of Minors against Ill-treatment and Neglect, which are also in compliance with the provisions of the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Harassment. A minor who is a victim of a sexual offence is offered the possibility to choose a female police officer to talk to.

123. The Law on Social Welfare has introduced a child trafficking victim and a child of a foreign citizen who is a human trafficking victim as new categories of beneficiaries who were not paid enough attention in the previous social welfare practice. The following are listed as groups of services: counselling and therapeutic services, social and educational services, accommodation services and independent living support services. The indicated groups include more specific services which in particular refer to social integration and physical and mental recovery, children's shelters and helplines for children.

124. Social services, in co-operation with other actors involved in human trafficking victims protection, carry out their duties in accordance with the Council of Europe Convention on Action against Human Trafficking. On the basis of the Ordinance on the Network of Social Welfare Institutions the Government established **the Centre for Human Trafficking Victims Protection** in 2012, which assesses the situation, needs, strengths and risks of human trafficking victims, identifies and provides trafficking victims with adequate assistance and support with a view to their rehabilitation and reintegration. In order to keep human trafficking victims informed, the Centre prepared a leaflet distributed via the MOI, which enables information availability immediately when a victim is discovered or in case of suspecting a potential human trafficking case. The Centre for Human Trafficking Victims Protection provides protection of underage human trafficking victims in cooperation with the competent social welfare centre. Most children are reunited with their original families. Where a social welfare centre assesses that this is not possible or not in the best interest of the child, the child is assigned a temporary guardian and then placed in shelters, homes, foster homes, repatriated or reunited with his/her family in a third country. It is almost impossible to get accurate statistics on the number of children arriving in Serbia unaccompanied by parents or guardians, and in this respect Serbia is not different from other European countries. This is mostly due to the fact that an increasing number of illegal immigrants are never identified and unaccompanied children travelling through Serbia are often left without the support of the social care system.

125. Starting from the strategic goals of **the National Action Plan to Combat Human Trafficking** (2009-2011), the competent entities need to improve victim identification of all human trafficking forms by enhancing the capacities of governmental and non-governmental representatives, prevent secondary victimisation of witnesses by government authorities and draw up long-term programmes of reintegration and protection of human trafficking victims. The MLESP and International Organisation for Migration signed in 2011 a Memorandum of Cooperation for the Implementation of the Joint Programme of the International Organisation for Migration, the UN High Commissioner for Refugees and the UN Office on Drugs and Crime for combating human trafficking in Serbia. As a part of the Memorandum, the MLESP developed a *Training Programme* for SWC employees and organised 10 training sessions with the aim of strengthening professional capacities for identifying and providing support to potential and actual human trafficking victims, which were held during 2011 and 2012 for 76 SWCs and 277 experts. The training also included the employees of the Centre for Human Trafficking Victims Protection. As a result, a *Manual for Social Care Professionals Working with Victims of Human Trafficking* (on providing protection, assistance and support to human trafficking

victims) was developed and distributed to all SWCs. The MOI prepared a manual named *Human Trafficking - Prevention Package* in cooperation with the Serbian Red Cross, which was used to develop two social games: “1, 2, 3, from School to Home” (for school children) and “Trafedo” (for adolescents) as well as a cartoon “Pinocchio”. A project “Local Communities Combating Human Trafficking” was implemented during 2011 and 2013.

126. The **Law on Migration Management** (2012) prescribes the establishment of an integrated system for the collection, organisation and exchange of data necessary for migration management. Asylum seeking minors stay at the Centre for the Accommodation of Underage Foreigners unaccompanied by a parent or guardian for a period from 20 days to two months on average, which gradually expands. The reason for extended stay is a lack of vacancies at asylum centres in Banja Koviljača or Bogovađa.

127. The Republic of Serbia did not provide an authoritative answer in each particular case of “missing babies” as it was obliged to according to a judgement of the European Court of Human Rights, referring to the recommendations of the Ombudsman contained in a Special Report on the Cases of the So-called Missing Babies<sup>34</sup>. The judgement orders that the RS ensure mechanisms for case investigation, recommending that the mechanism should be passing a new law.

#### **D. Children on the street**

128. Street children (children without true home) are still numerous and vulnerable. The existing information on prospects and needs of those children is insufficient and unsystematic and the current protection mechanisms and assistance and support services are insufficiently developed, which increases the risks which children who live or work on the street are exposed to and contributes to their further exclusion from the community life. Taking all this into consideration as well as the Committee’s Recommendation 69 which specifies that the contracting state should develop a strategy for raising awareness about the rights of street children, the process of developing a *National Strategy Model for the Prevention and Protection of Children Living and Working on the Street from Exploitation and Abuse* was initiated by the OSCE Mission in Serbia under the project named *Improvement of the Institutional Response to Human Trafficking Challenges in Serbia*.

#### **E. Children in conflict with the law, victims and witnesses**

##### **1. Enforcement of judicial protection of minors (Article 40)**

129. Efforts to reform the juvenile justice system have been intensified in order for it to be further harmonised with new standards and, above all, with the Recommendation of the Council of Europe Committee of Ministers for member states about the European rules for minor offenders upon whom

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[http://www.ombudsman.rs/attachments/3286\\_Redovni%20godisnji%20izvestaj%20Zastitnika%20gradjana%20za%202013.%20godinu.pdf](http://www.ombudsman.rs/attachments/3286_Redovni%20godisnji%20izvestaj%20Zastitnika%20gradjana%20za%202013.%20godinu.pdf) See the case of Zorica Jovanović against Serbia, available on the Ministry of Justice webpage <http://www.zastupnik.mpravde.gov.rs/cr/articles/presude/u-odnosu-na-rs/presuda-zorica-jovanovic-protiv-srbije-predstavka-br.-21794-08.html>.

sanctions or measures have been imposed and adopted Guidelines of the Council of Europe Committee of Ministers on a Child-Friendly Justice System. Reform of juvenile legislation is directed towards broader application of actions that ensure diversion from the regular criminal procedure, whereas the list of corrective instructions and their broader application by the prosecutor in a criminal pre-trial procedure is expanded.<sup>35</sup> The activities of the Council for Monitoring and Improving the Performance of Institutions for Adjudication in Criminal Procedures and Enforcement of Criminal Sanctions against Juveniles have an important role since the Council submits to the Ministry of Justice and the Serbian Supreme Court (Supreme Court of Cassation) a large number of initiatives, proposals, opinions and analyses referring to juvenile delinquency and judicial protection and treatment of minors.<sup>36</sup> Amendments to the misdemeanour legislation in 2009 resulted in the establishment of separate misdemeanour courts and the introduction of magistrates into the judicial system. A new *Law on Misdemeanours* was adopted in July 2013 and came into effect on March 1, 2014. The Law particularly specifies the principle of double jeopardy.

130. Performance of police duties and application of legal power to minors are regulated on the basis of previously adopted legal regulations whereas the novelty is provisions of the Criminal Procedure Code according to which a competent public prosecutor has been conducting a preliminary investigation process since October 2013. Collecting information from minors as private citizens (aggrieved party/victim or witness) and minor hearing as a suspect (in case a juvenile prosecutor entrusted the hearing to the police) are exclusively performed by juvenile police officers and, where necessary, other police workers holding adequate certificates. Special attention is paid to the method of carrying on a conversation with a minor victim of a criminal offence, who is enabled, after talking to a SWC representative, to choose “a trustworthy person” who may witness instead of a parent further exercise of police power towards the minor.

## **2. Children deprived of liberty, arrested, detained and imprisoned children (Article 37, point b-e)**

131. According to the provisions of Article 294 of the CPC, determination of custodial measures for either an adult or juvenile suspect is within the remit of a public prosecutor who may authorise the police to serve a resolution upon the suspect on being remanded in custody up to 48 hours during the preliminary investigation. Following the entry into force of the new Law on Misdemeanours, a magistrate determines the measure to hold the defendant in police custody up to 24 hours by issuing a custodial order (Articles 191 and 192 respectively) whereas the police may decide the length of custody of up to 12 hours by issuing a resolution to the person who was caught committing a

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<sup>35</sup>Recommendations on the basis of an evaluation of the application of corrective instructions and special duties and protection of children as aggrieved parties in criminal proceedings were developed in 2010 by the Republic Institute for Social Protection under the *Juvenile Justice Reform Support* project.

<sup>36</sup> As regards the *Report on Independent Evaluation of the Rights of Children in Conflict with the Law in the Institutions of Juvenile Justice in Serbia*, the Council recommended measures for “system improvement”, “Measures to Improve Conditions in Detention and Development of Alternatives for Detaining and Referring to Institutions“ and “General Measures to Improve Conditions in the Institutions of Juvenile Justice“ and submitted them to competent institutions during 2011 and 2012.

misdemeanour under the influence of alcohol or psychoactive substances (Article 193). The provision of Article 94, paragraph 2, of the CPC stipulates that a juvenile person who is not capable of understanding the importance of the right to be relieved of the duty of having to witness, given his/her age and psychological development, cannot be questioned as a witness unless the defendant alone so requires. The provision under Article 193, paragraph 3, stipulates that when a minor under the age of 16 should appear before the court as a witness, his/her parents and/or legal representatives are served a summons instead unless it is not possible due to the need to act urgently or for other valid reasons. The aforementioned provisions allow for a wide array of rights to children in criminal procedures regardless of whether they are criminal offenders or somehow connected to the defendant or an aggrieved party due to the committed offence.

#### **F. Training programmes for juvenile justice professionals**

132. The CSO Child Rights Centre organised five workshops in 2013 under the Judicial Academy project with the aim of preparing material adapted to minors about their rights and duties at the juvenile correctional and detention facilities. The workshops were attended by juvenile offenders who were imposed correctional measures of being referred to a correctional facility or detention. The objectives of the workshops were to determine to what extent and how juvenile offenders understand their rights and obligations at the facilities, what additional explanations they need and how (form and manner) they would like to be informed about their rights and obligations. Adapted material was prepared on the basis of these workshops. The Judicial Academy, ISP, Child Rights Centre, financially supported by UNICEF, are carrying out a project *Towards Child-Friendly Justice* in order to draw up recommendations for the improvement of precedent, make decisions in the child's best interest fully observing the right of the child to participate in civil and criminal lawsuits

133. Apart from the rights laid down in previously adopted regulations, an aggrieved juvenile person has additional rights defined under the CPC. A witness who is a minor at the time of hearing does not take the oath (Article 97). A juvenile person who is not capable of understanding the importance of the right to be relieved of the duty of having to witness, given his/her age and social development, cannot be questioned as a witness unless the defendant alone so requires (Article 94).

134. The RS currently has 1,862 police workers with certificates guaranteeing that they have completed the necessary training and acquired special skills in the field of child rights, juvenile delinquency and judicial protection of minors in accordance with Article 165 of the Law on Juvenile Justice). The Ministry of Interior conducted training for 1,752 police workers between 2005 and 2010 in cooperation with the Judicial Academy and the support of the Belgrade Office of UNICEF and the CSO Child Rights Centre, whereas during 2013, after the *Cooperation Agreement on Training and Professional Development of the MOI Police Workers in the Application of the Law on Juvenile Offenders and Judicial Protection of Juveniles* was signed by the MOI and the Judicial Academy with the aim of ensuring training continuity for police workers, 110 new trainees were additionally trained, which was funded from the Ministry of Interior budget.

## **G. Children belonging to minority/autochthonous/indigenous groups (Article 30)**

135. Legislation pertaining to the protection of the minority rights was rounded out by adopting the Law on National Councils of National Minorities in 2009. The Law also lays down the competence regarding education, culture, information and official use of a language and script and other important issues which make minority local self-government effective.

### **The implementation of the Convention on the Rights of the Child in the territory of Kosovo and Metohija:**

136. In the Concluding Observations (CRC/C/SRB/CO/1, under Section 6), the Committee on the Rights of the Child requests that UNMIK, without prejudice to the Kosovo's legal status resolution, submits necessary information on the implementation of the Convention in the territory of Kosovo and Metohija. We would like to point out that we are not acquainted with the fact that the requested information has been submitted. The information we have is solely reports of international organisations that operate in the AP Kosovo and Metohija (KIM) and reports of the Republic of Serbia Government Office for Kosovo and Metohija. Notwithstanding a 15-year period that has passed since international civil and military presence was established in KIM, the Serbs and other non-Albanians are still faced with a number of obstacles in exercising their fundamental freedom and human rights, such as limitation and preclusion of the freedom of movement, concern for their own safety, impossibility of freely using the Serbian language, difficult access to institutions, a lack of adequate mechanisms for the restitution of the seized property, preclusion of uninhibited access to property, a lack of adequate mechanisms for protecting the property from being re-occupied after the eviction, impossibility to choose freely a place of return, refusal of the local community to admit the returnees, a lack of conditions for sustainable survival of the returnees, continuous efforts to rename and eradicate Serbian cultural and religious heritage, forced alienation of the property owned by the Republic of Serbia.

137 The Provisional Institutions of Self-Government in KIM adopted laws and by-laws which pertain to children's rights in terms of social welfare, healthcare, education, access to justice, prohibition of discrimination, prevention of child labour, promotion of children's rights, but in practice the provisions of these laws are not applied. As regards institutions, entities that deal with children's rights have been established: the Inter ministerial Council of Human Rights, the Council for Prevention and Elimination of Child Labour, the National Council for Persons with Disabilities, the Council for Child Defence and Justice, the Kosovar Council for Mother and Child Health, a working group of the National Anti-Trafficking Coordinator, local action councils for monitoring child labour and other government working groups.

138. According to the data of<sup>37</sup> 8.3% of households failed to register the birth of (some of) their children under the age of 18. Health indicators show the highest mortality rate among infants and children up to 5 years of age in Europe, a significant degree of stunted growth, undernourishment and

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<sup>37</sup> "Every Child Counts", birth registration in Kosovo, UNICEF, 2009.

malnutrition of young children<sup>38</sup>. Kosovo spends about 3% of its GDP on healthcare. Recent studies<sup>39</sup> show that children in KIM are exposed to a significantly higher risk than the general population<sup>40</sup>. The percentage of population living in poverty is 46.2%, of which 48.6% are children aged 0-19. Pecuniary allowances allocated to the most vulnerable population categories are paid from the budget under the social assistance scheme to those families where one member is unfit for work and families whose unemployed members have one child under the age of five or an orphan up to 15 years of age.

139. **The right to education** is guaranteed under Article 3.3 of the Constitutional framework and Article 47 of the so-called Kosovo Constitution upon the unilateral declaration of independence. Expenditures on education account for 4.6% of the GDP, but public spending per pupil is very low. Roma, Ashkali and Egyptian communities are considered to be the most marginalised groups with a low rate of enrolment in primary school and a higher poverty rate.<sup>41</sup> Roma children are not integrated into the school system and peer violence against them is noticeable in areas where Albanians constitute a majority of the population. The European Centre for Minority Issues Kosovo (ECMI) pointed out in its report as of January 2013 to the segregation of pupils belonging to RAE (Roma, Ashkali and Egyptians) communities in three Kosovo schools. They submitted complaints to the schools in cooperation with the Centre for Legal Aid and Regional Development, which resulted in the discontinuance of segregation and the inclusion of the RAE communities into multi-ethnic classes and classrooms.<sup>42</sup> There are examples of Albanian and Serbian children who attend classes in the same buildings, but do not communicate (villages: Rabovci, Crkvena vodica, Poneš). There is constant fear with both children and parents of noticeable intolerance shown by numerous Albanian pupils. The Gorani community face obstacles in the educational process since they go to schools which follow the curriculum of the Serbian Ministry of Education, where classes are conducted in Serbian which is the mother tongue of the Gorani community. The pressure of the Albanian community is aimed at changing the curriculum which would then be in Albanian and developed by the provisional Kosovar institutions.

140. The main educational problem is safety in the buildings where classes are conducted and daily interruptions of classes, limited freedom of movement of pupils, relocation of school buildings to inadequate spaces in settlements where only a small number of the Serbs and non-Albanians remained. Life in enclaves is very difficult.

141. Primary and secondary schools in the territory of KIM, which are funded from the Republic of Serbia budget, follow the educational programme used across the country. The Provisional Institutions of Self-Government in KIM do not recognise the validity of those programmes, which additionally jeopardises the right of the minorities to education in mother tongue. The educational programme used

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<sup>38</sup> UNICEF, 2009.

<sup>39</sup> [http://www.unicef.org/kosovoprogramme/Child\\_Poverty\\_ENG\(2\).pdf](http://www.unicef.org/kosovoprogramme/Child_Poverty_ENG(2).pdf), "Child Poverty in Kosovo", Policy Options Paper and Synthesis Report, UNICEF, 2010.

<sup>40</sup> Generally accepted poverty line means daily consumption of EUR 1.417 per person based on the data from the Household Budget Survey (Personal household consumption) in 2006/2007

<sup>41</sup> KFOS/COMPASS (2009) The Status of Roma, Ashkali and Egyptian Communities in Kosovo: basic research. KFOS, <http://www.kfosweb.info/pdf/>

<sup>42</sup> ECMI Kosovo, Educational Segregation in the Municipality of Đakovica, Report as of January 21, 2013

in Kosovo is different to such an extent that pupils who complete secondary education according to this programme cannot continue their further education at universities in other parts of Serbia, including the universities in the Autonomous Province of Vojvodina and in Kosovska Mitrovica. The Ministry of Education, Science and Technology of Kosovo has still not organised high education classes in the Serbian language. The Kosovar educational system includes 346,000 pupils, of which there are approximately 1,000 children with disabilities who attend specialised classes at regular schools, so-called satellite classrooms, or they go to special schools. It has been estimated that about 10,000 children do not attend school, of which approximately 7,000 are children with disabilities, which is 13% of children with disabilities. Over 40,000 children with significant learning problems attend regular classes, but their needs have not been determined and as a rule not met either.<sup>43</sup> There are programmes developed in order to change current conditions, but they are slowly implemented. Inclusive education has failed to materialise yet.

142. Children have the right to care and protection necessary for their welfare, including the right to **the protection against violence, harassment and exploitation**. There are no data about children abuse and UNICEF believes that the reason is a low level of awareness about this problem, a lack of services for the victims and limited government capacity to recognise and deal with abuse cases.<sup>44</sup> The phenomenon of mendacity has never been treated systematically. There is a significant difference between the number of beggars in rural and urban areas as well as in the methods of asking for money. Kosovo is a source, transit and destination area of child trafficking victims, forced prostitution and forced mendacity, while women and children in marginalised communities are particularly vulnerable to human trafficking due to a high poverty rate and low birth rates. A survey that was conducted by the Conflict Prevention and Resolution Forum<sup>45</sup> showed that in some situations children are victims of forced labour imposed by parents or criminal groups that control a large number of children who beg on the street. Juvenile and forced marriages still exist in Roma, Egyptian, Ashkali, Gorani and Albanian communities. The number of girls who entered into a child marriage and who are victims of sexual harassment is far bigger, particularly in multigenerational households which they most often marry into. Upon entering into marriage, girls and boys often leave school in order to enter the labour market and/or take on domestic responsibilities.<sup>46</sup> The reasons for entering into marriage are most often political, economic and social. It was believed in some rural areas and among some members of the RAE communities that girls are ready to get married after sexual maturity between 13 and 15 years of age.<sup>47</sup>

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<sup>43</sup> Kosovo Education Centre (KEC), Monitoring of the Rights of the Child in the Education Sector in Kosovo, Report 2 – 2010/11

<sup>44</sup> <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, downloaded on June 2, 2014.

<sup>45</sup> Conflict Prevention and Resolution Forum, “Mendacity in Kosovo and How It Affects Safety of People”, Pristina, 2014.

<sup>46</sup> <http://africa.unfpa.org/webdav/site/eeca/shared/documents/publications/KOSOVO%20-%20Serbian.pdf>, downloaded on June 2, 2014, Entering into Marriage with Children or Child Marriage, Kosovo (UN SCR 1244), UNFPA.

<sup>47</sup> [http://www.unicef.org/kosovoprogramme/kosovo\\_media\\_pub\\_prot.009.04.pdf](http://www.unicef.org/kosovoprogramme/kosovo_media_pub_prot.009.04.pdf), UNICEF (2004), Child Trafficking in Kosovo, UNICEF, Pristina, p. 10.

## **ABBREVIATIONS**<sup>48</sup>

**UN** – United Nations

**Convention** - UN Convention on the Rights of the Child

**Committee** - Committee on the Rights of the Child

**UNICEF** – United Nations Children’s Fund

**UNDP** – United Nations Development Programme

**UNMIK** – United Nations Interim Administration in Kosovo

**CoE** – Council of Europe

**EU** – European Union

**EC** – European Commission

**OSCE** - Organization for Security and Cooperation in Europe

**RS** – Republic of Serbia

**AP KIM** – Autonomous province Kosovo and Metohija

**MLESP** – Ministry of Labour, Employment and Social Policy

**MESTD** – Ministry of Education, Science and Technological Development

**MH** – Ministry of Health

**MOI** – Ministry of Interior

**AECS** – Administration for Enforcement of Criminal Sanctions

**MJPA** – Ministry of Justice and Public Administration

**MoFA** – Ministry of Foreign Affairs

**MoD** – Ministry of Defence

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<sup>48</sup> The names of government institutions, which participated in its preparation, are used in the report in accordance with the then applicable Law on Ministries as of 2012. The adoption of the new Law on Ministries (“Official Gazette of the RS” No. 44/2014) resulted in a change in the scope of work and consequently the name of some of the ministries: Ministry of Labour, Employment, Veteran and Social Policy, Ministry of Justice and Ministry of Public Administration and Local Self-Government.

**MCI** – Ministry of Culture and Information

**MoYS** – Ministry of Youth and Sport,

**CRS** – Commissariat for Refugees and Migrations;

**OKM** – Office for Kosovo and Metohija

**OCCS** - Office for Cooperation with Civil Society

**SIPRU** – Social Inclusion and Poverty Reduction Unit,

**SORS** – Statistical Office of the Republic of Serbia

**ISP** – Serbian Institute for Social Protection

**SWC** – Social Welfare Centre

**NHIF** – National Health Insurance Fund

**HRMS** – Human Resource Management Service

**LSGUs** – Local Self-Government Units

**CSO** Civil Society Organisation

**CRC** – Child Rights Centre

**IDP** – Internally Displaced Persons

**IIIA** – Instrument for Pre-Accession Assistance

**LGBTI** – Lesbian, Gay, Bisexual, Transgender and Intersex

**GDP** – Gross Domestic Product

**PSA** – Pecuniary Social Assistance

**LSW** – Law on Social Welfare

**CPC** – Criminal Procedure Code