

# **ANNEX II**

**Report of the civil society organizations on the  
implementation of the recommendations of the  
Committee on the Rights of the Child from the  
Concluding Observations  
CRC/C/SR.2193 of 3 February 2017**

**Implementation of the recommendations of the Committee on the Rights of the Child  
from the Concluding Observations  
CRC/C/SR.2193 of 3 February 2017, based on contributions and publications of the  
following civil society organizations:**

1. Child Rights Centre
2. Užice Child Rights Centre
3. Network of Organisations for Children of Serbia
4. Belgrade Centre for Human Rights
5. PIN - Psychosocial Innovation Network
6. Centre for Youth Integration
7. MDRI – S, Mental Disability Rights Initiative of Serbia
8. Centre for Social Policy
9. ASTRA - Anti-trafficking action

**A. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)**

*Cluster 2*

*Legislation*

*Recommendation from paragraph 7. CRC/C/SRB/CO/2-3*

The draft Law on the Rights of the Child and the Protector of the Rights of the Child passed the phase of public debate in June 2019, it was sent to the competent ministries and other institutions for opinion, however, the law is still not passed.

The Law on the Means of Determining the Maximum Number of Public Sector Employees was in force until 31 December 2019. The Law on Budget System was amended in December 2020, thus abolishing the principle of public sector employment, which referred to the fact that every new employee must obtain the approval of the Government Committee, and introducing the employment system in accordance with the needs of personnel, which means that, under certain conditions, the employer does not need the aforementioned approval.

*Cluster 3*

*Comprehensive policy and strategy*

*Recommendation from paragraph 9. CRC/C/SRB/CO/2-3*

The previous action plan for children expired in 2015. Although the Minister of Labour, Employment, Veteran and Social Affairs decided to establish a working group to draft a new National Action Plan for Children in April 2018, the working group has not yet formally started work or determined the scope of this plan and the dynamics of its development. No relevant stakeholders or children have been consulted to assess the effectiveness of the previous plan, and there is no information that such consultations are planned.

*Cluster 4*

*Coordination*

*Recommendation from paragraph 11. CRC/C/SRB/CO/2-3*

From 2017 to November 2019, the Council for Child Rights held eight sessions. In the period 2017-2019, the Council made a number of decisions and considered issues of importance for the realization of children's rights, such as the adoption of the conclusion on accepting the offered text of the Draft Strategy for Prevention and Protection of Children from Violence for

the period 2018-2022, making a decision to form a working body (special working group within the Council) that will deal with issues of early development of children, adoption of the conclusion to support the initiative for urgent establishment of special institutions for treatment and training in terms of Art. 23 of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles in connection with Art. 60 of the Law on Social Welfare, sent by the Council for Monitoring and Improving the Work of Criminal Procedure Bodies and Execution of Criminal Sanctions against Juveniles, etc.

The new convocation of the Council for the Child Rights was formed by the Government Decision on Establishment on 1 April 2021, with a mandate until March 2022.

The Council held two sessions at which the tasks of the Council were discussed and at which some of the main problems faced by children and young people were pointed out, as well as the fact that the focus would be on banning child labour and digital violence. It is particularly worrying that the Council did not meet during 2020, when the crisis caused by the COVID-19 pandemic broke out, which severely disrupted the coordination and work of institutions to further improve children's rights in Serbia, and further worsened the situation of children from vulnerable groups.

The Council for the Child Rights is supported by the Ministry of Family Care and Demography, but special budget funds have still not been provided for its work nor special staff has been engaged.

The Committee on the Rights of the Child met regularly in 2018 and 2019. In 2020, the Committee held two sessions, while in 2022 it held five. It still has a limited oversight function regarding the integration of child rights into national legislation and needs to intensify work within its competence.

#### *Cluster 5*

##### *Allocation of resources*

##### *Recommendation from paragraph 12. CRC/C/SRB/CO/2-3*

Currently, it is partially possible to monitor the allocation of funds for children and families with children in the budget system through class 040 Family and children, category Social welfare and category Education, within the functional classification. However, although the functional classification has been in use for years, there are certain problems in the application of this classification, especially at the local level in the category of Social Welfare because municipalities do not divide the category by class or do not work precisely enough.

Programme budgeting was introduced in 2015, at the national and local levels. At the national level, there is the Family Protection Programme, and at the local level the program activity Support to children and families with children, while at both levels there is the Education sector. The Standing Conference of Towns and Municipalities (SCTM) has prepared a proposal of the programme classification of social welfare and education with detailed performance indicators that fully enables monitoring of adequacy, efficiency and equity, but the Ministry of Finance has not accepted this proposal yet.

To date, mechanisms for monitoring and evaluating the adequacy, efficiency and equity of the allocation of resources allocated for the implementation of the Convention have not been established. The Council for the Child Rights has not dealt with this issue in its work so far.

The practice of participatory budgeting in Serbia is still in its early development, and only at the local level, and there is no practice of public budget planning for children.

For the time being, there is no developed methodology or practice of comprehensive assessment of budget needs for children.

#### *Cluster 6*

##### *Data collection*

##### *Recommendation from paragraph 15. CRC/C/SRB/CO/2-3*

Data on children are collected by the competent ministries, within their competences. Data processing is performed by the Statistical Office of the Republic of Serbia, which makes publications, studies and analyses. The Republic Institute for Social Protection collects and processes data from the social welfare system. The Social Inclusion and Poverty Reduction Team has developed indicators to monitor the achieved level of social inclusion and poverty reduction and to harmonize the monitoring of social inclusion indicators with the EU Member States. There is no systematic collection of data on children, but data from different sources are used to monitor the exercise of the child rights, which are often not comparable as they are collected according to different methodologies. The lack of reliable and comparable data and records makes it difficult to create effective policies for children, as well as effective cross-sectoral cooperation.

There is a DevInfo database, designed to monitor social development, developed in collaboration with UNICEF, as well as a municipal DevInfo database, which provides a large amount of data on education, health and social welfare at the municipal level - for each of the 174 municipalities. This database is updated twice a year and contains 166 socio-economic indicators disaggregated by gender, age and other variables.

The Multiple Indicator Cluster Survey of the position of women and children in Serbia in 2014 and the Multiple Indicator Cluster Survey of the position of women and children in Roma settlements in Serbia 2014 - MICS 5 were conducted in cooperation with the Statistical Office of the Republic of Serbia and UNICEF. A new round, MICS 6, was launched in October 2016 and is specifically aimed at collecting data related to the Sustainable Development Goals. Moreover, the sixth cycle of the Multiple Indicator (of the position of women and children) has been conducted in the period from 2 September to 10 November 2019, and published afterwards.

#### *Cluster 7*

##### *Independent Monitoring*

##### *Recommendation from paragraph 17. CRC/C/SRB/CO/2-3*

The functioning of the institution of the Protector of Citizens has two important shortcomings when it comes to protecting the rights of the child. The first shortcoming is that the complaint procedure is not adjusted to the child, and in case of violation of the child's rights, the complaint can be filed on behalf of the minor by his parent, i.e., legal representative. The other shortcoming is that the area of the child rights is not separated within the institution, but that this area is the responsibility of the Sector for the Protection of the Rights of the Child, Gender Equality and the Rights of Persons with Disabilities. The draft Law on the Rights of the Child and the Protector of the Rights of the Child, which envisages the establishment of the institution of the Protector of the Rights of the Child, has still not been passed.

With passing of the new Law on the Protector of Citizens in early November 2021, some progress has been made. Thus, it is stipulated that a child over the age of ten can independently file a complaint due to violation of the child's rights, as well as that the complaint can be filed by the child's parent or guardian, as well as an association dealing with the protection of children's rights, with the consent by the parent/guardian or with the consent of the child if the child has reached the age of ten (Article 28).

There are no procedures, i.e., other appropriate act that ensures the privacy and protection of child victims, especially during monitoring and accompanying visits to institutions, which are conducted within the institution of the Protector of Citizens as an NPM. According to the data of the Protector of Citizens, during the composition of the group for visits, the representation of experts of the necessary profiles for conducting adequate monitoring is taken into account, with the obligatory participation of lawyers and doctors. Depending on the type of institution, the group also includes psychologists, special pedagogues and experts of other profiles.

As part of the work of the Office of the Protector of Citizens, associates in the sector for children's rights, gender equality and the rights of persons with disabilities underwent a training on the rights of child victims of sexual abuse, domestic violence, activities and workshops with children, interviews with children in closed institutions, the work of independent institutions for the protection of human rights in the field of children's rights, telephone counselling of children and youth, etc. In 2021, out of a total of 9 employees in the said Sector, five deal with the rights of the child.

By the end of 2021, the indicators related to the establishment and functioning of the Ombudsman for the Rights of the Child have not been met.

#### *Cluster 8*

##### *Dissemination, awareness-raising and training*

##### *Recommendation from paragraph 19. CRC/C/SRB/CO/2-3*

In the previous period, the Republic of Serbia has made efforts to provide training for professionals working with children. In 2019, the National Academy of Public Administration, with the support of the Ministry of State Administration and Local Self-Government, accredited training on children's rights for employees in local self-government units - Exercise of children's rights, which was included in the General Training Programme for Local Self-Government Employees for 2020.

Also, in cooperation with the Užice Child Rights Centre and the Pestalozzi Children's Foundation, the Ministry of Education, Science and Technological Development continued with the training of educational advisors and inspectors on children's rights, which so far included a total of 178 advisors and inspectors from almost all municipalities in Serbia.

Rulebooks on continuous professional development of professional groups working with and for children in all relevant sectors prescribe mandatory training on the rights of the child. Two faculties for teachers/pedagogues in Belgrade and Jagodina, through the accreditation process, have officially included elements of children's rights education for their students - future worker in education. However, these efforts have not systematically introduced vocational training on children's rights. Education on the rights of the child is not part of the initial education of teachers. The results of a survey conducted by the Užice Child Rights Centre in 2019 show that most teachers do not know the content of children's rights, fail to recognize situations in the educational context in which rights are violated, or procedures in case of violation of the rights and preventive activities that would prevent the violation of certain

rights. Less than half of the teachers state that they apply some of the contents of children's rights education in teaching of their subject, or in extracurricular activities/classes of the class teacher. Only a quarter of them state specific examples that indicate the planned and meaningful inclusion of content in the field of education for the rights of the child in class or in extracurricular activities. This finding can be explained by the fact that teachers do not have sufficiently developed competencies to exercise the rights of the child.

Systematic introduction of teaching on the provisions of the Convention on the Rights of the Child is not provided in the educational system of the Republic of Serbia. There has been no progress in the previous period regarding this recommendation of the Committee. By introducing the subject of Civic Education of the Republic of Serbia, it only partially responded to this international obligation, which was noted by the Committee in previous cycles of reporting and consideration of reports. Civic education contains topics related to learning about children's rights, but it is not a compulsory subject but an elective one, and accordingly, it does not meet the standards of the Convention which provides that education on children's rights is available to all children at all levels of education.

The research conducted by the Užice Child Rights Centre about the exposure of children to harmful content and fake news in the media indicates that young people are intensively exposed to violations of children's rights through the media. Even media with a national frequency do not respect the legally regulated rules on the type of content and the manner of their broadcasting. This is especially true of the so-called "reality shows" that are full of inappropriate content, verbal conflicts and violence, and even pornographic scenes, and as the findings of this research show, this is exactly the place where young people are more likely to encounter harmful content.

The Public Broadcasting Service of the Republic of Serbia does not have regular contents in the programme scheme that refer to the rights of the child. In creating this content, the Public Broadcasting Service and other broadcasters with a national frequency do not consult or involve children in the development of these programmes in accordance with the provisions of the Convention or respect ethical codes in protecting the dignity and privacy of the child.

According to the Rulebook on the Protection of the Rights of Minors in the Field of Media Services, enacted in 2015 by the Council of the Regulatory Authority of Electronic Media (REM), "the media service provider is obliged to take all necessary steps to ensure that its programme content is free of any harmful effects on the development of minors, having in mind the fact that minors enjoy the right to a greater degree of protection of the free development of personality than adults". Although there is a legislative framework, based on the findings of the mentioned research, it is not applied in practice, which indicates the fact that the relevant authorities i.e., institutions in charge of implementing the regulations, do not react adequately and in a timely manner. A particular concern are the data showing that the media outlets which are at the forefront of publishing fake news at the same time receive significant funds in competitions conducted by the government. With doing so, the government does not only fail to prevent the spread of the fake news, but it actively contributes to their spread.

19.D. и 19.E. New National Plan of Action for Children has not been passed yet.

## **B. Definition of the child (art. 1)**

### *Cluster 9*

#### *Definition of the child*

*Recommendation from paragraph 21. CRC/C/SRB/CO/2-3*

A working group was formed to draft the text of the Draft Law on Amendments to the Family Law with the aim of improving and harmonizing it with other laws, such as the Law on Social Welfare and the Law on Amendments to the Law on Financial Support to Families with Children and international standards and principles. Working group has held six meetings and pre-draft of the document has been composed. Some of the novelties are the introduction of the definition of the child in accordance with the Convention on the Rights of the Child, as well as the deletion of paragraph 2 of Article 23 which stipulates that the court may, for justified reasons, allow marriage to a minor over 16 years of age, which would prevent early marriage as a formal unity.

**C. General principles (arts. 2, 3, 6 and 12 of the Convention)**

*Cluster 10*

*Non-discrimination*

*Recommendation from paragraph 23. CRC/C/SRB/CO/2-3*

In the last 15 years, the Republic of Serbia has built a solid anti-discrimination legal framework, primarily in terms of passing the Law on Prohibition of Discrimination, but also by including the so-called anti-discrimination provisions in a number of individual laws.

Unfortunately, as in many other segments in the Republic of Serbia, especially when it comes to respect for children's rights, there is a huge gap between the existing legislative framework and what is applied in practice, i.e., full implementation of all regulations often lacks, and the anti-discrimination legal framework sometimes remains only a "dead letter", while the reality lived by children from marginalized groups is completely different.

In August 2019, the Ministry of Labour, Employment, Veteran and Social Affairs published the Analysis of Effects, i.e., the starting point for drafting a new Strategy for Prevention and Protection against Discrimination for the period from 2020 to 2025. According to available data, it is estimated that about 60% of the measures envisaged by the Action Plan for the implementation of the Strategy for Prevention and Protection against Discrimination for the period 2013-2018 were realized.

A special working group for drafting the text of the Draft Law on Amendments to the Law on Prohibition of Discrimination was formed on 3 February 2021, after which the stakeholders had the opportunity to participate in public consultations for drafting the baseline, followed by a public debate on the Draft Law which lasted from 3-23 March 2021. The Law on Amendments to the Law on Prohibition of Discrimination was passed on 20 May 2021. It regulates the general prohibition of discrimination, forms and cases of discrimination, as well as procedures for protection against discrimination. Article 22 of the Law on Prohibition of Discrimination explicitly prohibits discrimination against children, i.e., it guarantees the equality of all children, regardless of any personal characteristics.

It is impossible to determine the exact number of initiated proceedings before the Commissioner for the Protection of Equality, as well as the number of issued opinions and recommendations for protection against discrimination of Roma children, children with disabilities, minority children, refugee and asylum-seeking children, migrant children, children in street situations, LGBT children and children with HIV/AIDS.

Children may independently file complaints to the Commissioner for the Protection of Equality in a complaint form that is adapted to children and youth. Despite the Committee's current recommendation to introduce a special mechanism within the institution of the Commissioner for the Protection of Equality that would only deal with the issue of discrimination against children - this has not happened yet, and there is still no special institution of the Ombudsman for Children's Rights.

The Commissioner for the Protection of Equality did not take any actions regarding the two complaints officially submitted by the Užice Child Rights Centre, which refer to unequal treatment of children in exercising the right to financial benefits granted by the Serbian Government to help citizens in the COVID-19 pandemic. Although the institution of the Commissioner determined in a special procedure that children had been treated unequally in terms of measures taken by the Government of Serbia to mitigate the negative consequences of the epidemic, i.e., that the measures passed by the Government did not sufficiently take into account the needs of children and families with children, the Commissioner for the Protection of Equality did not react, although that is obligation according to the law.

Long-term educational campaigns, which would be primarily aimed at breaking down prejudices and stereotypes about children from marginalized groups, were not sufficiently implemented during this reporting period.

Roma children, other national minorities, LGBT children, children with disabilities, poor children - are still often excluded from the education, health, social welfare system and all other segments that make a necessary framework for a happy childhood and developing full capacities of the child, primarily because of "inaction" or "insufficient" actions of the relevant institutions of the Republic of Serbia.

The latest and perhaps the most drastic example is certainly the systematic discrimination of a huge number of children from marginalized groups, during the Covid-19 pandemic, primarily due to the inability of these children to be adequately included in online teaching. Isolation, a health system that has been collapsing for a long time (due to overbooked capacities due to the general pandemic), a social welfare system that was not responsive enough to respond to the needs of the most vulnerable children or create appropriate affirmative mechanisms - all this led to even greater exclusion and marginalization, i.e., discrimination of children belonging to different minority groups.

The existing health information system does not monitor indicators that would enable the assessment of the coverage of preschool and school age children in rural areas with health workers and the availability, accessibility and use of health care services for these children.

When it comes to early childhood education, 45.9% of children aged 3-5 from non-urban settlements attend preschool education, compared to 70.5% of children of the same age from urban areas, according to the results of the MICS-6 survey from 2019. Primary school is attended by 98% of children from urban areas and by 99.8% of children from non-urban areas. Data on recorded cases of violations of the application of the Law on the Fundamentals of the Education System related to the obligations of parents and institutions regarding the enrolment of children in primary and secondary schools (indicator 23.B.3.) are not available. Data from the 2019 MICS-6 survey indicate that there are children who are outside the primary education system (0.4%).

Education system, social welfare system and health care system, family law protection, are just some of the areas within which it is necessary for institutions to make much greater efforts to



ensure that each of these areas is equally accessible to every child, i.e., it is necessary that the state takes all legally available affirmative measures to improve the position of children from vulnerable groups and to combat discriminatory practices against them.

#### *Cluster 11*

##### *Best interest of the child*

##### *Recommendation from paragraph 25. CRC/C/SRB/CO/2-3*

The principle of the best interests of the child is mentioned in the Constitution of the Republic of Serbia, in the context of the rights and duties of parents. The Family Law stipulates that everyone is obliged to manage the best interests of the child in all activities concerning the child (Article 6, paragraph 1). This principle is not adequately normatively concretized and operationalized in procedures and has not been established as a rule of conduct that applies to all decisions concerning the child in the legal order of the Republic of Serbia, so its practical scope is unclear and limited. There are no regulations in administrative and judicial procedures, systems of internal affairs, education, healthcare and social welfare which define guidelines, procedures and criteria for consistent interpretation, definition and application of the principles of the best interests of the child in accordance with the General Comment 14.

There are no elaborate training programmes on the application of procedures and criteria with guidelines for all relevant officials to determine the best interests of the child in each area and to give the necessary weight to the interests of the child as a primary importance.

*A Handbook on the application of the principle of the best interests of the child for judges and experts of the social welfare centres in civil court proceedings* has been prepared within the project activities of the Centre for the Child Rights. According to the findings of the research of the Centre for the Child Rights "*Towards child-friendly justice - research on efficiency, participation and definition of the best interests of the child in civil litigation*" conducted in partnership with UNICEF in 2017, it was found that the developed guidelines did not in themselves produce the desired progress in the qualitative understanding of the principles of the best interests of the child, neither in judges nor in guardianship authorities, which suggests that it is necessary to continue working with the developed instrument and upgrade it with other activities, such as capacity building of experts.

#### *Cluster 12*

##### *Right to life, survival and development*

##### *Recommendation from paragraph 27. CRC/C/SRB/CO/2-3*

The Draft Plan for Optimization of the Network of Health Care Institutions in Serbia (Master Plan for Health) has been prepared, suggesting a regional organization of perinatal healthcare with three levels of complexity. In addition, the establishment of five perinatological centres of the highest rank, created by horizontal functional integration, is envisaged.

Almost full coverage of births with professional assistance was achieved - 100% of children in Serbia were born in a health institution, and 99% of children in Roma settlements were born with professional assistance and these births were performed in health institutions. Perinatal mortality was virtually unchanged with 8.1 stillbirths and deaths during the first week after birth per 1,000 births, in 2019, and 8.2 in 2020. Neonatal mortality has increased from 3.6 deaths from birth to 28 days of life per 1,000 live births in 2019 to 3.8 in 2018. Infant mortality also increased in one year from 4.8 to 5 infant deaths per 1,000 live births in 2020. Infant mortality in Roma settlements, according to MICS data for 2019, is 8 infant deaths per 1,000

live births and is significantly higher than the national average, although it has decreased by almost five infant deaths since the previous 2014 MICS survey. The mortality of children up to the age of five in 2018 amounted to 5.1 deaths per 1,000 live births, and in 2019 its value increased to 5.8. The mortality rate of children under the age of five in Roma settlements is 9 deaths per 1,000 live births, according to the 2019 MICS survey.

In Serbia, after childbirth, 94% of women have a visiting nurse helping them in the week after childbirth (average number of visits was 3.8 times), while in Roma settlements 90% of women had a visit by a visiting nurse in the week after childbirth (average number of visits to infants was 3.6 times). A database on the work of health mediators and their visits to new mothers, new-borns and infants in substandard Roma settlements has not been available for several years.

Since the end of 2017, the number of (Roma) health mediators has increased from 80 to 85 in 2019, while their employment status has not been resolved, nor has a sustainable model of their institutionalization been accepted. Funds have been provided for their work (computers and internet connection), but the database on the work of health mediators, located in the Ministry of Health, is currently inactive. In 2021, health mediators were engaged in vaccinating the Roma population against COVID-19 in substandard settlements and for that purpose they were provided with vehicles for the transport of the elderly who had difficulty in moving.

According to the Serbian Government Report, in the part related to the results of programmes and projects of the Ministry of Health - improving access to health care for the Roma population, it is stated that in 2020 there were 8,250 vaccinations and systematic examinations of Roma children, and that 2,150 documents (health insurance cards, IDs and verifications of health insurance cards) were issued. In addition, 10,500 children attended workshops and planned interviews in various areas of health education.

### *Cluster 13*

#### *Respect for the views of the child*

#### *Recommendation from paragraph 29. CRC/C/SRB/CO/2-3*

Family law contains a provision on the child's right to have his/her opinion heard (art. 65) which is not fully in line with General Comment 12. The child's right to freedom of expression is not guaranteed as a child's general right to be heard that will establish an obligation for parents and employees in all government bodies, institutions and institutions to hear the opinion of the child. The starting points on which the Special Working Group for Drafting the Law on Amendments to the Family Law will work envisage the right of the child to express his/her opinion in proceedings concerning him/her, regardless of the child's age, which has not been the case so far.

Rulebooks defining guidelines, procedures and criteria for consistent interpretation, definition and application of the principle and the right of the child to be heard in the decision-making process of interest to the child in accordance with GC 12 in the education system, social welfare system, health care system and judiciary do not exist.

Also, there are no training programmes on the application of the child's right to have his/her views obtained and adequately taken into account in procedures in education, social welfare, health care and judicial systems, as well as mechanisms at national and local level that allow children participation and their impact on the improvement of public policies affecting them.

The principle of participation is not recognized by the Law on the Fundamentals of the Education System. Consultations with children in order to obtain their view are not conducted,

and authorities at the local and national level in which children participate and give their opinion on topics directly related to them exist only within school parliaments. Following the recommendation of the Committee, the Užice Child Rights Centre drafted a Practical Policy Proposal with a proposal for the Rulebook on Participation and Information of Students in Primary Education and requested the opinion of the Council for the Child Rights, but the proposal has not been considered yet.

As for project activities, handbook on child participation in civil court proceedings has been prepared for judges and experts of the social welfare centres within the project activities of the Child Rights Centre. Within the project "The right of the child to be heard", implemented by the Child Right Centre, with the EU support through the European Instrument for Democracy and Human Rights (EIDHR), brochures and online mobile application were developed for children regarding the right to participate in civil litigation, the alternative care system, education and health care.

#### **D. Civil rights and freedoms (arts. 7, 8 and 13-17)**

##### *Cluster 14*

##### *Birth registration*

##### *Recommendation from paragraph 31. CRC/C/SRB/CO/2-3*

Although ratified international conventions, the Constitution and the Family Law stipulate that every child must be registered in the Birth Registers immediately after birth, the provisions of bylaws governing the registration of births and entry into Birth Registers, in practice create numerous obstacles to registration of children in Birth Registers if their parents do not have identity documents. Children whose mothers do not have personal documents cannot be entered in the birth register immediately after birth, but special procedures are required for them (determination of personal name, subsequent entry in the birth register or extra-judicial proceeding to determine the time and place of birth of the child, which may take a long time).

The provisions of the two bylaws stipulate that data on parents are being entered in the birth registration form and birth register on the basis of their birth certificate (and marriage certificate if they are married) and ID card (or passport for foreigners). This means that if the mother does not have such documents, she will not be able to determine the personal name of her child and the child will remain unregistered in the birth register. This further means that for the child it will be needed to carry out one or more procedures: determining a personal name, subsequent entry in the birth register or determining the time and place of birth, and in some cases the procedure for acquiring citizenship. These procedures can take several months, and in complex cases up to a year or more. During that time, the affected children will be left without a birth certificate and citizenship, and thus, in the most vulnerable period of life, without the right to health care and social protection, while their families, which most often belong to the poorest group of citizens, will be left without parental and child allowance, which only contributes to their social exclusion. In its work, Praxis constantly encounters new cases of Roma children who are not registered in the birth registers, and the reason for that is almost always the lack of documentation from mothers.

Article 7 of the Convention on the Rights of the Child and Article 24, paragraph 2, of the International Covenant on Civil and Political Rights guarantee the right to birth registration and to the personal name of every child, immediately after birth. UNICEF's interpretation of the legal standard - *immediately after birth* reads: "*According to Article 7, a child should be*

*registered "immediately after birth ", which means a period determined in days, not months."* Also, the Constitution of Serbia stipulates that every child has the right to a personal name and registration in birth registers (Article 64, paragraph 2), while the Family Law stipulates that everyone has the right to a personal name and that a personal name is acquired at birth (Article 13).

It is necessary to amend the bylaws: Article 5 of the Rulebook on the procedure for issuing birth certificates and the form of birth registration in a healthcare institution and items 10 and 24 of the Instructions on keeping registers and registration forms. This problem almost exclusively affects the Roma population, which is already one of the most vulnerable and discriminated population groups. Neither the Ministry of Public Administration and Local Self-Government, i.e., the Sector for Registry Books and Registers, which keeps the Central Population Register, nor the Statistical Office of the Republic of Serbia has the data on the number and percentage of children whose birth is registered and whose parents do not have personal documents.

Exercising the right to registration in the birth register (BR) could be difficult due to the Conclusion of the Civil Division of the Supreme Court of Cassation (SCC) on the jurisdiction of the extra-judicial proceeding in the registration procedure in the BR. This conclusion was made in 2020 and according to it, the Court with jurisdiction over non-contentious matter is competent to decide on the proposal for determining the time and place of birth of a person only after the final termination of the administrative procedure in which the request of the same person for registration in BR was rejected because the time and place of birth of the same person were not proven in that procedure. Furthermore, a person who was registered in the BR, but those registers were destroyed, cannot request from the Court with jurisdiction over non-contentious matter to determine the fact of the time and place of birth of that person. Finally, persons registered in BR of the so-called R. Kosovo cannot request from the Court with jurisdiction over non-contentious matter to establish the fact of their time and place of birth.

Refugee and migrant children born on the territory of the Republic of Serbia, whose parents do not have personal documents from the country of origin or usual place of residence, are in practice registered in birth registers on the basis of a certificate issued by the Ministry of the Interior to foreigners who intend to apply for asylum in Serbia or on the basis of an ID card for asylum seekers in the case of persons who have already submitted an asylum application. Both documents are issued in accordance with Article 87 of the Law on Asylum and Temporary Protection. During 2020, one child was registered in the birth register on the territory of Belgrade, whose one parent is a migrant with no personal documents, i.e., he only had a photocopy of the documents. The disadvantage that appears here is the impossibility of acquiring the citizenship of this category of children. The problem arises because their parents, due to the fact that they seek or received asylum in Serbia, are not able to apply for citizenship of the country of origin for their child born in Serbia, due to fear of persecution. This is exactly why these children do not have any citizenship, neither of the country of origin of their parents nor Serbian, so they become stateless. There are no data on the number of initiated proceedings for determining the citizenship of children whose parents are stateless or whose citizenship is unknown.

The number of citizenships granted to children whose parents are stateless or whose citizenship is unknown remains unknown. Article 13 of the Law on Citizenship stipulates that a child born or found on the territory of Serbia acquires citizenship by birth (*jus soli*) if both parents are unknown or of unknown citizenship or statelessness or if the child is stateless. However, the law envisages this type of acquisition of citizenship as subsidiary, whereby a child cannot

acquire Serbian citizenship automatically but on the basis of a constitutive decision of the competent authority.

The procedure for determining citizenship is regulated by Article 44 of the Law on Citizenship, which stipulates that the ministry in charge of internal affairs determines citizenship for a person who acquired Serbian citizenship but is not registered in the birth register or in the records of citizens kept under current regulations. The procedure is initiated at the request of a person who has acquired citizenship but is not registered in the birth register, i.e., at the request of the competent body conducting the procedure for exercising the rights of a person or ex officio. Serbia has not yet developed or implemented procedures for determining the status of stateless persons.

It is clear that this also applies to the Republic of Serbia, where the problem still arises due to the fact that there is no procedure for naturalization of refugees and thus refugee children, which automatically violates the fundamental rights proclaimed by the Convention. The fact is that Article 71 of the Law on Asylum and Temporary Protection stipulates that the Republic of Serbia will provide conditions for the inclusion of persons granted the right to asylum in social, cultural and economic life, as well as enable the naturalization of refugees, within its capabilities. Furthermore, it was proclaimed that the manner, conditions, procedure and other issues relevant for the naturalization procedure are determined by the Government based on the proposal made by the Commissariat for Refugees and Migration. Despite these legal provisions, the procedure has still not been established.

At the end of last year, the competent ministries issued instructions on the actions of the authorities in the case of the birth of a child whose parents do not have personal documents. However, this act is not only non-binding, but in no way does it try to systematically solve the problem of timely enrolment of children in the BR. The instruction contains only guidelines on what the relevant authorities should do to initiate procedures for mothers aimed at obtaining their documents, while children remain unregistered until mothers obtain ID cards.

The conclusion is that a systemic solution is needed through the change of the laws and bylaws that would enable the entry in the birth registers of all children, including those whose parents do not have personal documents. Also, making the naturalization of refugees on the territory of Serbia possible is necessary in order to prevent statelessness among this category of children born in refugee families. Such changes in regulations would harmonize the legislation with international legal regulations to which the Republic of Serbia is obliged.

## **E. Violence against children (arts. 19, 24 para. 3, 28 para. 2, 34, 37(a) and 39)**

### *Cluster 15*

#### *Freedom of the child from all forms of violence*

#### *Recommendation from paragraph 33. CRC/C/SRB/CO/2-3*

The Government of Serbia has adopted the Strategy for the Prevention and Protection of Children from Violence for the period 2020-2023 and the corresponding Action Plan on 21 May 2020. The strategy prescribes the measure of harmonization of the General Protocol for the Protection of Children from Abuse and Neglect and the Special Protocols. However, the Government of Serbia has not yet formed a Working Group for the implementation and monitoring of the Strategy, nor have civil society organizations been appointed to participate in monitoring and reporting on implementation.

On 29 October 2021, the Ministry of Family Care and Demography formed a special working group to draft the text of the Draft General Protocol for the Protection of Children from Violence with the aim of harmonizing the protocol with EU best practices and including all forms of violence against children in the General Protocol. General Protocol was adopted in February 2022.

During the first ten months of 2021, the National Preventive Mechanism (hereinafter: NPM) conducted 12 visits to institutions where children are present. According to the information received from the Protector of Citizens, there are internal procedures for submitting complaints and grievances by beneficiaries and their parents/guardians in the institutions where children are accommodated. Violence is reported to a person of trust, i.e., employed social worker, psychologist, special educator or nursing staff, who are mostly in direct contact with beneficiaries. These persons are, as a rule, part of the internal teams for the prevention of violence in institutions, or when violence occurs, responsible for reporting it, providing support and rehabilitation to the user who has been exposed to violence. Children and their parents/guardians are informed about the possibility of complaint by employees of institutions.

Also, according to the data obtained from the Protector of Citizens, minors must be informed of their rights when deprived of their liberty. The presence of parents, guardians or the Centre for Social Welfare is mandatory, and employees who conduct interviews with them must have a certificate for working with minors. During deprivation of liberty, children are informed in writing and orally about the manner in which they may file complaints regarding deprivation of liberty, conditions of detention and treatment.

In the period from 2017 to 2019, the NPM sent a total of 54 recommendations related to the treatment of minors. The total number of recommendations acted upon was 26, and other recommendations (28) were not acted upon or further monitoring is needed. During the first ten months of 2021, 12 NPM recommendations regarding the deprivation of liberty of children, conditions of detention and treatment were acted upon, which is 92.3% of the due recommendations for which the outcome of the action is known. During the first ten months of 2021, the Protector of Citizens did not receive any complaints from children regarding deprivation of liberty, conditions of detention and treatment.

The NPM does not visit all places where children are deprived of their liberty often enough, although these children are at the highest risk of potential violence, and the reports do not contain detailed information on deprivation conditions and treatment of children with specific recommendations. Also, children in institutions and alternative care centres are not adequately informed about the existing mechanisms that enable them to report violence in a language that children can understand, as well as about the existing mechanisms for filing complaints regarding deprivation of liberty, conditions of detention in a confidential, safe and child-friendly way. Inspections that supervise the social welfare system do not pay regular visits to all the places where children are deprived of their liberty, and reports are not available.

The team of the Initiative for the Rights of Persons with Mental Disabilities MDRI-S and Disability Rights International conducted monitoring of social welfare institutions where children live (3 institutions for children and youth with disabilities and five institutions for children without parental care and children with disabilities), as well as special boarding schools and one private institution for accommodation of children (SOS Children's Villages) during 2019. According to the findings of the monitoring, there is no adequate information for children in institutions and alternative care about the already existing mechanisms for filing a complaint regarding deprivation of liberty, conditions of detention and treatment in a language that the child understands.

Preventive mechanisms for the protection of children with intellectual and other psychosocial impairments from any kind of physical or sexual violence do not exist, nor mandatory training on violence against children for all relevant professionals.

There has been some progress in this area, primarily in protecting children from violence in the digital environment. A new subject "*Digital World*" has been introduced in the first cycle of compulsory education, providing children with training on the Internet safety and the digital world. Significant progress has been made through the project "*Safe Internet for the whole family*", launched by UNICEF and Telenor, in cooperation with MoESTD and Užice Child Rights Centre, with the aim of empowering parents, educators and teachers for a safe use of digital technologies and the Internet, and reducing children's exposure to online risk. Trainings have been developed and realised for educators and teachers, a Guide to a safe and constructive use of digital technologies and the Internet "Children in the digital age" has been developed, intended for educators and teachers for the implementation of workshops with children and parents on the basis of which an e-version of training was developed, available to all parents, teachers and educators in Serbia. A special resource is the *Digital Guide*, which contains key positive and constructive messages about the online safety: <https://digitalni-vodic.ucpd.rs/>. For children, 4 cartoons on child online safety were created (three animated videos intended for children aged 7-8 and one for children aged 4-6) suitable for continuous dissemination through the media and social networks. The National Conference on Prevention of Digital Violence and Online Risks was also organized for 150 parents and employees in education.

In order to improve intersectoral cooperation in protection against all forms of violence involving children and students, the Serbian Government Working Group for Combating Violence in Schools adopted one of its conclusions as amendments to the existing Rulebook on the Protocol on Response to Violence, Abuse and Neglect. In accordance with the conclusion of the Working Group, the Ministry of Education, Science and Technological Development started amending the Rulebook. Key changes include the area of intersectoral cooperation, responding to situations of violence against employees in the education system, emphasizing responsibility for the timely response and actions of schools and families, improving procedures at the level of preschool education. Also, based on the analysis of the current application of the Rulebook in institutions, the definition of procedures has been improved in order to better understand and ensure the standardization of their application, especially in sensitive situations.

Local agreements/protocols on intersectoral cooperation in the process of protection of children from violence, abuse and neglect have been adopted in 39 municipalities in Serbia, which is certainly a significant progress. The most common shortcomings of these agreements are: lack of cooperation of all stakeholders at the local level, violence is mostly seen in the context of the family - not in other settings, non-recognition of all forms of violence (e.g. violence in the digital environment), children are mostly seen as a homogeneous group – there are no special protection measures for children from particularly vulnerable groups, there is the inconsistent system and manner of recording cases of violence, lack of regular reporting obligations, unclearly defined coordination. In most other municipalities, there are certain protocols that deal with the coordination of services in the prevention and response to cases of violence, but they do not have a primary focus on child protection, but are more related to violence against women in intimate partnerships.

#### *Cluster 16*

#### *Protection from abuse and neglect*

#### *Recommendation from paragraph 35. CRC/C/SRB/CO/2-3*

The process of adopting the Strategy for Prevention and Protection of Children from Violence for the period 2020-2023 was supported by UNICEF and through numerous consultations held with children, children's participation was recognized as an important part of the monitoring and reporting mechanism. The Child Rights Centre has published a concise analysis of the newly adopted Strategy. The Government of Serbia has not yet established a Working Group for the implementation and monitoring of the Strategy, nor have CSOs been appointed to participate in monitoring and reporting on implementation. It is a concern that the implementation of the Strategy has not started yet, given the fact that the prevention and suppression of violence against children, as well as the protection of children from violence, should be a priority in improving the position of children's rights in Serbia.

There is no developed, comprehensive, gender-sensitive and harmonized system for recording and monitoring cases of violence in all relevant sectors (healthcare and social welfare, education, police, judiciary, civil society organizations) that allows assessing the scale, causes and violence as well as standardized indicators.

In 2020, at least 8 out of 10 employees in the Sector for the Rights of the Child, Gender Equality and the Rights of Persons with Disabilities within the Protector of Citizens dealt with the protection of children's rights, while in 2021 that number was reduced, so 5 out of 9 employees dealt with the child rights protection.

35.D. The Law on Prevention of Domestic Violence was adopted in 2016, after which the training for the application of the law for judicial bodies was conducted by the Judicial Academy, but without a special focus on child protection. Community programmes aimed at preventing and solving the problem of domestic violence and violence against children in general are mainly financed through projects implemented by civil society organizations, but there is no single database from which the number of workshops, trainings, forums, etc. could be identified so as to inform and sensitize the public about special types of endangering the rights of the child (peer violence, sexual violence, child abuse and neglect, etc.).

#### *Cluster 17*

##### *Protection from corporal punishment*

##### *Recommendation from paragraph 37. CRC/C/SRB/CO/2-3*

An explicit prohibition of corporal punishment of children is still not provided by law.

The starting points on which the Special Working Group for Drafting the Law on Amendments to the Family Law is working are introducing a prohibition of corporal punishment of a child as an educational discipline of a child. It remains to be seen how this will be regulated and when the law will be adopted and enter into force. Also, the Draft Law on the Rights of the Child and the Protector of the Rights of the Child, provides for an explicit prohibition of corporal punishment and provides a definition of such conduct.

Campaigns to promote positive, non-violent and participatory forms of child-rearing and discipline are conducted mainly through project activities of civil society organizations.

#### *Cluster 18*

##### *Prohibition of child marriage*

##### *Recommendation from paragraph 38. CRC/C/SRB/CO/2-3*



The Strategy for the Prevention and Protection of Children from Violence for the period 2020-2023 recognizes the problem of child marriages and goes a step further by making a clear distinction between child, early and forced marriages. It defines them as forms of violence that constitute a gross violation of the rights of the child, especially of girls, which are in conflict with the Convention on the Rights of the Child. As one of the measures in the fight against child marriage, the Strategy proposes deleting the provision allowing the marriage of minors with the permission of the court, and as one of the desired changes, the Strategy states the development of prevention, direct support and protection of children from vulnerable groups, recognising, *inter alia*, the Roma children who are most often victims of child, early and forced marriages.

Although some progress has been made regarding this recommendation, such as the signing of a Memorandum of Understanding in the field of preventing child marriage and improving the situation of children and youth in Serbia between the Coordination Body for Gender Equality and UNICEF (2018), and launching a National Coalition to End Child Marriage, which consists of more than twenty organizations and institutions dedicated to the promotion of children's rights and efforts to end the harmful practice of child marriage in the Republic of Serbia (2019), it is difficult to assess the impact of measures and activities in practice.

The Republic of Serbia has not yet established a system for monitoring child marriages, nor is data on the cases segregated by ethnicity. However, after the introduction of mandatory Instructions to Social Welfare Centres by the Ministry in charge of social welfare (2019) which indicate how these institutions should act in case of suspicion of child marriage, a review concerning child marriages was published within the reports by the social welfare system for 2020. The review gives a partial insight into this phenomenon, its prevalence, structure and characteristics of victims and the like. The report "*Children in the social welfare system*" states that in 2020, the Social Welfare Centres registered a total of 141 child victims of child marriage. Children aged 16-17 predominate with 60.3%, while the share of girls is 95%. There were also seven boys victims of child marriage. Of particular concern is the educational structure of families, and thus children at risk of child marriage: 36.9% of parents have not completed primary school, 27.3% of parents have completed primary school, and only 9.2% of parents have completed secondary school. Mothers have a lower level of education than fathers. When it comes to the educational structure of child victims of child marriage, it is also unfavourable: 12.1% do not attend primary school, 36.2% do not attend secondary school, while 17% have completed schooling. According to the ethnicity of child victims of child marriage, they are predominantly Roma - in 57.4% of cases, and 28.4% of children are Serbs.

According to the MICS-6 survey for 2019, about 4 percent of young women aged 15-19 are currently married or living in a common law marriage, while in Roma settlements, the observed category shows a multiplied percentage - as many as 34 percent of young women aged 15-19 year is currently married or living in a common law marriage.

According to the Daje organization, 30% of Roma women enter marriage or common law marriage by parental decision or are forced by a partner, while 67% of Roma women enter marriage or common law marriage under the age of 18. As Daje emphasizes, the data on the number of filed criminal charges and initiated criminal proceedings for the criminal offenses of *Forced Marriage and Common Law Marriage with a Juvenile* are significantly lower in relation to the estimated prevalence of forced marriages and juvenile common law marriages in the Roma population in Serbia. Their findings raise questions about the deeper reasons for not reporting these crimes, and recommend further research.

In January 2021, the NGO Praxis published a survey in records regarding persons who were at risk of having a child marriage and who were in a child marriage. The answer given by a significant number of SWCs - that they do not keep any kind of records on persons who were at risk of having a child marriage and in a child marriage - 38 centres (33%) is a reason of concern.

In some cities in Serbia, workshops were organized by mediators in cooperation with civil society organizations, especially on the topics of reproductive health and prevention of early marriages and underage pregnancies. Various activities related to immunization and reproductive and sexual health, protection against infectious diseases were carried out, although they were not held regularly and are not planned in all health centres every year.

As for the child shelters, in July 2019, the Shelter for Victims of Trafficking began working within the Centre for the Protection of Victims of Human Trafficking, with the possibility of accepting girls and boys (up to a certain age) but with the primary purpose of accommodating adult victims. In late February 2019 in Belgrade, at a new address, the Shelter for Children of Belgrade started working, intended for the most endangered categories - neglected, abused and children without parents or guardians, as well as children who were victims of human trafficking, aged 7-18. Part of this facility is the Drop-in centre, intended for the daily stay of children in a street situation. Although it also provides support to children from other cities and municipalities, the Shelter is primarily intended for the most vulnerable categories of young people from Belgrade.

The number of child victims who were provided with counselling services, annually, as well as the number of programmes and the amount of funds allocated for support programmes for children at risk of child marriage and their families cannot be monitored based on currently available data provided by authorities and institutions.

Awareness-raising campaigns on the harmfulness of child marriages are mainly conducted within the framework of CSO projects and do not have a wider scope. The campaign "Childhood, not marriage" was launched by the National Coalition to End Child Marriage in the summer of 2021. The goal of the campaign was to draw the attention of the public and professionals to the problem of child marriages.

Within the project "Child marriage is not a Roma tradition": A survey was conducted on a sample of 3,000 Roma families (sample of 3,000 Roma women aged 15 to 65) on the prevalence of child marriage in the Roma community. Data from the most extensive research on this topic were obtained on the basis of structured questionnaires. The analysis of the research was presented at round tables in 30 cities and posted on social networks; 2,600 young Roma men and women aged 12 to 18 improved their knowledge of children's rights through 60 workshops on the topic *The importance of education for progress in society*; 3. 600 parents of Roma children participating in the workshops by organizing 30 debates on *Harmful consequences of child marriage on the mental and physical health of children with reference to legislation that sanctions this negative practice* is empowered to improve their attitudes on this topic and change negative community practice; The campaign *Children's marriage is not a Roma tradition* was shown on 7 national media with the broadcast of videos in which 6 successful Roma women send messages to girls; in each of the 30 cities involved in the project, members of the network organized street actions to distribute promotional material; 15 round tables were organized at which Protocols on cooperation with relevant local actors on the prevention and protection of children from child marriages were signed.

**F. Family environment and alternative care (arts. 5, 9-11, 18 (paras. 1 и 2), 20-21, 25 and 27 (para. 4))**

*Cluster 19*

*Children deprived of a family environment*

*Recommendation from paragraph 40. CRC/C/SRB/CO/2-3*

Children up to the age of three are predominantly in family accommodation - about 90% of the total number of children in accommodation. Although, except in exceptional situations, children up to 3 years of age are not usually placed in institutions, there is a continuous presence of about 20 children of this age in residential accommodation, which was the case in 2020 as well. In July 2021, there were eleven children under the age of 3 in the Kolevka Centre in Subotica (almost 7% of the total number of beneficiaries). Data on the share of children under 3 years of age with developmental disabilities and Roma children in the total number of children in family accommodation are not available.

The Regulation on the Network of Social Welfare Institutions is not harmonized with the Law on Social Welfare and prescribes a capacity greater than 50 for a certain number of centres. However, there has been progress in the transformation of residential institutions for children and young people without parental care, so out of a total of 10 institutions for children and young people without parental care and developmental disabilities, only two institutions have a capacity of more than 50, while their occupancy of about 60%. Through the process of transformation and deinstitutionalization in most of these institutions, the number of beneficiaries is continuously decreasing. However, the situation is extremely bad when it comes to institutions for children and youth with disabilities. Out of six institutions, four have a capacity of over 50, and some up to 500 beds. At the same time, the occupancy of these capacities is very high and over the years it is over 90%, but there is a noticeable trend of declining occupancy, and in 2020 it amounted to 88%.

There are no reliable data on measures and activities that contribute to the reduction of the number of children in institutions for children with disabilities. When it comes to preventing the institutionalization of children, one of the important measures is the development of community services to support the family and inclusion. According to the latest Mapping of social protection services, day care services for children and youth with disabilities in 2018 were provided in 64 out of 144 local self-government units in Serbia and included 2,000 children; only 14 local self-government units have an organized home assistance service for children and youth, which includes about 200 children and youth; the personal companion service is provided by 76 local governments for about 1,700 children and youth, and the respite care service is provided by only 6 local government units.

Out of 19 institutions for children and youth, only one does not have an internal team for procedures in cases of violence against users.

No data is available on the number of cases in which it has been established that there is accountability for the abuse or neglect of children in accommodation.

So far, no expert instruction has been issued with clear criteria for determining whether and when the application of alternative measures is justified and in the best interests of the child. However, SOS Children's Villages Serbia has trained more than 600 professionals and caregivers to access children in an alternative care system based on their rights. The training "Alternative care and children's rights" is accredited by the Republic Institute for Social Protection and available to professionals from the social welfare system. Also, useful

publications have been developed: Know Your Rights, Exercising Children's Rights, Handbook and Securing Children's Rights.

There are no reliable data on the percentage of young people who left accommodation in the social welfare system using the support services for independent living. There are relatively reliable data on the use of supported housing services after leaving the accommodation, according to which about 70% of young people who had left protection used this service. Data on the number of young people who use the right to financial support during one year after leaving the accommodation, established by the Decision on Social Welfare of the City of Belgrade, are also available, according to which about 50% of young people who had left accommodation exercised that right. There are no reliable data on young people who have left the accommodation centre within the social welfare system and the support they receive within the National Employment Service. The proposal to amend the Law on Social Welfare, introducing the right of children and young people who leave accommodation to financial assistance for a period of two years, conditioned by active job search, was not adopted.

There are no reliable data on campaigns and other activities for awareness-raising in society in order to counteract the stigmatization and discrimination of children in the system of alternative care.

#### *Cluster 20*

##### *Adoption*

##### *Recommendation from paragraph 42. CRC/C/SRB/CO/2-3*

There are no reliable data on the number of implemented programmes to reduce misconceptions regarding the adoption of children with disabilities and Roma children. According to the data of the Ministry in charge of social welfare, in 2018, 28 children with disabilities and Roma children were adopted (by foreign citizens). The share of adopted children with disabilities and Roma children in the total number of children with disabilities and Roma children who are estimated to have been adopted in their best interest was 42.5% in 2017.

There is no accredited support programme for caregivers and children, nor available data on the participation of adoptive parents supported in the total number of adoptive parents per year.

### **G. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) and 33)**

#### *Cluster 21*

##### *Children with disabilities*

##### *Recommendation from paragraph 44. CRC/C/SRB/CO/2-3*

An adequate database has not been created, nor has a study and analysis been conducted on the effectiveness of the implementation of the Convention on the Child and existing laws and policies, for the purpose of statistical monitoring of the situation. There are no studies and analyses on the effectiveness of the implementation of the Convention on the Rights of the Child and existing laws and policies that contain relevant data on children with disabilities.

It is necessary to conduct research on the state of support of the social welfare system for children with disabilities and their families and make recommendations for improving the system, which has not been done so far.

There are no data on awareness-raising campaigns aimed at combating stigma and prejudice against children with disabilities.

In Serbia, community services, despite some improvement, are still underdeveloped - home assistance for children with disabilities is provided in a very small number of local self-governments, day care is organized by less than half of the municipality, and personal companion service is organized by half of the municipalities. In Serbia, in 2018, about 2,000 children were included in day care, with the home assistance for about 200 children and young people, and 1,700 children and young people were included in the personal companion service.

For parents who are unable to work, there are two possibilities for financial security: a) the right to an allowance for assistance and care of another person who in case of developmental disabilities/disability of the highest degree amounts to about 125% of the minimum net salary including social pension for parents not employed, b) absence from work until the child reaches the age of 5 with 100% of the compensated salary for all five years.

In addition, since 2018, all children with disabilities are entitled to increased child allowance, regardless of the financial situation of their families. The allowance is increased by 50% and currently amounts to 4,567.35, which is a significant shift compared to the initial observed period when the allowance was increased by 30% and was received only by children from financially disadvantaged families.

#### *Cluster 22*

##### *Health and health services*

##### *Recommendation from paragraph 46. CRC/C/SRB/CO/2-3*

Women in the reproductive period (15-19 years) are insured (compulsory health insurance) in 97% of cases, and the same percentage of women in the reproductive period in Roma settlements who have health insurance according to 2019 MICS data. Children under the age of 5 are insured in 99% of cases in Serbia, while children of the same age are insured in Roma settlements in 96% of cases. Children aged 5 to 17 are insured in 99% of cases in Serbia, in Roma settlements 97% of children of the same age are insured. There are 97% of women in Serbia undergoing a prenatal examination at least four times, while 80% of women underwent the examination for 8 or more times. In Roma settlements, 95% of women who gave birth in the last two years had had a prenatal examination more than once, 83% at least four times, and 43% eight or more times.

Maternal mortality in Serbia increased from 10.8 deaths of women during pregnancy, childbirth and puerperium per 100,000 live births in 2017 to 14.1 in 2018, in 2019 the value of this ratio was 6.2 per 100,000 births, to increase to 9.7 in 2020, but it should be borne in mind that this is an unlikely event, so a better insight into the trends of maternal mortality is obtained by calculating multi-year average.

The average number of preschool children per doctor in this service at the PHC level was 659 in 2018, in 2019 the provision of doctors was reduced to 671, and in 2020 to 681. The average number of visits per doctor annually in 2018 year was 5,142, which is virtually unchanged in 2019 with 5,018. The number of visits per doctor was significantly reduced in the first year of

the Covid-19 pandemic, and thus amounted to 3320 in 2020. The number of visits per day also decreased from 23 visits in 2018 and 2019 to 13 visits per day in 2020.

The average number of school children and youth (7-19 years) per paediatrician in this service at the PHC level was 1,410 in 2018, 1,448 in 2019 and slightly increased to 1,459 in 2020, while the annual burden of 5,124 visits per doctor in 2018 remained unchanged in 2019 with 5,154 and significantly reduced in 2020 to 3,222 visits on average, similar to the average number of daily visits which dropped from 23.1 visits in 2018 and 2019 to 15 visits in 2020.

The conclusion is that the burden and use of these services are within the prescribed norms or are lower until 2019, while in 2020, as a consequence of lockdowns, isolation and limited freedom of movement, that number will be significantly lower.

The profession of health mediator has been recognized in the development of the National Qualification, but there is still no progress in the relevant education programmes, nor has a sustainable model of institutionalization of health mediators been chosen, and therefore their workplace is not systematized. The number of health mediators has increased to 85 in 2019.

According to available data, only the Faculty of Medicine in Novi Sad, within the academic studies of special education and rehabilitation, introduced the subject: Models and systems of special education and rehabilitation (relating to children with disabilities). It is noteworthy that the programmes of academic and postgraduate studies at the faculties of health care in Serbia are not standardized.

There are few development counselling centres in Serbia, but they still do not have adequate resources, they are not evenly distributed, so access is limited and the quality of work is uneven. There are currently 35 developmental counselling centres, but not all of them are functional (they do not have the equipment or dedicated premises), and only 12 are equipped, and three of them have a paediatrician working exclusively in the counselling centre. The formal criterion is that the municipality must have at least 8,500 preschool children in order to establish a counselling centre, but due to the low birth rate, many municipalities do not have enough children to establish a counselling centre.

During the development of the register on children with disabilities, the Serbian Institute of Public Health "Dr Milan Jovanović Batut" developed a Professional Methodological Instruction and conducted training for keeping the register. The focus of all activities of this institution on the response to the COVID-19 epidemic has slowed down the work on the creation of the register.

In 2018, the Ministry of Health published "Guidelines for screening, diagnosis and interventions in children with autism". There are no data on the coverage of live births by hearing screening.

Most health care institutions in PHC highlighted the information on active immunization of the population against infectious diseases on their website.

WHO Immunization Week in the European Region is regularly celebrated in Serbia, from 24 to 30 April 2019, from 26 to 26 April 2020, under the slogan "Prevent, protect, vaccinate", as well as the XVI week of immunization from April 20 to May 2, 2021, under the slogan "Vaccines bring us closer".

The vaccination and revaccination coverage with all vaccines provided for in the Compulsory Immunization Calendar has increased compared to 2017, so immunization against diphtheria, tetanus, whooping cough, polio and diseases caused by *Haemophilus influenzae* type 6 with a combined pentavalent vaccine was carried out with the coverage of 94.7%, and revaccination of children with the same vaccine with a coverage of 89.3%. In addition to the first vaccination with the vaccine against smallpox, mumps and rubella (MMR) in the second year of life, with a coverage of 93.4%, children were revaccinated with this vaccine before enrolling in school with a coverage of 91.6%. The percentage of children vaccinated against diphtheria, tetanus and pertussis (DiTePer) in the first year of life in 2018 was 94.7%, and the percentage of children vaccinated against smallpox in the first 18 months of life in 2018 was 93,4%. According to the 2019 Immunization Report, the coverage of new-borns with BSG vaccine against tuberculosis was 98.2%. According to 2019 MICS data, 80% of children in Serbia aged 24-35 months received all recommended vaccines (excluding PCV vaccine and revaccination) but only 69% received all vaccines on time (MMR until the second birthday, and all other vaccines until the first birthday). In Roma settlements, 63% of children of the same age received all the recommended vaccines, but only 35% received all vaccines on time. The Pfizer/BioNTech vaccine has been approved in Serbia for children over the age of 12 and has been available since June 2021.

World Breastfeeding Week is regularly celebrated in the first week of August, and in Serbia, the National Breastfeeding Promotion Week is also celebrated on the 40th week of the year (symbolic duration of pregnancy). The National Week was marked from October 1 to 7, 2019, under the slogan: "Support breastfeeding - empower parents now and in the future." In 2020, World Breastfeeding Week (August 1-7) and National Breastfeeding Week (September 28 - October 4) were marked under the slogan "Support breastfeeding - for a healthier planet".

The Regulation on the National Programme for Support of Breastfeeding, Family and Developmental Care of New-borns was released in July 2018.

No data are available on milk formula consumption and cases of violations of the Code on Advertising Breast-milk Substitutes, although UNICEF has launched a campaign to have mothers report cases of advertising breast-milk substitutes observed in maternity hospitals or health centres.

“Rosa” sponsorship of breastfeeding support also includes the education of health workers in this area, but no data is available on how many health workers have been educated or how many maternity hospitals have written breastfeeding support policies - these data can be provided by special research.

Breastfeeding counselling centres in health centres operate within the "School for Parenting", of which 25 were open by 2019.

Support for the development of the "School for Pregnant Women and Parenthood" followed the establishment of human milk banks in Belgrade, Novi Sad and Kragujevac. More than 5,000 babies and their parents received breastfeeding support and assistance in raising infants in these schools in partnership with Rosa and Serbian Ministry of Health.

According to MICS data, although 93% of children in Serbia have ever been breastfed, only 24% of children aged 0-5 months are exclusively breastfed, and 54% are predominantly breastfed. In infants from Roma settlements, 91% of children were ever breastfed, only 8% were exclusively breastfed, and 40% were predominantly breastfed according to the same source in 2019.

MDRI-S points out that, when it comes to the period from the beginning of the pandemic to the end of 2021, data on the treatment of children living in institutions are completely non-transparent and that the number of children with Covid-19 infection is unknown, as well as the place and manner in which they were treated, including the number of possible deaths in these institutions.

#### *Cluster 23*

##### *Mental health*

##### *Recommendation from paragraph 48. CRC/C/SRB/CO/2-3*

There is practically no data available on mental health services for young people and adolescents, although their mental health is in the focus of health policies in the coming years. In most districts of Serbia, there are no services intended to protect the mental health of young people, nor educated staff who would specifically address the mental problems of this population. These services exist only in large university centres (Belgrade, Novi Sad, Niš and Bor for now) either in psychiatric departments or in health centres. There are also no data on the number of young doctors and psychologists who deal with these problems, nor data on the use of these services.

According to the data from the Situational Analysis of Children and Adolescents in Serbia in 2019 conducted by UNICEF, in that year Serbia had a total of 32 experts in child and adolescent psychiatry (approximately one expert per 40,000 children), which is not enough to cover existing needs. In the National Programme on Mental Health Protection in the Republic of Serbia for the period 2019-2026, adopted at the end of 2019, it is stated that the total number of psychiatry specialists dealing with children and youth and child and adolescent psychiatry specialists in Serbia is 47 (of whom 24 are specialists in child and adolescent psychiatry). Of the mentioned number of psychiatrists dealing with children and youth, 38 work in psychiatric institutions, while 9 specialists in child and adolescent psychiatry work in regional health centres, outpatient health centres and private practice, which makes one specialist psychiatrist per 27,400 children/adolescents aged up to 18 years. This Programme states that child and adolescent psychiatry services at all levels of health care are underdeveloped, that the connection with other services for children and youth - both paediatric and adult psychiatry services is inadequate, and that intersectoral cooperation is insufficiently developed. This Programme also emphasizes the absence of community mental health centres and other non-institutional psychiatric services, so its goals set out the establishment of these services (centres) that will support comprehensive mental health care with minimum restrictions and as close as possible to the place of residence or abode of families of the patient.

#### *Cluster 24*

##### *Adolescent health*

##### *Recommendation from paragraph 50. CRC/C/SRB/CO/2-3*

There are no data available on the number of sexual and reproductive health trainings for adolescents, nor on the programmes available in schools or youth counselling centres. It is estimated that Serbia needs at least 41 counselling centres. A total of 15 (37%) health centres in the district headquarters have this counselling centre. A number of non-governmental organizations for young people organize their own counselling centres (the problem of accreditation of these counselling centres and standardization of their work). A single database on adolescent health has not been formed.

The share of underage pregnancies (female under the age of 19) in the total number of pregnancies in 2018 was 2.9%, the share of abortions of minors of the same age according to



official data in 2018 was 3.0%, and the share of underage marriages in which the bride aged 16 to 19 in 2017 was 3.7%. It is estimated that the rate of adolescent pregnancies is 50 per 1000 girls of this age. At the beginning of January 2018, the Regulation on the National Programme for Preservation and Promotion of Sexual and Reproductive Health entered into force in Serbia, with the aim of reducing risky sexual behaviour of young people and adolescents and engaging the entire population in preserving sexual and reproductive health.

The coverage of children and adolescents with hepatitis B immunization in the first year of life was 92.3% in 2017, and in 2018 it dropped to 90.3%, while the coverage of vaccination at 12 years of age in 2017 was only 69.2%, while in 2018 all generations who missed the vaccination are listed, where the coverage with vaccination was 47.2%. Immunization of children in the first year of life against hepatitis B was carried out in 2019 with the coverage of 90.9%. There are no official data on the coverage with HPV vaccine (vaccine against diseases caused by human papilloma viruses) as it was purchased by parents on their own initiative. There were indications that this vaccine should be free by the end of 2018, but that did not happen.

There are no recent data on the prevalence of drug use among adolescents - these data are obtained from the ESPAD survey, which was last conducted in Serbia in 2011. No data is available on the number of accredited addiction treatment centres.

#### *Cluster 25*

##### *Standard of living*

##### *Recommendation from paragraph 52. CRC/C/SRB/CO/2-3*

Recommendations of measures and additional funding were made in order to prevent the dropout of children from vulnerable groups. Indicators for monitoring material support under the jurisdiction of social welfare units were developed and tested: indicators of the size and scope of the programme and performance indicators related to coverage, average amount of transfers and adequacy with a focus on poverty reduction.

There are no data on targeted consultations with families and children.

Approximately 276,000 children and young people in Serbia were entitled to child allowance in 2020, which is significantly less than in previous years. The coverage rate for children and young people up to 19 years of age is approximately 20.6%. In relation to the initial situation, there is a tendency to reduce the number of users covered by this right. The child allowance averaged RSD 3,091 per month in 2020, for children from single-parent families it increased by 30% and amounted to RSD 4,018, and for children with developmental disabilities it increased by 50% and amounted to RSD 4,636.

#### *Cluster 26*

##### *Impact of climate change on the rights of the child*

##### *Recommendation from paragraph 53. CRC/C/SRB/CO/2-3*

The Law on Climate Change was passed in March 2021. This law, together with the Law on Disaster Risk Reduction and Emergency Management, is the basic law that regulates the issue of adaptation to changing climatic conditions and disaster risks. It is a concern that these laws do not recognize children as a vulnerable group, as well as that they do not contain an obligation to take children into account as a vulnerable group when assessing risks and making plans.

Key strategic documents in the field of disaster risk management have not yet been adopted. The Strategy for Combating Climate Change with an action plan as an umbrella document and the Strategy for Adaptation to Changed Climate Conditions are being prepared (drafting planned through IPA 2016). These documents do not provide a risk assessment methodology that is sensitive to child-related issues.

In 2020, UNICEF conducted the Analysis of the Climate Situation and Its Impacts on Children in Serbia, which was published in September 2021. One of the main conclusions is that the lack of infrastructure and the existence of major pollutants will have a negative impact on children's health and their access to services, nutrition and protection, as well as their combination for the effects of climate change.

In the research "Children's rights to a healthy environment in Serbia" in 2021, the Child Rights Centre mapped the challenges in exercising the child's right to a healthy environment in Serbia, examined the attitudes of children and youth about exercising this right, and created recommendations to promote the child's right to a healthy environment. In addition, the Child Rights Centre published "Analysis of the legislation of the Republic of Serbia from the perspective of the child's right to a healthy environment" where it was pointed out that there is no systematic legislative framework in the field of children's rights to a healthy environment, and that this field is regulated by the legislative framework governing various areas of environmental protection or other areas of law. Also, recommendations for improving this area were given.

## **H. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)**

### *Cluster 27*

#### *Education, including vocational training and guidance*

#### *Recommendation from paragraph 53. CRC/C/SRB/CO/2-3*

The law prescribes general principles of education which stipulate that the system of education must be equal for all children, based on social justice and the principle of equal opportunities without discrimination on any grounds. Also, one of the basic principles of education is inclusive and intercultural education by reducing the dropout rate in the education system, especially for people from socially vulnerable categories, from underdeveloped areas, people with disabilities, and other people with special needs or learning difficulties.

The Law on the Fundamentals of the Education System stipulates that if a child, student, as well as an adult needs additional support in education and training, the institution ensures the removal of all obstacles (physical and communication), adjustment of the school programme and development, adoption and implementation of individual education plan. Also, according to this law, the National Education Council has the obligation to monitor, analyse and make recommendations for reducing the dropout of children and students from the education system and to determine proposals of measures to continue education of persons who have left the system. Based on the Law on Primary Education and the Law on Secondary Education, schools have the obligation to plan measures for the prevention of dropouts in the school development plan, to implement and monitor them.

The new Rulebook on Detailed Conditions for Exercising the Right to an Individual Educational Plan (IEP), its implementation and evaluation introduced new elements of the IEP, which may include a transition plan for an individual student (child and pupil support plan for joining education, when transiting to another level of education or when transiting to another

educational institution), as well as a plan for the prevention of early school leaving for children and students at risk of early school leaving. The individual educational plan aims at the optimal development of the child as well as the realization of the educational needs of the child.

Furthermore, the existence of an Interdepartmental Commission for Assessing the Need for Additional Educational, Health and Social Support is prescribed. Additional support is reflected in the services provided to the child in order to overcome obstacles that the child has, so that the child can freely perform life activities that are important for inclusion in the educational process and life in the community to advance the child. In 2018, important regulations were adopted that regulate the area of additional support for children as well as determining the right to an individual educational plan: Rulebook on additional educational, health and social support for children, students and adults, Rulebook on detailed instructions for defining the rights to the individual educational plan, its application and evaluation, Rulebook on criteria and standards for providing additional support in the education of children, students and adults with disabilities in the educational group, or other school and family. However, in practice, additional support services were not provided in the most optimal way.

The biggest objections to the work of interdepartmental commissions concern the funding of the recommended support measures, which is often not provided. According to the data of the Protector of Citizens from 2018, most municipalities provide services recommended by interdepartmental committees, however, there are also municipalities that do not provide services at all or provide only some of them. In practice, it can be noticed that interdepartmental committees often consciously fail to recommend certain support measures, bearing in mind that there are no financial resources to fund them. According to the available data, there are a total of 136 municipalities in which the interdepartmental committee is actively working, and the municipalities are financing additional support measures within their competence.

Complete data on the number of children who, in the opinion of the interdepartmental committees, are entitled to additional support measures is not available. All students who attended IEP2 classes during the school year 2020/21 have been given the support according to the opinion of the interdepartmental committee. There were 8,721 students in primary schools and 1,817 in secondary schools. According to the data for 2019, the number of students enrolled in special schools attending IEP1 classes was 407, and the number of students enrolled in special schools attending IEP2 classes was 4,429. In primary and secondary schools for students with disabilities in 2021, 308 students were educated according to IEP1 and 4,613 students according to IEP2. When it comes to secondary school in the school year 2019/20, 2,119 students, or 807 girls (38.1%) and 1,312 boys (61.9%) enrolled in 39 public schools/classes for students with disabilities. In the school year 2019/20, 9,154 students attended IEP1 classes, and the number of students who attended IEP2 classes was 12,488. The model for the prevention of early school leaving has not yet been applied in all schools.

There is no single data on the number of experts who deal with the individual needs of students in accordance with the recommendations of interdepartmental committees. Each year, more than 2,000 students receive additional support from employees in schools with disabilities. According to the research of the Institute for Education Quality and Evaluation in 2018, 373 special educators were hired in 436 educational institutions for providing additional support to children and students in regular primary and secondary schools, of whom 14 special educators in 73 preschools, 222 in 354 primary schools and 8 special educators in 9 secondary schools. This type of additional support covered 2,571 children and students. The largest number of additional support services cover primary school students (1,874 - 72.88%). Preschool

children, who receive additional support from experts from "special" schools, make up a fifth of this number (686 - 26.70%), while the number of secondary school students is almost negligible (11 - 0.42%).

In June 2021, the Strategy for the Development of Education in the Republic of Serbia until 2030 was drafted, in which priority is given to activities aimed at increasing the coverage and preventing dropouts. Legal provisions and existing mechanisms do not specify which prevention measures need to be taken, which means that effective prevention measures and interventions to prevent dropouts in schools and the local community have yet to be developed and tested in practice.

The information system in education does not provide reliable data on dropout rates, nor is data collected accurately. In 2019, the Protector of Citizens tried to determine whether there are records on the number of preschool, primary and secondary school children of Roma nationality. Namely, in the conversation with the representatives of the school administrations, it was determined that there are no precise records. It was established that it could be possible to keep records in practice, but that it depended on whether school principals recognized the importance of keeping such records and the extent to which the school administration insisted on this issue in its work with schools. Also, there is an impression that there is still a fear in schools to ask parents about their nationality.

The plan is to establish a SIS (single information system of education) and SEN (single educational number that accompanies its holder through all levels of formal education and is the key to linking all data on children, students and adults in a single information system of education) which will enable the monitoring of the movement of the child/student through the educational system and obtain more precise data on the dropout rate of students from the educational system. Data entry into the SIS is in progress and it is expected that from the next school year (CSO report from the end of 2021), the Ministry of Education, Science and Technological Development will have the data on the dropout rate. There is no reliable data on the dropout rate from primary and secondary education, because the methodology for calculating dropouts (differences in the number of students at the beginning and end of the school year) is not optimal. In addition, it was found that accurate records are not kept at the level of school administrations, although this is possible in practice. According to the data of the Statistical Office of Serbia, during 2019, the dropout rate from primary education was 0.6%, and from secondary education 1.1%.

Complete data are not available on support programmes for children in the upper grades of primary school (6th, 7th and 8th grade) that are implemented to prevent dropouts. In order to empower employees in education to recognize students at risk of dropping out and to provide them with adequate support, a training programme for early identification and prevention of dropout was developed and manuals for schools were developed. In addition, the Instruction for Prevention of Early School Leaving was prepared with recommendations and proposals of measures for prevention of dropouts by the Institute for Education Quality and Evaluation, which was distributed in June 2021 and presented to secondary schools and regional school administrations.

An action plan for inclusive education has not yet been adopted, and therefore no body has been set up to monitor its implementation. In 2018, the Ministry of Education, Science and Technological Development started with the implementation of the project "Inclusive Preschool Education", which aims to improve the availability, quality and conditions of preschool education, especially for children from socially vulnerable groups. Within the project, the plan is to have 50 local self-government units receive financial support for the

improvement of preschool education, of which 20 have already received grants in the amount of 4.5 million dinars each. The research conducted by the Standing Conference of Towns and Municipalities shows that the services and rights that are most often financed from the budgets of local self-government units are: the service of personal companion of children; transportation and accommodation of students with disabilities and reimbursement of the costs of staying in a preschool institution for children from socially vulnerable groups, financing the lunch of students in primary schools and day care services.

There is no data on the total number of realized trainings for teachers to work with children with disabilities, although trainings are available. The National Report on Inclusive Education, from 2020 shows that during 2016/17 and 2017/18, there were 57 programmes organized in the field of work with children who need additional support in education, which is significantly more than ten years ago when only 12 such programmes were organized annually. Since the beginning of 2021, 529 trainings have been held for teachers to work with children with disabilities. The trainings were attended by over 12,000 trainees. In addition, 109 trainings were conducted for employees of educational institutions to work with children from vulnerable groups, of which a large number of trainings dealt with the topic of inclusion. Most of them, 23 times, were trained teachers and professional associates in primary schools to support schools in the development of quality inclusive education and promote a culture of evaluation, followed by 7 trainings "Inclusion from theory to practice 2", the same number of trainings "Transition" - continuity in providing support to children/students from preschool to secondary school", as well as 5 trainings "Inclusive education and individual educational plan (IE and IEP)".

The Ministry of Education, Science and Technological Development, within the sector budget support in 2018, increased the number of pedagogical assistants by another 50. According to the data for the school year 2019/20, 261 pedagogical assistants were engaged in the system, of whom 221 in primary schools and 40 in preschool administrations. The work of 229 pedagogical assistants is financed from the budget of the Republic of Serbia, and 32 from the budget of local self-governments. In 2020/21, 260 pedagogical assistants were hired, of whom 41 were financed from the budget of local self-governments. For the school year 2021/22, 21 new pedagogical assistants have been hired and for the first time one assistant will work in a secondary school. The Rulebook on Pedagogical and Andragogical Assistants stipulates that a pedagogical assistant provides assistance and additional support to a group of children and students in preschool and primary and secondary school, in accordance with the needs of children, and also provides assistance to employees to improve their work.

Data on funds allocated for inclusive education are not available. The budget of the Ministry is not organized according to specific areas, but according to the levels of education, and inclusion is applied at all the levels. For inclusive preschool education for 2020, the initial appropriation was RSD 124,657,000, and the rebalance determined the amount of RSD 249,688,000. For 2019, the initial appropriation is RSD 64,935,000, and the current appropriation is RSD 284,802,862.05.

In the school year 2019/20 there were 466 preschool institutions (162 public and 304 private), which is 72% more than in the school year 2015/16 when there were 271. At the beginning of 2020/21, there were 456 preschool institutions (162 public and 294 private). In preschool institutions in the school year 2019/20, 224,563 children were enrolled; it is stated that this has filled the capacities of preschool institutions and we can assume that this is the total number of available places. Data for the school year 2015/16 show that 199,790 children were enrolled in preschool institutions, and it can also be assumed that this was the capacity of preschool institutions. In the school year 2020/21, 216,570 children attended preschool education. In the

school year 2019/20, 6,902 children were not enrolled in preschool institutions due to overcrowding, while 11,680 were enrolled beyond the normative limits. Data for the school year 2020/21 show that due to the full capacity of preschool institutions, 5,297 children were left without a place in the preschool institution, and that 9,562 children were enrolled beyond the normative limits. There are big differences in terms of the capacity of preschool institutions between municipalities with different levels of socio-economic development; in richer municipalities there are more preschool institutions, and the average number of children per facility is higher. Only 27% of children from rural areas attend pre-school education. In the most developed municipalities, twice as many children are enrolled in the optional age group (0.5-5.5 years) than in the least developed municipalities. The coverage of children with compulsory preparatory preschool education is 97.36%, which is an increase compared to 95% at the beginning of the school year 2015/16, while during 2021/21, 96.4% of children were covered.

The Rulebook on Detailed Conditions for Determining Priorities for Enrolment of Children in Preschool Institutions gives priority to enrolment of children from socially vulnerable groups. In practice, delaying enrolment is recommended for children who did not achieve satisfactory results on enrolment testing due to lack of language skills or poor socialization, which may be due to inadequate preschool attendance. The enrolment of children in primary school envisages that children from vulnerable social groups can be enrolled, without proof of parental residence and the necessary documentation, only with the submitted proof of the child's health examination. It is important to note that testing children for enrolment, which is performed by psychologists and pedagogues, can be realized in the child's mother tongue, which again is not realized in practice and contributes to poor test results or even delayed enrolment. Beneficiaries of social assistance have the right to exemption from paying the fee for the child's stay in the preschool institution. There are trainings for educators in preschool institutions, and from the beginning of 2020 until June 30, 25 trainings were organized.

At the beginning of the school year 2019/20, there were 3,268 regular primary schools in Serbia, of which 1,136 central and 2,132 satellite departments, while at the end of the year the number was reduced by 3 schools and 3 satellite departments, respectively. There were 517 regular secondary schools (453 public and 64 private) and 39 public schools/departments for students with disabilities. All eight public and ten private universities. In the school year 2020/21, classes took place in 518 regular secondary schools (454 public and 64 private) and in 41 public schools/departments for students with disabilities.

Data on the number of teachers in rural areas are not available, but only aggregate data for the entire territory of Serbia. At the beginning of the school year 2019/20, there were 52,599 teachers in regular primary schools in Serbia, of whom 52.6% were hired full-time. In schools for students with disabilities, at the beginning of the school year 2019/20, there were a total of 2,040 teachers, of whom 67.8% were hired full-time. At the beginning of the school year 2020/21, there were 52,632 teachers in regular primary schools in Serbia, of whom 27,360 were hired full-time. In schools for students with disabilities, at the beginning of the school year 2020/21, there was a total of 2,016 teachers, of whom 1,433 were hired full-time. Nearly 60% of all teachers were hired on the territory of three cities - Belgrade, Novi Sad and Niš at the beginning of the school year 2019/20.

At the beginning of the school year 2019/20, classes were attended by a total of 517,826 students, 465,907 in central schools and 51,919 in regional, satellite departments. At the beginning of the school year 2020/21, classes were attended by a total of 510,576 students, 459,305 in central schools and 51,271 in regional, satellite departments. In certain remote rural areas, classes in regional schools are organized in "combined classes" in which children who

are in different years of school attend classes in one class. One of the main and most common reasons for early school leaving in rural areas is the frequent spatial inaccessibility of educational institutions due to the lack of schools or public transport to school.

However, the Ministry of Education, Science and Technological Development states that the network of primary schools has not been adapted to demographic trends for years, which is reflected in a significant reduction in the number of students, and that in just four years the number of students in regular primary schools has decreased by 5.5%. No primary and secondary schools were closed during 2020. The optimization and rationalization of the network of secondary schools and spaces used irrationally has begun. In 2021, 6 primary schools and no secondary schools were closed. Data on the number of students in rural areas are not available.

In Serbia, there is no unified data on children with disabilities, nor on their (non)inclusion in the education system. Although the 2013 Law on Primary Education abolished special classes for students with disabilities in primary schools, amendments to this law from 2017 allow the establishment of special classes for students with disabilities as one of types of segregation.

According to the Ministry of Education, in the school year 2018/19, 2,220 Roma students were enrolled; in 2019/20, 2,209 students were enrolled; and in 2020/21, 1,894 students were enrolled. Also, in the school year 2020/21, 120 students were enrolled, returnees under the readmission agreement, of whom 74 were girls and 46 were boys. In the school year 2017/18, 503 children from migrant families accommodated in reception centres and 83 students for whom classes were organized in reception centres joined the education system. Classes were held in 45 primary schools. In the following school year, 2018/2019, 316 migrants attended primary school, 64 attended secondary school, and 20 attended pre-school programmes. In September 2019, the enrolment continued, but there was a decline in the number of children and students attending preschools and schools, so in September 2019, 208 children were registered, and in February 2020, only 134 children. There are no accurate data on the number of migrant students for the school year 2020/21, but according to the Ministry of Education, Science and Technological Development, education covers about 85% of the migrant population. Migrant students joined 22 primary and 10 secondary schools. There are still no comprehensive data on the number of children from vulnerable social groups (Roma, children with disabilities, refugee children, migrants and foreigners) who have left the education system.

There is no precise record of the number of Roma children included in the education system. According to 2019 MICS data, 76.8% of children from Roma settlements attended the preparatory preschool programme. As reasons for not attending the obligatory preparatory preschool programme, 31.5% of parents state that they did not know that attending was obligatory, and 27.7% state that the costs (transportation, books, clothes) were too high. Furthermore, in 2019, 80.8% of children from Roma settlements who attended the first grade of primary school also attended the preschool preparatory programme (96.4% in the general population), and 85.4% of Roma children enrolled in the first grade of primary school on time (90% in the general population), while only 63.7% of Roma children completed primary school (99.5% in the general population) and the transition rate to secondary school is only 52.6% when it comes to the children of Roma origin (95.2% of the general population).

A special problem is that girls drop out and start families between the age of 15 and 19. A total of 34% of young women between the age of 15 and 19 from Roma settlements got married or entered a common law marriage in 2019, but this indicator is growing to 41% among women from the poorest households. Data from the Ministry of Education, Science and Technological

Development from 2018 show that the percentage of children from Roma settlements enrolled in the first grade and eventually reach the last grade of primary school is 77%. On the other hand, the 2019 European Commission's report on Serbia's progress in European integration states that only 67% of Roma children complete compulsory education compared to 96% of the non-Roma population.

There is no information available on the existence of a programme for working with teachers and teaching staff that should train and empower them to conduct classes aimed at learning about Roma culture and promoting interculturalism among children included in the education system. On the website of the Institute for the Improvement of Education, you can find several trainings intended for employees in education: 1) Interculturalism in kindergarten: Roma language, customs and culture; 2) Every child is important - support for Roma children for successful schooling; 3) How to approach the topic of Roma suffering during the Second World War and anti-Gypsyism in today's society. In addition, the list of programmes of public interest approved by the Minister includes, among other things, the programme approved in 2020 "MODULE 3: Mentoring support for Roma secondary school students to acquire competencies for the 21st century". There is no data on the total number of trainings organized for teachers and staff on Roma culture, nor the number of teachers and teaching staff undergoing these trainings.

In cooperation with the Team for Social Inclusion and Poverty Reduction of the Government of the Republic of Serbia, an internet platform has been prepared for the database in which data on the work of pedagogical assistants working with Roma children and students will be collected. Data on the educational achievements of Roma students will be entered into the database by pedagogical assistants at least twice during a school year.

The elective subject "Roma language with elements of national culture" was introduced into the education system in 2016, and the condition for teaching is that at least 15 students apply for the elective subject. The Ministry of Education, Science and Technological Development has approved that the Catalogue of textbooks in the languages of national minorities for the school year 2018/19 includes textbooks for the Romani language with elements of national culture. The Ministry of Education, Science and Technological Development, with the participation of the National Council of the Roma National Minority, has developed new teaching and learning programmes for the elective subject Roma Language with Elements of National Culture for all grades of primary school. In the school year 2018/19, 2,860 students in 74 schools studied the Romani Language with Elements of National Culture, while their number in 2019/20 decreased, i.e., 2,553 students in 68 schools studied this subject. In the school year 2020/21, the number of students was smaller and amounted to 2,467 from 68 schools.

The school curriculum is not adapted to Roma culture, i.e., it is not contextualized in a way that supports the understanding of cultural diversity and its contribution to a multicultural society. It is left to teachers to teach about certain important topics (e.g., history) without specific instructions that teaching should lead to the development of students' intercultural competencies, their acquaintance with members of different ethnic or national groups and contribute to mutual respect and understanding.

Almost all local governments allocate funds to encourage the education of Roma children. Incentive measures include free lunch, transportation, gift packages in the form of shoes, clothes and hygiene items. Certain local self-governments, in cooperation with local non-governmental organizations, implement various programmes to provide material support for



socially vulnerable Roma children. In many cases, these are modest funds, in most cases insufficient, given the difficult financial situation of Roma children.

In May 2019, a competition was held for the award of scholarships to secondary school students of Roma nationality for the school year 2019/20, under the project "Development, implementation and monitoring of a sustainable state mechanism for awarding scholarships to Roma secondary school students." The IPA 2014 project ensured the follow-up of the mentoring support for 180 scholarship holders of the Roma Education Fund (REF), exercising their right to renew their scholarships in the school year 2019/20. In 2021, 200 mentors were hired. The aim of this activity is to monitor the progress of Roma students in education and provide the necessary support. In the last 5 years (2017-2021), 5,419 scholarships were awarded to Roma students, of whom 65% were girls. Significantly more scholarships have been awarded in the last two years, compared to the previous ones, which means that in the school year 2019/20, 1,207 students received scholarships, and in the school year 2020/21, 1,213 students received scholarships.

In the school year 2019/20, 2,009 Roma students were enrolled based on the affirmative action, 56% of whom were girls, while data for the school year 2020/21 show that 1,894 students were enrolled that year, of whom 55% were girls. There are no data available on the number of students who completed the relevant secondary school after being enrolled on the basis of affirmative action. More than 65% of students enrolled through affirmative action, who are beneficiaries of scholarships and have mentoring support, completed secondary education.

As the process of Inclusion in the Republic of Serbia has been implemented for the last 10 years, it can be concluded that the implementation of inclusive teaching has not reached a satisfactory level yet. The vast majority of teachers do not have the knowledge and tools to work with vulnerable groups of students, and the planned training is not implemented adequately and does not contribute to the quality of children's education. According to the data from the analysis of the current situation in the Strategy for the Development of Education by 2030, almost one quarter of primary schools and one third of secondary schools do not meet the quality standards of institutions related to supporting children from vulnerable groups.

According to UNICEF, almost all school-age children (99%) in the course of COVID-19 epidemic had access to distance learning (school content via television and the Internet, communication with the teacher by telephone and the Internet, etc.) and used distance learning (98%). Children from vulnerable groups were less involved in distance learning, so only 83% of children belonging to the Roma national minority were involved in distance learning. However, data from the Užice Child Rights Centre based on a sample of 30 primary schools (the sample is not representative) shows that about 3% of children did not have access to distance learning at all, due to the lack of digital devices, internet access or even lack of electricity in March, April and May 2020.

Over time, the problem of access has been addressed by the Ministry and CSOs, providing computers/tablets and Internet access. The implemented actions have only partially improved this situation. Thus, within the project "Bridging the digital gap in Serbia for the most vulnerable children", in cooperation with UNICEF, a donation of 1890 tablets was realized, as well as 310 laptops for the work of pedagogical assistants. Also, with the support of the Roma Education Fund and the Open Society Foundation, 550 IT devices were distributed to schools that educate Roma students who did not have the necessary equipment to follow distance learning. Then, during June and August 2021, 12 schools organized activities of summer schools for 360 students, mostly from 5th to 8th grade of primary school, who had poor grades or finished a grade with a big number of missed classes. More than 100 classes were realized.

According to the testimony of parents, the quality of education in general, and education in particular for children who are educated according to an individual educational plan, has significantly decreased during the pandemic.

## **I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)**

### *Cluster 28*

#### *Refugee and asylum-seeking children*

#### *Recommendation from paragraph 57. CRC/C/SRB/CO/2-3*

The Law on Asylum and Temporary Protection, passed in March 2018, brought significant changes in relation to the previous Law on Asylum. The new law should take into account the specific person whose situation requires specific processes and acceptance guarantees in the asylum procedure, which includes minors, unaccompanied minors as well as single parents with small children and other vulnerable categories. Furthermore, the novelty brought by the law is the introduction of protection of the best interests of minors and that when assessing the best interests of minors, welfare, social development, origin, age and maturity dependent opinion, the principle of family unity and safety and security and protection of minors are taken into account, especially if there is a suspicion that the child is a victim of trafficking or a victim of domestic violence or other forms of gender-based violence. It also prescribes that the proceedings conducted in this category have priority over other proceedings.

The Law on Asylum and Temporary Protection stipulates that an unaccompanied child who has submitted an asylum application, and who is accommodated in an asylum centre or reception centre, based on the decision of the guardianship authority, is provided with alternative accommodation which may be a social welfare institution, an accommodation provider or a family. Regardless of the legal solutions, in practice, alternative accommodation for children is rarely provided, mostly due to the limited capacities of social welfare institutions and an underdeveloped foster care system, and children are mostly accommodated in asylum centres. As a transitional solution, Serbian Commissariat for Refugees and Migration has designated two asylum centres in Sjenica and Bogovađa to accommodate unaccompanied or separated children. None of these centres is a social welfare institution, nor do they have professional staff who could adequately care for children, and unaccompanied or separated children are housed there without an individual assessment of the child's best interests and needs. In May 2020, an incident occurred in the Asylum Centre in Bogovađa, where employees of the company that provide security of the centre, physically and verbally abused unaccompanied children who stayed in that centre.

On the territory of Serbia, there are private work units for the accommodation of unaccompanied children within the existing institutions within the social welfare system. However, they cannot be considered an adequate solution due to the fact that their main purpose is the resocialization of children with an imposed correctional measure, i.e., the care of children with mental disabilities. Since November 2018, progress has been made and the ward of the "Jovan Jovanović Zmaj" Children's Home in Belgrade has been open and adequately renovated to work with this category of children. Since the opening, this home has housed explicitly unaccompanied children. According to the findings of the Centre for Youth Integration, it has been shown in practice that children have different degrees of access to information and that it largely depends on the accommodation institution.

Despite all this, the government still did not ensure the implementation of the prescribed provisions that would lead to the establishment of an adequate system of protection for the refugee and asylum-seeking children. Thus, despite the legal provision that the procedures for asylum applications of unaccompanied children have priority, this legal provision is not respected in practice. Children are waiting for an oral hearing to be scheduled for several months. It can be concluded that the asylum procedures for children last unjustifiably long, contrary to domestic legislation and international standards that the Republic of Serbia has committed itself to respect. According to the findings of the Centre for Youth Integration, some procedures have been merged in order to speed up the overall process (applies to everyone, not only children, but also directly affects unaccompanied children - identification takes place together with registration). However, the asylum application form is in Serbian and Cyrillic, which is a problem for asylum seekers who in most cases do not know Serbian.

There is no information on the existence of a formalized protocol on cross-border cooperation of Serbian authorities with neighbouring countries on specific issues of importance for the protection of unaccompanied or separated children of refugees and migrants from human trafficking and smuggling, as well as cases of family separation. Data on police stations and border crossings are not available, and most of the Commissariat for Refugees and Migration staff in asylum centres and reception centres have received the necessary training to identify children at risk of human trafficking. However, the trained persons in the centres have other duties, so it is questionable how much time they really have to dedicate to identifying children who are in danger of becoming victims of human trafficking. There are indicators for preliminary identification of victims intended for employees in the police, education and social welfare system, but only the use of indicators for employees in the social welfare system has become mandatory based on the instructions issued by the Ministry of Social Welfare in 2017.

At the beginning of 2020, UNICEF made the publication *"Making the invisible visible: Identification of unaccompanied and separated girls in Serbia, Bulgaria, Greece and Italy"*. The publication also includes a tool, i.e., a list of tips intended for field workers in order to more easily identify unaccompanied or separated girls.

Child-friendly forms and questionnaires have not been developed. No bylaw has been drafted regulating adequate, transparent and child-friendly independent procedures for assessing the age of unaccompanied children. In the absence of clear procedures, in practice the age is determined solely on the basis of a statement by a person whose age is determined by an official of the Ministry of the Interior or a doctor. According to available data, there is still no person trained to work with refugee and migrant children, who is constantly present in all police stations and at every border crossing and who can effectively take care of respecting the rights of unaccompanied children, referral to relevant services in accordance with the regulations, and to bear responsibility in that regard. Employees in asylum centres and reception centres are generally trained to apply the Manual for Dealing with Unaccompanied Minor Asylum Seekers, and especially employees in Sjenica and Bogovađa centres, which Serbian Commissariat for Refugees and Migration intended for accommodation of unaccompanied or separated children.

Data on the exact number of separated and unaccompanied children who had legal representation in the asylum procedure are not available. It was not possible to obtain data on the number of Asylum Office employees who received training on special techniques for interviewing children. The experience of the employees of the Belgrade Centre for Human Rights is that the communication of the employees of the Asylum Office is different when it comes to children, that they were more benevolent and it seems that they are sensitive to talking to children.

In 2018, the Ministry in charge of social welfare passed a binding Instruction on the conduct of social work centres and social welfare institutions for the accommodation of beneficiaries in providing protection and accommodation for unaccompanied minor migrants. Comprehensive data on the number of social workers who have acted as temporary guardians for unaccompanied or separated children are not available, nor the data on the number of children under guardianship, so that the data could be compared to the minimum standards. In practice, it happens that one person takes care of several dozen unaccompanied or separated children staying in one accommodation facility. During 2021, the situation was similar to the previous ones, i.e., there were many unaccompanied children in some places, and the number of guardians and social workers was disproportionately small. According to the data obtained from the Ministry in charge of social welfare, in the first half of 2020, the centres for social work issued 638 decisions appointing temporary guardians for unaccompanied minors, while at the same time 61 persons provided guardianship for unaccompanied migrant minors based on a decision of the centres for social work. To ensure the optimal number of social workers, it is necessary to monitor the number of social workers and the number of children per social worker for whom a guardian has been appointed in relation to the minimum standards. A problem that arises in practice is the long process of assigning a temporary guardian, which often takes up to several weeks. Also, unaccompanied and separated children during that time stay in an asylum centre or reception centre where the quality of services of social work centres is often not at a satisfactory level due to the fact that there are not enough employees. Financing the work of guardians in the Republic of Serbia is most often provided through projects of civil society organizations in Serbia. This indicates the importance of the obligation of the state to increase the allocated funds in order to ensure the optimal work of guardians.

In practice, it is often the case that the initial decision on accommodation is made by the Ministry of the Interior. Then, the officials register children without the presence of a temporary guardian, which is contrary to all standards and the Law on Asylum and Temporary Protection, which stipulates that seeking asylum in the Republic of Serbia is expressed by a parent or guardian on behalf of the child.

Asylum centres and other accommodation facilities, police stations and other official facilities where unaccompanied or separated children may be accommodated have not yet distributed information materials with child-friendly and accessible information, in a language they understand, on the legal aspects of the child's situation in Serbia, including information on the functioning of the asylum system and the rights that the child is entitled to in accordance with the positive regulations. It is unknown whether the competent state authorities produced such materials or whether they started their production. For the time being, a brochure prepared jointly by the Belgrade Centre for Human Rights and the UNHCR Office to Belgrade is available at the centres under the jurisdiction of the Commissariat for Refugees and Migration, and it contains brief explanations of the asylum procedures and the fundamental rights that asylum seekers are entitled to as well as persons exercising the right to asylum in Serbia.

Only one unaccompanied child on the territory of Serbia, in Belgrade, was in foster care. That child has been in foster care since 2017, which means that in 2019, no child exercised the right to family accommodation for the first time. According to the data obtained from the Centre for Family Accommodation and Adoption in Niš, in September 2020, there were two minor children in foster care, a 6-year-old girl and a 7-year-old boy. In 2021, there were no unaccompanied children in foster care. Compared to 2017, when the Centre for Family Accommodation and Adoption Belgrade, with the support of partner organizations, trained 90 foster parents to take care of unaccompanied children, migrants and refugees, only 23 families were on the list of potential foster parents in 2019. That number was even lower in 2020. The

Ministry of Family Care and Demography plans to draft a Rulebook on Foster Care, and work on amendments to the Family Law. Centre for Youth Integration points out that the foster care system for refugee and migrant children does not exist as a separate programme, and given the large influx of refugees and migrants, it is realised with difficulties, although there are initiatives to improve it.

Specialized services for unaccompanied and separated refugee and migrant children with emotional, psychiatric and behavioural problems have not been developed. Reports from psychologists or psychiatrists were used as a basis to provide the child with additional procedural guarantees in the asylum procedure. Such services are mainly provided by international and non-governmental organizations. As a possibility, the centres for social work emphasize the following services: counselling centres for premarital, marital and family relations, which provide specialized psychosocial support to the population at the local level and could potentially have the capacity to provide services to children with emotional and behavioural disorders, but not those with psychiatric disorders. In addition, there are day care centres for children and youth with disabilities, development counselling services, social and educational services called socio-rehabilitation club for young people.

According to the records of the Centre for the Protection of Victims of Trafficking in Human Beings, from the beginning of 2020, there were a total of 8 foreign nationals who were treated as victims of trafficking in Serbia, of whom two were children, one male and one female. Both minors were from Afghanistan.

Serbia has committed itself to respect the principle of non-return to a country where children have been persecuted, stemming primarily from international human rights, humanitarian law and refugee law. According to the Law on Foreigners, during the return procedure, the competent authority will take into account the specific situation of particularly vulnerable persons, the family and health condition of the returning person, as well as the best interests of minors. The same law stipulates that an unaccompanied minor may not be forcibly removed, unless the competent authority is sure that the minor will be returned to a family member, guardian or relevant childcare facility. However, some of the underage clients of the Belgrade Centre for Human Rights cited conflict with family members, their rejection and condemnation as reasons for leaving their country of origin.

From the entry into force of the amended Law on Foreigners on 3 October 2018 until the end of 2019, the Ministry of the Interior issued a total of 1,815 return decisions cancelling the stay of children caught illegally staying in Serbia. The largest number of children whose stay was cancelled in the mentioned period was from Afghanistan (71.4%). No data is available on how many of these children were unaccompanied by their parents or guardians. Data for 2020 were not available, as the Ministry of the Interior has stated that it does not have a document containing the requested information. Also, 246 foreigners under the age of 18 were in the readmission procedure. No data is available on how many children were returned to their country of origin or habitual residence in that procedure, and how many proceedings were suspended. The Commissariat data show that in the period from 1 January 2019 to 31 October 2019, there were 132 people in the programme of voluntary return to the country of origin, of whom 19 were children. In 2020, Commissariat for Refugees and Migration, in cooperation with the International Organization for Migration, implemented voluntary return programmes. Until the introduction of the state of emergency in Serbia in March 2020, 37 people were returned, of whom 7 were children. The law does not envisage giving priority and efficient action of the authority making the decision on the asylum application when the asylum seeker is an unaccompanied minor. According to Article 40 of the Law on Asylum and Temporary Protection, an accelerated procedure cannot be conducted on an asylum application submitted

by an unaccompanied minor, while Article 41 indicates that an asylum procedure cannot be conducted at the border or in transit when the applicant is an unaccompanied minor.

Data on statelessness in Serbia are not comprehensive and there is no special procedure for determining the status of statelessness, nor is there a clear and accessible procedure for determining this status. According to the Serbian Law on Citizenship, a child born or found on the territory of the Republic of Serbia (a foundling) acquires citizenship of the Republic of Serbia by birth, if both parents are unknown or of unknown citizenship or stateless or if the child is stateless. The report of the European Network for Statelessness (ENS), published this year, ranked Serbia among the worst rated countries in Europe when it comes to the possibility of registering children in birth registers. In practice, the biggest obstacle is the two bylaws due to which children whose parents do not have personal documents cannot be registered in the birth register. In that case, it is necessary to carry out additional procedures, such as determining the personal name, subsequent entry in the birth register or determining the time and place of birth. Each of these procedures is complicated and often takes months. This problem mainly affects the Roma population.

According to the ENS report published in the spring of 2021, limited progress has been made in resolving the problem of statelessness in Serbia in the period 2020-2021. Efforts to prevent and reduce statelessness have been noted, but problems remain both in practice and in law. A positive step in preventing statelessness is the Agreement on Understanding on Further Cooperation in Resolving the Problems of Members of the Roma National Minority in Exercising the Right to Registration in the Birth Register. The agreement was signed in October 2019 by the Ministry of Public Administration and Local Self-Government, the Protector of Citizens and the UNHCR. The Law on Citizenship has not been amended.

#### *Cluster 29*

##### *Children belonging to minority groups*

##### *Recommendation from paragraph 59. CRC/C/SRB/CO/2-3*

Serbia has the necessary legal bases for the fight against discrimination against Roma, but they are not applied to a sufficient extent, and the basic condition for improving the position of Roma is the suppression of stereotypes and prejudices.

The Law on the Prohibition of Discrimination prohibits discrimination against national minorities and their members on the basis of nationality, ethnic origin, religion and language. One of the forms of discrimination can be hate speech, which the law defines as the expression of ideas, information and opinions that encourage discrimination, hatred or violence against a person or group of persons because of their personal characteristics, in the media and other publications, gatherings and places available to the public, by printing and displaying messages or symbols and otherwise. However, there are no clearly defined, measurable and transparent measures to prevent violence and hate speech, exclusively against Roma.

In May 2021, a new Law on Amendments to the Law on Prohibition of Discrimination was passed. The amendments to the law expand the list of personal characteristics on which discrimination is based. Also, new forms of discrimination are being introduced: sexual and gender-based harassment, incitement to discrimination and segregation. Segregation is defined as any act by which a natural or legal person separates without objective and reasonable justification another person or group of persons on the basis of personal characteristics. Segregation is considered a severe form of discrimination.

On the other hand, the National Strategy for Social Inclusion of Roma Men and Women for the period from 2016 to 2025 envisages several goals with accompanying measures concerning access to services and social welfare programmes for Roma children. The goals are: improving the development and health of Roma children, improving access to quality health care without discrimination, implementing solutions in the social welfare system that give priority to supporting families in providing support to children at risk, including special support to Roma families, improving access to cash benefits for children and families of Roma nationality who are entitled to them, with special emphasis on financial social assistance, disability-related financial support, and child allowance, and other measures. In 2019, the Protector of Citizens, in cooperation with the non-governmental organization A11 - Initiative for Economic and Social Rights, monitored the implementation of the Strategy for Social Inclusion of Roma Men and Women in twenty local self-government units. The conclusion reached was that the Strategy for Social Inclusion of Roma Men and Women laid a realistic basis, and that the Action Plan developed good activities for its implementation. However, although progress has been made in certain areas, if these achievements are analysed in terms of implementing measures and activities set by the Serbian Government to combat Roma poverty and reduce socio-economic disparities, the results are very limited.

The National Action Plan for Children has not yet been adopted.

During 2019, the Commissioner for the Protection of Equality presented a report on public opinion survey "Attitudes of citizens towards discrimination in Serbia". The survey showed that two thirds of citizens recognize that there is significant discrimination in Serbia, and 50% of them see Roma as the most exposed to discrimination. However, there has been no progress in conducting targeted campaigns to prevent violence and hate speech against Roma, as well as to break down prejudices and negative attitudes towards Roma in society. Discrimination against members of the Roma national minority is confirmed by frequent complaints filed to the Commissioner for the Protection of Equality and the Protector of Citizens. These independent institutions see the Roma as the most vulnerable and most discriminated group of the population. In the field of the rights of national minorities, more than 40% of the complaints filled to the Protector of Citizens in 2019 relate to the violation of the special rights of Roma. In 2019, 32 complaints were submitted to the Commissioner due to discrimination against members of the Roma national minority, which is 64% of all complaints filed due to discrimination based on nationality and ethnic origin. In 2020, due to discrimination based on nationality and ethnic origin, a total of 114 complaints were submitted to the Commissioner, which is an increase compared to the last four years. The largest number of complaints was filed on the basis of belonging to the Roma national minority (94), which accounts for over 82% of all complaints on the basis of ethnicity and ethnic origin. However, there is no data on how many children faced discrimination.

Statistical forms showing the data on monitored crimes do not contain special data that would show which national minority the crimes were committed against. These data can only be seen by inspecting the specific case before the first instance regional public prosecutor's offices, which are acting upon these criminal charges. No one is obliged to declare their ethnicity in proceedings before the prosecutor's office, so there is no possibility of obtaining data on the total number of executed criminal sanctions for crimes against Roma that contain an element of hatred towards members of this national minority.

No data are available on the existence of budget funds allocated to address negative attitudes towards Roma in society as a whole. Most often, the funds allocated by the state are used to provide some kind of assistance to the Roma, and not to address negative attitudes. In general, civil society organizations and international organizations within various projects conduct

campaigns aimed at reducing prejudice against Roma. In 2021, two events were organized within the project "Living Library", which aims to reduce the impact of negative stereotypes and prejudices as key causes of discrimination in society. Books are living people who, in direct communication, share their life experiences with readers and contribute to the fight against stereotypes, prejudices and discrimination. In April 2021, the Commissioner for the Protection of Equality, together with the Roma Association Zaječar, presented the Roma Platform, which aims to collect and monitor cases of discrimination and violence against Roma, as well as present positive examples in practice. There is a form for reporting discrimination against Roma on the platform.

In the register of accredited programmes, maintained by the Republic Institute for Social Protection, there is one training programme related to this topic, namely "Recognition and respect for diversity - culturally competent practice in social welfare." The training was attended by professionals from the centres for social work, employees in homes for children and youth, homes for the elderly and gerontology centres, as well as special primary and secondary schools. Apart from it, there is also the programme "Supporting the Improvement of the Position of Roma Women".

The Institute for the Improvement of Education has "Work with children from marginalized groups" among accredited programmes, organized by the Pedagogical Society of Serbia. The goal of this programme is to consider and respect the culture, traditions and experiences of various marginalized groups in the teaching process. The catalogue contains the following programmes: "Neither black nor white - a programme for working with children/youth, against prejudice, for tolerance and interculturality", "We and those others", "Empowering teachers and educators to recognize discrimination and get acquainted with mechanisms of protection against discrimination", as well as several programmes aimed at improving the communication competencies of employees in educational institutions in order to create a tolerant environment for learning and development of the child.

There is no data on the number of experts in the centres for social work and in educational institutions who have undergone training for culturally sensitive communication and behaviour. According to the data obtained from the Institute for the Improvement of Education, 157 trainees were trained in the first half of 2020, but precise information was not provided on which trainings were in question. A special report of the Protector of Citizens on the implementation of the current strategy for social inclusion of Roma states that experts in social work centres are often unable to attend available training, due to the lack of staff. Since the beginning of 2021, 5 trainings for culturally sensitive communication have been held for employees in educational institutions, namely 3 trainings "Neither black nor white - programme for work with children/youth, against prejudice, for tolerance and interculturality" and 2 trainings "MODULE 3: Mentoring support for Roma secondary school students to acquire competencies for the 21st century".

Existing resources in the social welfare system are not adequate for providing effective social welfare, there is a lack of better networking of the social welfare system with other systems, i.e., non-state providers of essential social welfare services. One of them is certainly the Child Drop-In Centre, a licensed service provided by the NGO Centre for Youth Integration with the aim of improving the quality of life of children in street situations. Although it is recognized by the Law on Social Welfare, the funds for financing this important service are still, unfortunately, not provided from the state budget, but from projects of international organizations that do not have a sustainability component, and donations from citizens and companies. In the spring of 2021, the meetings of the Working Group for drafting the Law on Amendments to the Law on Social Welfare began. In 2018, the Ministry in charge of social



welfare started the process of drafting the Social Welfare Strategy for the period from 2019 to 2025, but it has not been adopted yet.

The results of the survey "Assessment of institutional capacities of local self-government units in the field of social welfare and achieving social inclusion of vulnerable groups" were published in 2019. The sample consisted of 31 local self-government units, and the survey showed that only 4 of them made a programme for improving social welfare for 2018, while 22.5% of them do not have any valid strategic and planning documents relevant to the social inclusion process. In addition, the survey showed that Roma families most often exercise the right to financial social assistance, one-time financial assistance, and a significant number also use the service of public kitchens. On the other hand, according to the same survey, employees in the social welfare system at the local level cite that the reasons for insufficient development of social welfare services are: lack of financial resources, lack of staff and employment ban, insufficient information of local governments about the competencies regarding social welfare. Local coordinators for Roma issues have been hired in some cities and municipalities. However, a large number of people are not familiar with their work. In addition, in 50 cities and municipalities there are mobile teams for Roma inclusion whose task is to conduct field visits to Roma settlements and provide support and assistance to individuals and families. The survey "Mapping of social welfare services and financial support under the jurisdiction of local governments in the Republic of Serbia" showed that a larger number of services are available only in larger cities, while in some municipalities there is none of the local social welfare services.

The role of civil society organizations, which often act as intermediaries between Roma families and social welfare institutions, should also be mentioned. One of the biggest problems for access to social welfare measures is that a certain number of Roma do not have a registered residence. The Law on the Place of Residence and Abode of Citizens provided for the possibility of determining residence at the address of the centre for social work, and that significantly facilitated access to social welfare measures. However, many beneficiaries are still unaware of this possibility, and those who know about it often have difficulty submitting applications for definition of the place of residence, because they do not know how to write such a request, and some are even illiterate.

### *Cluster 30*

#### *Children in street situations*

#### *Recommendation from paragraph 61. CRC/C/SRB/CO/2-3*

Centre for Youth Integration, with the support of the EU Delegation to Serbia, prepared a report on the five-year implementation of General Comment 21 on children in the street situation. The findings of the research were presented to the public on 12 April 2022, on the day of the International Day of Children in the Street Situation.

Every April, on the occasion of the "International Day of Children in Street Situations", estimates are made that there are about 2,000 children in Serbia who live and work on the streets, mostly in big cities. There are no precise figures yet. The lack of reliable and comparable data and records makes it difficult to create effective policies for children, as well as effective cross-sectoral cooperation. Reports from the Republic Institute for Social Protection entitled "*Children in the Social Welfare System*" from previous years provide a partial insight into the number of children in the street situation and their access to social welfare services, however, to better understand this problem, data available so far are not enough. In 2016, out of the total number of children recorded by the social work centres, 0.1% were children in a street situation; in 2017, 0.18%; in 2018, 0.05% of children in the street

situation out of the total number of children in the records. Although it is not possible to make a more detailed analysis based on the trend of the number of children in the street situation in the records of social work centres, there is a noticeable decrease in the number of children in this category by more than two thirds in 2018. On the other hand, the total number of beneficiaries in the record is growing. Also, it is unlikely that the reason for the decrease in registered beneficiaries is the exceptional improvement of their living conditions. The report for 2019, unlike several previous ones, does not offer the possibility of calculating the exact number of children from this category who were in the records of the CSW. The report for 2020 shows the data of children in the CSW records according to beneficiary groups for 2020, more specifically, street children who are in the CSW records make up 0.04%.

In the Republic of Serbia, data on children in the street situation are collected through the Annual Report of the Centres for Social Work. Data is also collected through individual reports of service providers that provide services to this user group. The data is inaccurate and does not show the true state of affairs on the field. For example, in 2020, the City Centre for Social Work of the City of Belgrade reported that there were 16 children in a street situation on the territory of the city. For the same year, Centre for Youth Integration (as a licensed service provider Drop-in centre) reported to the Republic Institute for Social Protection that in that year it had worked with 397 girls and boys aged 5 to 15.

There is still no harmonized definition of children living and working on the streets, accepted in all relevant institutions, which makes data collection difficult. In addition, Centre for Youth Integration points out that the reporting form for the Drop-in Centre service is not tailored to the specifics of the service, but the Shelter service form is used. These two services are different and are not intended for the same category of children.

Although announced on several occasions in recent years, there is still no analysis of children in the street situation in Serbia. The research of Centre for Youth Integration conducted in 28 informal settlements in Belgrade, "Legal social position and vulnerability of families and children living in informal settlements", published in 2019, provides insights into the position of children in street situations who often come from these types of settlements. It indicates that every fifth (98 out of 487) child of returnees included in the research is involved in life or work on the streets, which increases the risks to the health, well-being and future of these children. The report emphasizes that involvement in living or working on the streets in Belgrade is extremely rare among children from different backgrounds, and the fact that their involvement in living or working on the streets puts these children at a disadvantage compared to others, even informal settlements.

A national strategy to protect children involved in living and working on the streets still does not exist. The Protocol for the Protection of Children Involved in Living and Working on the Streets has not been drafted or adopted, except at the level of the city of Belgrade, drafted in cooperation with Save the Children in 2016. However, this document cannot be found on the website of the City of Belgrade. The Action Plan (2020-2021) for the implementation of the Strategy for the Prevention and Protection of Children from Violence, for the period from 2020 to 2023, envisages activities aimed at children in the street situation in several measures (establishment of mobile teams, assistance and support, competence development of actors involved, etc.). Then, the Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for the period from 2016 to 2025 in goal 5 envisages measures to protect and improve the position of children in the street situation, through the development of local protocols for the protection of Roma children living and/or working in street, organizing support for children living and/or working on the street, providing sustainable financial support

for "urban" community services, such as reception centres, etc. However, the fragmentation of measures in various strategic and action documents makes it difficult to monitor the implementation and the effect of measures on improving the position of children in the street situation.

Action Plan (2020-2021) for the implementation of the Strategy for Prevention and Protection of Children from Violence, for the period from 2020 to 2023, in the Measure of 3.2. The number of children in a street situation who was provided with help and support, as a baseline for 2018, states the number of 172 children in a street situation. The plan is that in 2020, help and support reaches 220, and in 2021 up to 250 children. If the estimates that there are approximately 2,000 children in the street situation in Serbia are correct, then according to this Action Plan, help and support will reach only 8-12% of the total estimated number of such children. Also, the way in which this activity is formulated in the Action Plan, makes it impossible to assess whether it is a long-term, continuous support, its adequacy, let alone impact and success.

The report Mapping of social welfare and financial support services under the jurisdiction of local self-government units in Serbia states that among the users of the Drop-in centre service, girls are more numerous in the age group 6-14 years with a share of as much as 71.5%. The data is disturbing, having in mind the numerous risks to which this already vulnerable group is exposed. These are human trafficking, labour exploitation, forced marriages and other forms of violence and child abuse. The record set by the Drop-in centre in Belgrade at the beginning of October 2020 is particularly alarming - in one day, a record 112 children addressed this organization. In previous years, that number was between 60-65 at the same time of the year. The poor financial situation, aggravated by the situation due to the COVID-19 pandemic, obviously left the parents of these children without other sources of support. The situation is aggravated by the fact that there are more and more users aged 5 to 15, as well as the statement that the Drop-in centre simply does not have the capacity to respond to this number of requests in one day, so the children believed not to have an urgent need are asked to come back tomorrow.

The Drop-in centre service is available only in Belgrade and Novi Sad. The authors of the research emphasize the importance of intersectoral cooperation for adequate prevention and protection of children.

There is no comprehensive database of long-term programmes to support and reintegrate children involved in living and working on the streets. Only partially can data be collected by type of long-term programme provider (state social institution or civil society organization). Also, partial data can be collected on the budget funds allocated for the implementation of these programmes, without any insight into the number of beneficiaries, effects and impact of the programme itself. Mapping of social welfare and financial support services under the jurisdiction of local governments in the Republic of Serbia provides an insight into the number of local governments providing services, for example, day care for children from marginalized groups, children from families at risk, children from poor families, emergency accommodation for children and youth, but from these data it is not possible to see how many users from the category of children are in a street situation. Data on the number of children included in support and reintegration programmes (classified by age, gender, place of origin, ethnic and social origin), as for the previous indicator, can only be obtained partially due to the lack of a comprehensive overview of support providers, programme type, etc. Also, data on the number of children involved in a street situation who are accommodation service users, by type of service, can be obtained in part, by inspecting the records of accommodation service providers for this category of children.

Unfortunately, Centre for Youth Integration, as a licensed provider of the service of Drop-in Centre for Children in a Street Situation, does not have an insight into measures to support this group of children. There are no affirmative measures in working with children and their families, but only measures that punish children and parents. On the contrary, in 2018, the Ministry of Labour, Employment, Veteran and Social Affairs reiterated the Order to the Centres for Social Work regarding children living or working on the streets which articles are in conflict with the UN Convention on the Rights of the Child, Comment No. 21 on Children in street situation, but also the internal procedures of the centres for social work. All this certainly does not put the best interests of the child, or the preservation of the primary family in the first place.

A training programme entitled "Children of the street - development of foster care for children living and/or working on the streets" has been accredited at the Republic Institute for Social Protection. The programme is intended for professionals working in social work centres as case managers for children, foster care counsellors, supervisors, experts employed in children's drop-in centres and civil society organizations that support children in the street situation, foster parents and future foster parents. Data on the number of professionals who have undergone this training are not available, including the data on the effects on their work. In 115 centres for social work, internal teams of experts have been formed who work every day on the care and protection of children who live and work on the streets. Data on the number and type of interventions of these teams, the number and structure of beneficiaries, as well as the effects of team work are not available.

Data provided by the Drop-in centre in Novi Sad show that during 2021 (January-October), out of a total of 378 users, as many as 77% (293 users) were involved in some form of child labour: 86 users collect secondary raw materials, on their own or with family members, and 207 users often or occasionally beg (car parking, juggling at intersections, etc.). Of particular concern is that more than 100 users who stated that they had been involved in some form of child labour, in addition to all the above, also worked in the fields, seasonal, extremely difficult physical work, inadequate for their psychophysical age. Also, 85 users stated that they were not included in any form of child labour, but since they lived in extreme poverty, they met the condition to be users of the drop-in centre.

The Centre for Youth Integration has no information that any report on child begging in the Republic of Serbia was made in the reporting period.

Regulations governing records for identifying child begging and child labour, and defining indicators for monitoring this phenomenon to ensure comprehensive monitoring of child begging cases, have not been amended yet. Law on the Communal Police, passed in 2019 in Article 28 stipulates that the powers of the communal police regarding minors are applied by communal police offices specially trained to work with minors. When it comes to the misdemeanour responsibility of a begging child, it is still not completely excluded, so a young juvenile (14-16 years old) can be issued a correctional order, while older juveniles can be sentenced to criminal sanctions.

When it comes to the protection of child victims of child labour, unlike the 2019 Report, the 2020 Report does not contain any statistics on measures, services and procedures of CSW in order to protect child victims of abuse of child labour. In 2020, a total of nine child victims of child labour abuse were registered in the CSW. All children are of Roma ethnicity and have been exposed to a number of harmful or dangerous circumstances or have been involved in dangerous activities during work. As in the previous two years, among the reasons for the

application of guardianship protection, in 2020, deprivation of parents of parental rights or ability to work prevails with 63.9%. The exact number of children involved in living and working on the streets who are separated from the family cannot be reached because the reason (in this case begging) for applying the measure of placement of children in a foster family is not explicitly stated. The latest available data is from 2020 showing that CSW, among the actions it took to protect children from violence (it is not shown which actions and in relation to which type of violence), applied measures to separate the child and non-violent parent from the family in 214 cases (320 cases in 2019), while the child alone was separated from the family in 243 cases (376 in 2019).

Due to insufficiently accurate recording and monitoring, it is not possible to obtain data on the share of children exposed to begging in the total number of children placed in institutional care, nor on the share of children exposed to begging in the total number of children reintegrated into families. There is no evaluation of children's attitudes about the level of engagement during the decision-making process on placement in alternative care/reintegration into families.

The experience of the Centre for Youth Integration, which has been developing services for children in street situations for 17 years, coming mostly from the Roma population, can unquestionably state that the Republic of Serbia is not doing enough to educate the public about jeopardizing the fundamental human rights of these children, and that longer-term educational campaigns - which would be primarily focused on breaking down prejudices and stereotypes about children from marginalized groups - were not sufficiently implemented during this reporting period.

#### *Cluster 31*

##### *Sexual exploitation and trafficking*

##### *Recommendation from paragraph 63. CRC/C/SRB/CO/2-3*

Standard operating procedures (SOP) for dealing with victims of trafficking were developed and adopted at the end of January 2019. In November 2019, a consultation process was organized to improve these recommendations, while the adoption of the improved version was planned for mid-2020. In 2020, it was announced that the SOP would be translated into a mandatory instruction for MoI employees, however, this process was not completed by the time of writing this report (November 2021). The standard operating procedures do not contain a special section dealing with presumed and identified child victims. Instead, each phase of the procedure lists the responsible institutions and steps in the procedure if the victim is a child, domestic or foreign citizen. For example, in the case of a child, the Centre for Social Work is immediately notified in order to take protection measures within the competence of the guardianship authority and, if necessary, determine the guardian who will take care of the best interests of the child. The CSW will further start the process of finding a family (in order to reunite the family) and make a decision on reuniting the minor with the family, if it is in the best interest of the child. In the case of a child who is a foreign citizen, the procedure is conducted together with international organizations and the Serbian Red Cross, in cooperation with the Centre for the Protection of Victims of Trafficking in Human Beings.

The Centre for the Protection of Victims of Human Trafficking keeps records of the number of procedures for identifying child victims of human trafficking, annually, including data on the number of rejected reports, by age, sex, type of exploitation, nationality, place of origin. In 2020, there were a total of 155 children in the records of the Centre for the Protection of Victims of Human Trafficking. The gender structure is dominated by girls with 76.1%. In the five-year period, there was an increase in the number of child victims of human trafficking by 38.4%. The share of children in the total number of victims of human trafficking in 2020 was

43.3%, which is within the average of 2016. The dominant form of exploitation in a third (29.2%) of cases is sexual exploitation, followed by forced marriage with 25%, and multiple exploitation with 20.8%. Of the total number of children in 2020, 87.5% are victims of national trafficking, which is a characteristic of the observed five-year period. From January to the end of September 2021, the Centre identified a total of 34 victims, of whom 10 were children. The form of exploitation that dominates in the current year, observing the period of the first nine months, is sexual exploitation (4), forced marriage (3), labour (2) and coercion to commit criminal offenses (1).

There is no comprehensive database containing the number and type of specialized programmes and services for child victims of trafficking, including data on services offered at the municipal level. A step forward in this area is the mapping of social welfare and financial support services under the jurisdiction of local self-government units in the Republic of Serbia, the Social Inclusion and Poverty Reduction Team of the Government of the Republic of Serbia and the databases available on the Team's website. The annual and statistical reports of the Centre for the Protection of Victims of Human Trafficking state the type of institution or organization referred the victim, but do not elaborate on the further form or scope of cooperation in supporting the victims. Also, there is no comprehensive database containing the number and type of standardized and licensed specialized services for child victims of trafficking. It is important to note that this database does not exist for any type of users.

As part of the project "Improving the Space and Opportunities for Combating Human Trafficking" (Reference: EuropeAid/162620/DD/ACT/RS), ASTRA - Action against Human Trafficking - has developed, with the EU support, a comprehensive overview of services currently available in Serbia to persons at risk and victims of trafficking. Serbia does not have a single register of data on available services and providers of protection and support for victims of crime with elements of violence (human trafficking), or a single administrative register of services and providers of social welfare services (general and specialized) that could be available to victims of trafficking. The services of specialized organizations are available through direct contact with presumed or identified victims, as well as referrals through CSW and other competent institutions. They are available to both adult and minor victims, both sexes, citizens of Serbia, foreign citizens, as well as persons in migration and asylum. Only three specialized support and protection providers for victims of trafficking cover the entire territory of the country (one in the public and two in the non-governmental sector) and all of them are located in Belgrade, indicating that services are unevenly distributed and unequal, making access impossible or difficult at the local level.

A big problem is the fact that funds from the budgets of the city of Belgrade and Serbia are not allocated for licensed service providers in the scope of the non-governmental sector, thus jeopardizing the sustainability of available services. As various systems, including the social welfare system, were blocked during the COVID-19 virus crisis, the need and importance of the role of civil society organizations was further emphasized. In a certain way, civil society organizations have taken over the role of state institutions and authorities in the past period, when it comes to providing services. The CSWs that provided answers during the research did not classify the services in the right way and it is noticeable that the number of services is higher than the one stated in the research Mapping of Social Welfare and Financial Support Services under the Jurisdiction of Local Self-government Units in the Republic of Serbia. Half of the providers of different groups of social welfare services stated services would be made accessible/provided to victims of trafficking under the same circumstances as to other users for whom the service is intended. This could mean that victims of trafficking are not rights holders *per se*. In accordance with the determination of the user of social protection services in the Law

on Social Welfare, they are, but the right to the service is exercised if they meet (also) other criteria.

There is no comprehensive database containing data on child victims of trafficking who received specialized help, support and accommodation, according to their age, i.e., services specifically developed to help and support child victims of trafficking (psychological, legal, medical, financial, security, accommodation, reintegration into the education system, social inclusion), on an annual basis, including data on the type of service provider. The Centre for the Protection of Victims of Human Trafficking publishes data on the number, gender, and nationality, but the published reports do not provide details on the number, type and duration of services provided. Some of the data can be obtained from the Belgrade Children's Shelter. Also, CSOs which provide services to victims of trafficking have their own individual reports and reviews. As a result of the lack of a comprehensive database, it is not possible to obtain data on the average duration of support and reintegration of child victims within specialized programmes and services.

There is no comprehensive overview of the implemented training programmes for professionals involved in the identification of child victims of trafficking, on an annual basis, including the number of trained officers, by institution, type and level of training. Many trainings are conducted through donor-supported institutional support programmes, as well as through donor-funded projects conducted by CSOs, but the lack of in-depth analysis of training needs, type of training, goals, participants, prevents insight into the effects of such programmes and quality of service. For example, Measure 1.1. of the Action Plan for the Strategy for Prevention and Protection of Children from Violence is aimed at improving the capacity of professionals in the sectors of education, social welfare and health care, police and justice for the prevention of violence against children. Within this measure, one of the activities is: organizing trainings for employees in educational institutions for work with children regarding the protection from various forms of child trafficking. The action plan does not specify exactly the age of children for whom the trainings are intended, or with what goals, in what duration and scope, or how many children will be included and in which parts of Serbia. Similar inaccuracies can be found in other activities. There are also examples of more specific activities. In Measure 2.3. Improving the competencies of professionals for the protection and support of children, activity number 2.3.8. envisages the preparation of an analysis of the actions of the police in cases of recognizing children trafficking for the purpose of committing criminal offenses. However, given that donor funds have been cited as a source of funding, there remains a reservation on how an analysis funded by "outside the institution" will be accepted by that institution.

### *Cluster 32*

#### *Administration of juvenile justice*

#### *Recommendation from paragraph 65. CRC/C/SRB/CO/2-3*

The Law on Free Legal Aid was passed in November 2018. The law stipulates that free legal aid is provided by lawyers and legal aid services in local self-government units. Associations can provide free legal aid only on the basis of special provisions of the law governing the right to asylum and the prohibition of discrimination. On behalf of the associations that provide free legal aid, this law stipulates that it will be provided by lawyers. Providers of free legal aid, and associations within the goals for which they were founded, can provide general legal information and fill out forms, as forms of free legal support. Children in conflict with the law are provided with free legal aid, but not always child victims/witnesses, children in civil court proceedings and in cases of violations of children's rights in various systems.

Bylaws regulating the implementation of alternative measures for detention and correctional orders with the Law on Amendments to the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles were not passed even 12 years after the adoption of this law. Also, human, technical and financial resources are not provided for the implementation of alternative detention measures that are available throughout the country. At the national level, correctional orders are insufficiently and unevenly implemented, and at the local community level there are no appropriate programmes within which the work is done both with juvenile offenders (criminally responsible persons who have reached the age of 14) and with children in conflict with the law who are under 14 years of age. All this is a violation of international standards and is a cause for concern.

There have been various project initiatives aimed at reforming the child-friendly justice system in the past, but no sustainable, systemic solution has yet been found that is in line with relevant international standards. A positive development is the establishment and active role of the Juvenile Council, but the Council does not monitor the implementation of alternative measures of detention in its annual reports. Also, on 16 April 2021, the Ministry of Justice formed a Working Group to make a draft of the Law on Amendments to the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles, which worked on amendments to this Law. The public debate on the Draft Law was held from July 8 to 28, 2021, after which the Working Group considered the received remarks, proposals and suggestions. After that, the draft law was sent to the European Commission for consideration, in order to determine whether it is in line with the EU and international standards. In addition to representatives of judicial bodies, competent ministries and professional institutions, one of the members of the Working Group is the director of the Centre for Children's Rights Jasmina Miković, who submitted specific proposals of the Centre for harmonization of certain provisions of current law with international documents.

The Judicial Academy, within the Continuing Training Programme, holds seminars on the topic "Juveniles as perpetrators of criminal acts and juveniles as victims of criminal acts". The following topics are presented at the seminars: Substantive law in the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles; Selection and imposition of criminal sanctions against juveniles; Procedural provisions from the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles and their Application in Practice; European Convention on Human Rights with reference to the concept of "Child-friendly justice" as well as notes and reasons for passing the new Law on Juvenile Criminal Offenders and Protection of Juveniles in Criminal Proceedings. In 2020, 16 seminars on this topic were held, with 490 participants, compared to 2019, when there were 15 trainings with 716 participants. In 2021, 30 trainings were held with 1,020 participants. In 2020, 3 one-day seminars "High-tech crime and protection of children and minors (phase 3)" were organized, with a total of 60 participants. In 2019, the number of these trainings was already doubled, 6 seminars were held with 119 participants. On the topic "Family Law - specialization in the field of children's rights" in 2020, 3 online seminars were organized with a total of 28 participants. In 2019, 12 seminars were held with 332 participants. In 2021, 7 trainings were held with 61 participants. Also, according to the data available on the website presentation of the Judicial Academy, in 2021, 5 advanced trainings of judges were held on "Improving the rights of the child in civil court proceedings through strengthening the capacity of judges and social welfare experts" organized by the Judicial Academy and UNICEF. There were 4 trainings "Child-friendly justice" held for judges, deputy public prosecutors, lawyers, representatives of social work centres and the non-governmental sector within the project implemented by the Child Rights Centre in cooperation with Anti-Trafficking Action - ASTRA and International Rescue



Committee (IRC) in cooperation with the Judicial Academy, which continuation is planned for 2022.

*Cluster 33*

*Child victims and witnesses of crimes*

*Recommendation from paragraph 67. and 69. CRC/C/SRB/CO/2-3*

The Law on Amendments to the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles, which contains provisions on the protection of child victims and witnesses in accordance with international standards, has not been passed. At the time of writing this report (November 2021), the Draft Law is still not in the parliamentary procedure. The law should be harmonized with the Criminal Procedure Code, the Law on Misdemeanours and the Law on Execution of Criminal Sanctions. In addition, it is planned to specify the provisions in order to harmonize with international conventions that protect the rights of the child, as well as to ensure the effective implementation of correctional measures. The Ministry of Justice formed a working group for the preparation of the draft Law on Amendments to the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles in April 2021. The working group held four meetings with the aim of preparing a draft law, after which a public debate on the Draft Law was held (from 8 to 28 July 2021). The Working Group then considered the received remarks, proposals and suggestions for the improvement of the Draft Law, which was then sent to the European Commission for consideration whether it is in line with international and EU standards.

A positive step in this area is the adoption of the National Strategy for the Realization of the Rights of Victims and Witnesses of Crimes in the Republic of Serbia for the period 2020-2025, with the accompanying Action Plan for the implementation of the National Strategy. This document represents an important step in the process of strategic improvement of the position of certain categories of victims, including the protection of child victims and witnesses of crimes. The aim of adopting this strategic document is to provide all victims and witnesses of crimes with an adequate level of procedural rights, systematic, professional and accessible assistance and support and a special level of protection, especially for vulnerable categories of victims. Children are recognized as a particularly vulnerable category of victims, who, in addition to the protection measures enjoyed by all victims of crime, also have special measures at their disposal, such as the possibility of audio-visual recording of interviews with children and the acceptability of such recordings in the presentation of evidence, in line with the law; appointing a temporary representative in situations where this is necessary; as well as the appointment of a proxy to exercise the child's right to legal aid and representation. Although these guarantees have existed since the adoption of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles, problems in their implementation have been identified in practice, and so the Strategy emphasizes that in the coming period it is necessary to consider consistent application of the normative framework in practice, to identify potential shortcomings and activities to overcome those shortcomings; to adopt amendments to the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles; as well as continuously monitor the implementation of protection and support measures for child victims in practice.

The strategy envisages that a Coordination Body for Victim and Witness Support will be established within 30 days from the day of the adoption of the document, for the purposes of coordination, monitoring and improvement of the network. The shift represents the formation of this body at the end of April 2021. However, only one meeting of this coordinating body was held in early September 2021.

Child victims and witnesses in criminal proceedings do not receive support, neither from the Serbian budget, nor from project funds. This issue should also be regulated by amendments to the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles in order to find a sustainable solution to support child victims and witnesses of crimes in order to reduce secondary victimization and overcome trauma.

Guidelines for judicial authorities to deal with children in criminal proceedings in accordance with international standards, were prepared through a project implemented by UNICEF, IPA 2013. There is no continuous multisectoral training for all professionals working with child victims and witnesses in criminal proceedings (judges, prosecutors, police, lawyers, social work centre experts, service providers).

A positive step is the active role of the Juvenile Council in promoting the rights of child victims and witnesses in criminal proceedings, but the Council still does not monitor the implementation of measures to protect child victims and witnesses in criminal proceedings throughout the country on an annual basis.

*Clusters 34, 35, 36, 37*

*Monitoring the convention and optional protocols*

*Recommendation from paragraph 71, 72, 73. and 74. CRC/C/SRB/CO/2-3*

The Republic of Serbia was among the first countries to sign the Third Optional Protocol to the Convention on the Rights of the Child on individual complaints (communication procedures), but the Protocol has not yet been ratified.

The sale of children is still not explicitly prescribed as a criminal offense in the Serbian Criminal Code.

There is also no comprehensive overview of the implemented training programmes for professionals involved in the identification of victims of child trafficking, child prostitution and trafficking in women for sexual purposes in Roma communities; annually, including the number of trained officials, by institution, type and level of training, as well as an overview of the number and types of specialized programmes and services for child victims of child trafficking, child prostitution and trafficking in women, including data on services offered at the level of a municipality.

There is no comprehensive overview of the number of cases of child trafficking, child prostitution and trafficking in women for sexual purposes in Roma communities; in which authorities, public services and civil society organizations dealing with the protection of children's rights had coordinated work, on an annual basis, including by gender, age, nationality, place of origin, type of exploitation, type of authority/organization involved in the coordinated work.

Also, there is no comprehensive overview of the number of procedures for identifying victims of child trafficking, child prostitution and trafficking in women for sexual purposes in Roma communities; on an annual basis, including data on the number of rejected applications, by the applicant, age, sex, type of exploitation, nationality, place of origin, on an annual basis.

There is no comprehensive overview of the number of victims of child trafficking, child prostitution and trafficking in women who have received specialized assistance, support and accommodation, in accordance with their age, i.e. services specifically developed to assist and

support victims of child trafficking, child prostitution and trafficking in women (psychological, legal, medical, financial, security, accommodation, reintegration into the education system, social inclusion), on an annual basis, including data on the type of service provider. There are no data on the average duration of support and reintegration of child victims within specialized programmes and services. It is not possible to find comprehensive records on the number and type of standardized and licensed specialized services for child victims of trafficking, child prostitution and trafficking in women.

Also, there is no comprehensive overview of the number and types of prevention programmes implemented in the Roma community, especially the programmes implemented by Roma organizations, including data on the number of participants, programme type, place of implementation, organization/service that implemented activities, amount of funds invested in the programmes.

When it comes to the number of complaints about non-provision of social welfare services to Roma children, refugee and asylum-seeking children, internally displaced children, migrant children and children affected by migration, they can be found in part in annual reports published on the websites of the Ombudsman and the Commissioner for the Protection of Equality. The reports of the Commissioner for the Protection of Equality provide an overview of discriminatory actions on various grounds before a wide range of public institutions, service providers.

A database of specialized services for child victims of trafficking available at the local level is partially available. Also, the report Mapping of Social Welfare and Financial Support Services under the Jurisdiction of Local Self-government Units in the Republic of Serbia, provides an overview of certain types of services and support for this category of users, at the local level.

There is still no overview of the number and types of specialized programmes and services for child victims of crimes committed under the Optional Protocol, nor an overview of the number and types of standardized and licensed specialized services for child victims of crimes committed under the Optional Protocol. No records are kept on child victims of crimes committed under the Optional Protocol who received specialized assistance, support and accommodation, in accordance with their age, i.e., services specifically developed to help and support child victims of crimes committed under the Optional Protocol (psychological, legal, medical, financial, security, accommodation, reintegration into the education system, social inclusion), on an annual basis, including data on the type of service provider. As a result, it is not possible to obtain data on the average duration of support and reintegration of child victims within specialized programmes and services.

As of the date of writing this report (November 2021), the statement given during the ratification of the Optional Protocol has not been changed and harmonized with the Law on Military, Labour and Material Obligation. However, the amendment to the Law on Military, Labour and Material Obligation brought some novelties and prescribes that a person becomes a conscript in the calendar year in which he turns 18. Furthermore, it is prescribed that the conscription obligation also occurs in the calendar year in which the Serbian citizen turns 18. The above improves the position of the child and protects his rights through a ban on conscription before he becomes an adult. The Criminal Code does not prescribe the crime of recruiting children by non-state armed groups.

No amendment has been made to the Criminal Code in order to establish and exercise universal jurisdiction over all criminal offenses committed under the Optional Protocol.

There is no comprehensive database of long-term programmes and support services for all child victims of crimes committed under the Optional Protocol, including Roma children, refugee and asylum-seeking children, internally displaced children, migrant children and children affected by migration, without discrimination, including specialized services, by municipality, gender, age, type of crime, type of exploitation.

The state has not taken the necessary measures to eliminate the shortcomings and to implement the given recommendations. The extraterritorial judicial jurisdiction of Serbia is subject to the criteria of double incrimination.