

## IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD IN SERBIA

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Serbia under the coordination of the Child Rights Center, Belgrade

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DECEMBER 2007  
SERBIA

## Table of Contents

I	Introduction .....	3
II	General measures of implementation .....	6
III	Definition of the child (art. 1) .....	10
IV	Basic principles .....	11
	a) Right to life, survival and development of the child (art. 6) .....	11
	b) Best interest of the child (art. 3) .....	12
	c) Protection from discrimination (art. 2) .....	12
	d) Respecting children's views - right to participation (art. 12) .....	14
V	Civil and political rights .....	17
	a) Right to name and citizenship (art. 7) .....	17
	b) Freedom of expression and access to information (art. 13) .....	18
	c) Freedom of thought, consciousness and religion (art. 14) .....	19
	d) Right to privacy (art. 16) .....	20
	e) Prohibition of torture or other cruel, inhuman or degrading treatments or punishment and deprivation of liberty (art. 37) .....	21
VI	Family environment and alternative care .....	24
	a) Child right to parental care and responsibility of parents (art. 5, 18 ) .....	24
	b) Parental care (art. 27) .....	25
	c) Separation from parents (art.9) .....	26
	d) Adoption (art. 21) .....	28
	e) Protection from neglect and abuse (art. 19) .....	29
VII	Basic health and social protection .....	32
	a) Health and Healthcare protection (art. 24) .....	32
	b) Social protection and services (art. 26) .....	35
VIII	Education (art. 28, 29) .....	37
	a) Free time, recreation and cultural activities .....	40
IX	Children in special circumstances/special protection measures .....	41
	a) Children with disabilities (art. 23) .....	41
	b) Children refugees and IDP's (art. 22) .....	43
	c) Child labor and prostitution (art. 32) .....	44
	d) Sexual exploitation, abductions and child trafficking (articles 34 and 35 CRC) .....	46
	e) Child right to protection from illegal use of narcotics and psychotropic substances (art. 33) .....	49
	f) Juvenile justice (art. 39, 40) .....	50
X	NGO's participation in the Alternative CRC Report preparation .....	53
XI	Child participation in the reporting process .....	55
	<b>Annex I</b>	
	Overview of coalition members .....	56

# I INTRODUCTION

## **Serbia (without Kosovo and Metohija) today:**

- Basic facts:
- Territory: 88.361 km<sup>2</sup>
- Number of municipalities: 160
- Population: 7.463.157
- Ethnic composition:
- Serbs: 6.212.838
- Roma: 108.193
- Hungarian: 293.299
- Bosnian: 136.087
- Albanian: 61.674
- Montenegrin: 69.049
- Children (under 19 years of age): 1.662.029 (22.27%)
- GDP per capita: US\$ 4.028
- Inflation in 2007: 9.7%
- Average net salary: approximately 400 USD<sup>1</sup>

In period that is the relevant for the initial report on the application of the Child Rights Convention in Serbia - from 1992 to 2005 - numerous and enormous social changes have been witnessed. During that period, children were growing up in two different political systems and three different countries, survived a number of wars in their surroundings and lived through one at home. Unfortunately not all children survived the wars. .

**The totalitarian** regime in Serbia until the year 2000, besides the absolute power of Slobodan Milosevic, carried with it total isolation of the country from the rest of the world. Serbia was neither a member of the UN nor of any other system within the international community. It was even excluded from all sport competitions and many artistic competitions and events during that period. In 1993, Serbia had the highest inflation rate ever recorded in the history of the world during which the average monthly wage was 2 Deutsch Marks. In 1998 the conflicts in Kosovo and Metohija culminated and ended in an international intervention and 3 month bombing of Serbia in the spring of 1999.

This was at the same time a period in which citizens voted in elections for the first time in 60 years and learned the basic rules of a democratic system. From autumn 2000 and presidential elections in which Slobodan Milosevic lost power, the government of Serbia begins to work on an overall reform. The flow of reforms is not uniform, on the contrary, in some areas such as juvenile justice systematic reforms have been organized and put in place. In other areas reforms are just starting and there are no measurable results.

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<sup>1</sup> State Statistical Office data

### **Current political situation**

The economic, political and social improvement in 2007 has not brought big changes in comparison with changes in previous years. In June 2006 the State Union of Serbia and Montenegro was dissolved. For the first time in nearly 90 years Serbia is an independent country. However, it is unsettling that unsatisfactory cooperation with the war crimes tribunal for the former Yugoslavia in The Hague is slowing down EU accession negotiation processes. The unresolved status of Kosovo and Metohija is another significant political problem of Serbia.

The current political situation in Serbia is characterized by: a dysfunctional coalition government, the lack of the rule of law, a high degree of corruption and a slow decentralization process.

### **Some of the issues that should be priorities in 2008 and the future:**

- Poverty Reduction Strategy further implemented
- Exclusion and discrimination, with special attention to Roma's poor children
- Education
- Health and in particular adolescent health needs to be fully addressed and implemented
- Reduce violence against children
- National, comprehensive plan of action for children in Serbia needs to be developed
- Children's Act adopted
- Children's Ombudsman Act adopted

### **Most important results achieved by 2007:**

- In 2006 a new Constitution was adopted, one that for the first time in the constitutional history of Serbia explicitly speaks about child rights.
- A number of important laws were passed of which we emphasize:
  - Family law (2005)
  - Law on juvenile offenders and criminal justice for juveniles (2005, in practice since January 1<sup>st</sup> 2006)
  - Criminal Code (2005, in practice since January 1<sup>st</sup> 2006)
  - Law on the basics of the education system (2003, amended 2004)
  - Law on protection of persons with disabilities from discrimination (2006)
- Numerous strategies with the aim of improving the state of child rights in Serbia were approved, fore most in the area of:
  - National Action Plan

- Rights of persons with disabilities
  - Protection of children from abuse and neglect
  - Protection of children from exploitation
  - Protection of children from human trafficking
  - Inclusion of Roma children
- Also important for the development of child rights are:
- Establishment and development of the Child Rights Council as the advisory inter-departmental body
  - Establishment of the department of Child Rights Ombudsman affiliated to the regional Vojvodina Ombudsman
  - Drawing up of the state Report in the implementation of the Child Rights Convention in Serbia
- However, in this time period we did not achieve:
- Decreasing the number of children living in poverty
  - Institutionalizing of the child rights ombudsman (at the national level)
  - Increasing and specification of budget allocation for children
  - A higher level of political interest, knowledge and attention towards children
  - Fundamental reform of the education system, in accordance with international standards
  - The improvement of health care for children, including adolescent health.
  - Legal clarification of the status of NGO's (civil sector)
  - A higher level of education and information dissemination on child rights, in as a broad as possible spectrum of beneficiaries, in particular, children, their parents, teachers and health workers.
  - Facilitation of an efficient child protection system (emergency interventions) from all forms of abuse and exploitation, including ones in the context of trafficking, occurring through media and availability of harmful information on the internet.

## II GENERAL MEASURES OF IMPLEMENTATION

The basis for all activities that the Republic of Serbia undertakes towards improving the state of child rights in Serbia is the National Action Plan for children that was adopted in 2004 and which includes guidelines necessary for the improvement of the position of the child, in other words define directions for development in various areas. The National plan for children does not represent an overall national strategy because it does not focus on all child rights. The National Action Plan for children provides some basis for the improvement of the state of child rights. However, after three years, especially in the area of child health and the status of children with disabilities, no important improvements are noted. Little has been done in the area of education, and in the area of protection of children without parental care. Only the reduction of poverty has been thoroughly put in motion – through the Strategy for poverty reduction. Expected results have not been achieved so far.

The approval of the National Action Plan for children has been a basis for designing Local action plans – at municipal levels. 16 local action plans have been developed by now (3 in 2005 and 13 in 2006), but they are not being thoroughly implemented in some municipalities because funds for their realization have not been clearly allocated.

In 2007 another 5 towns began designing Local action plans for children. Unfortunately the three largest cities in Serbia are not among them: Belgrade, Novi Sad and Nis<sup>2</sup>.

### **Harmonization of national laws with the convention**

National laws are not fully harmonized with the Convention and international documents. The introduction of new solutions is slow and not always succeeded by thorough development of implementation mechanisms. We think that in the coming period it is necessary to adopt a law on children.

The new Constitution of the Republic of Serbia, adopted in 2006, includes a provision titled child rights for the first time in the constitutional history of Serbia. The Constitution prescribes that child rights are to be regulated by law, but an important opportunity was missed by not proclaiming the basic principles of Convention as constitutional principles.

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<sup>2</sup> Uzice is the first town in Serbia that adopted a Strategy for children. The municipal parliament approved the document in 2005. It is a strategic text that is fully in accordance with NPA and PRSP (Poverty Reduction Strategy) and was created as a result of local capacities and NGO sector lobbying the local government to begin this process, especially the Uzice Child Rights Center. Uzice municipality allocated 18.000,00 USD from the local budget for the implementation of the Strategy for children, 36.000,00 USD in 2006 and over 90 thousand in 2007.

In the Pirot municipal budget 14.500,00 USD was allocated for the implementation of the LPA. In 2007 they significantly increased the financing to 36.000,00 USD.

### **Status of the Child Rights Convention / applicability**

International contracts are directly implemented in the Republic of Serbia. Never the less domestic authorities (meaning the courts first of all) directly implement international regulations in an insignificant number of cases.

### **Effective protection measures**

The child rights protection mechanism in the Republic of Serbia provides for the possibility of regular and ad hoc legal remedies including appealing to the Constitutional court of Serbia.

The legal remedy system does not cover all occurrences when child issues are being decided upon, because the child does not have the status of party to proceedings, which is a consequence of imprecisely defined participation rights of the child, (i.e. an inadequately resolved procedural position of the child in proceedings that are regulated by Family law, as a consequence of unregulated issues of independent legal representation of children in all court and administrative proceedings that concern the child).

Furthermore, having in mind that Serbia is a member of the Council of Europe there is the option of submitting applications to the European Human Rights Court in Strasbourg, when all legal remedies provided by the domestic legal system are exhausted.

### **Coordination and implementation**

The main body tasked with the implementation of the Child Rights Convention, i.e. activities in the field of child rights is the **Child Rights Council**, formed at the government level of the Republic of Serbia in 2002. Institutionalization of the Council which took place during 2005 and 2006 contributed that the work of this body be less dependent on personnel changes in the government and in the Council itself than was the case in the first two years of its work.

However, the coordinating role of the Council was not realized in full. Besides the existence of the Council, mechanisms of intersectional cooperation have not been introduced and there is no adequate coordination between relevant subsystems – education, social protection, justice, finance, health care, internal affairs. Coordination is still bad in the relationship of government – local government, which is the main obstacle for harmonizing activities at the central and local level. Even when the issue is child welfare, unfortunately being political partisanship.

### **Monitoring and implementation**

Monitoring mechanisms are still insufficiently developed and stay within the boundaries of habitual supervision of everyday activities within the Government departments themselves (administrative oversight) and judicial control of administrative and judicial acts (second degree decision making in judicial proceedings). Further concern is caused

because the Law on the child rights protector has still not been adopted. Having in mind that an independent system of monitoring is nonexistent, NGOs carry out the supervision within limits of their organizational capacities.

### **Budget analysis and allocation of funds**

Budget allocation in the Republic of Serbia is conducted through Government departments which makes it difficult to analyze how much resources are intended for children and where these funds are directed. It is not transparent what percentage of budget resources are allocated for children. Most of the resources intended for children are allocated through ministries in charge of social policy and education.

For a number of years Serbia has allocated between 3.5 and 3,8 % of GDP for education, which is considered very low. GDP percentage that is intended for social transfers is constantly around 1.4%, also the lowest in the region.

### **Data/Indicators**

When the National action plan for children was adopted, it was confirmed that the realization of planned improvements be monitored through a set of indicators part of the DevINFO data base. Namely, in the previous period, indicators were put in place for monitoring accordingly defined goals and tasks, data does not exist for all of the indicators, i.e. they are not regularly updated. On the other hand, the concept of the data base in theory allows data collection by municipalities, which might indicate discrepancies in development.

Regardless of the obvious improvement, there are number of significant problems in this area. The Statistical Office of the Republic of Serbia gathers data of general interest which is the basis for analysis of other indicators, while the Statistical Office does not use the 18 years age limit. Consequently there is no accurate data on the number of persons younger than 18 years of age. Data that refers to individual areas are gathered partially and is complicated because of different methodological approaches.

### **The position and role of NGOs**

State bodies, especially ministries, still do not recognize the NGO sector as a fully fledged partner. Still, during 2007 certain improvements were reached and the process of strengthening cooperation was initiated. We should mention the program of the Vice Premiers Team for the Implementation of the Strategy for Reduction of Poverty “Contact civil society organizations”, financed by the International Development Department of the United Kingdom, by which contact organizations were chosen for seven sensitive groups, including children. Contact organizations facilitate communication channels and cooperation of organizations occupied by child issues, gathered into a cluster, and state bodies and institutions. In nearly all ministries (except in the Ministry for Education) contact persons for cooperation with the organizations were appointed.



Full cooperation was accomplished in the preparation drafting of certain laws and strategic documents where.

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

At the beginning of this decade, as part of the initiated reform of the educational system, the intention was to introduce the Convention to the children through the educational system. However, this idea did not go through as intended. Children are introduced to the Convention in school through the subject Civic Education. This subject is optional. Children that do not opt for this subject, unfortunately, cannot be introduced to the Convention during other classes. In the mean time, training of civic education teachers was abandoned, thus resulting in decrease in professional capacity for teaching the subject. When speaking about dissemination and introducing of the Convention to the parents, the state has not taken any steps towards this.

Among professionals working with children the situation is rather curious. On the one hand, Family law judges have to go through obligatory education in the area of child rights. The same goes for professionals of the Justice Ministry and Ministry of the Interior working in the juvenile justice system, as well as representatives of the Bar Association.

### **International cooperation**

International organizations that deal with child issues (UNICEF, Save the Children, Agency for reconstruction, World Bank) have a twofold role in Serbia: some of them are active in project and program implementation (UNICEF, Save the Children) and provide financial, logistical and human resource aid to local NGO and state agencies, while others generally finance reforms that are carried out within state structures (Agency for reconstruction, World Bank). Thanks to their assistance most of the achievements in the implementation of the Convention were made possible.

### III DEFINITION OF CHILD (art. 1)

**The legislation of the Republic of Serbia does not have a law that would thoroughly regulate child rights and does not include a universal definition of a child.** Suffrage is achieved according to the provisions of the Family law (as the most important national source of rights in the field of child rights) at the age of 18, **so any individual younger than 18 years of age** can be considered a child.

#### **Civil capacity of children**

It is difficult to determine a child's capacity to contract because it is regulated by various laws. This type of arrangement causes problems even for professionals that decide on issues concerning children and their rights, and is especially problematic for parents, teachers and other persons in daily interaction with children. However, it will be impossible to get around this situation until a child law is adopted which would thoroughly regulate all these matters in one place.

We will illustrate an example of a paradox which is a result of the unharmonized system: Testimonial capability is acquired in Serbia at the age of 15 and is not limited with regard to the object of disposal – hence, a child 15 years old can dispose with his/her real-estate legally in case of death. On the other hand if a child wants to dispose with his /her real-estate legally during the guardians' lifetime he/she needs permission from the guardianship body.

#### **Age limits for realizing various rights (capacity to contract)**

Limits recognized by domestic legislation with regard to acquiring various rights or authorities have been decreasing in recent years. However, in practice the prescribed limits are interpreted too rigidly and formally by bodies that are obliged to apply them, which demonstrates fundamental misunderstanding of establishing these limits. Consequently, a child that is not yet 10 years old (rather e.g. 9 years and 5 months old) is not asked for his/her opinion in the process of marriage divorce, not only will his/her opinion not be consulted as it is prescribed for a child older than 10 years of age, but it will not be consulted at all even though there is an obligation to request the child's opinion.

Another problem that occurs is the introduction of new legal standards with insufficiently clear contents, which is always an area for potential abuse. The following term is used in such a way “the court will hear the child if the child is capable of making judgment”.

## IV BASIC PRINCIPLES

### **a) Right to life, survival and development of the child (art. 6)**

#### **The right to life as the fundamental right**

The Constitution of the Republic of Serbia guarantees the right to life as the fundamental right of everyone. The death penalty is prohibited, as well as cloning of human beings (art. 24 of the Constitution) which is a novelty.

#### **Suppression and prevention of child accidents**

In the last few years the rate<sup>3</sup> of preschool children requiring medical attention because of injury is 76.96 per 1000 children (according to statistics of the “Batut” Institute of public health and the Belgrade City Institute for public health). Children are most frequently injured at home, and these injuries are of a seasonal character – in the summer scratches and bruises, in the winter burns usually from heating devices that are not safe enough. Data of the Statistical Office of the Republic of Serbia that the mortality rate due to accident is 6 per 100000 children aged from 0 to 4 and from 5 to 14 years.

Children of a preschool age, especially primary school pupils, are the most endangered participants in traffic and as such require special protection measures as prescribed by law. Children are victims most frequently as pedestrians, but what is especially interesting, as scooter drivers as well. According to data of the Ministry of Internal Affairs<sup>4</sup> from January 2006 until august 2007 there were 108326 traffic accidents. 64 children died and 3100 were injured. Children were 4.1% of total deaths and 9.3% percent of total injured in these accidents. Children provoke 70% of the accidents in which they are victims. This signifies that there is a need for additional measures which would oblige parents, persons that are responsible for children, and the necessity of additional preparation of children for independent participation in traffic. However, the significant number of accidents is caused by mistakes of drivers that drive too fast or under the influence of alcohol, to which mild sanction policy for unacceptable driving behavior contributes.

Unfortunately in Serbia no significant and universal measures are being taken that would reduce the number of child accidents.

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<sup>3</sup> During 2004, a total of 33.660 preschool children suffered some form of injury, poisoning or affects of outside factors that required medical treatment.

<sup>4</sup> In this data of the Ministry of Internal Affairs of the RS, the term child is used for persons under the age of 14.

### **Child suicides**

In Serbia, a specific suicide rate of persons aged from 15 to 24 in the last few years is at a constant level of 8 suicides per 100000 citizens of this age category. Data on youth suicides however must be analyzed with caution, because a significant number of occurrences are registered as accidents or are covered up otherwise. Stigmatization of society that burdens the child that has a problem and his/her family complicates the resolution of the situation because seeking professional assistance is put off which leads to unwanted consequences.

### **b) Best interest of child (art. 3)**

#### **Regulations**

The principle of best interest of the child is not a constitutional principle, but all laws regarding children that have been adopted in the last few years have the principle of acting in the best interest of the child among their provisions<sup>5</sup>. Family law prescribes that everyone is obliged to act in the best interest of the child. The principle is still just a proclamation especially in the area of family life, and it is not embedded in the rights and obligations of parents. The contents of the principle are not defined – there is no list of criteria (facts and circumstances) which could help determine what the best interest of the child in specific cases is. Henceforth “child’s best interest” remains an abstract term which as such does not have sufficient power to oblige. The consequences are varying practices and the impossibility of evaluating state bodies and parents with regard to this principle.

#### **The principle of best interest of the child in judicial and administrative procedures**

The court and other bodies are obliged to take into account the best interest of the child when deciding on issues having to do with children. To read more about the topic of conflict of the best interest of the child principle and child right to participation, see: Respecting child opinion – right to participation.

### **c) Protection from discrimination (art. 2)**

Serbian society is not a tolerant one. Idea of non-discrimination principal, beside the social equality, is still not familiar to Serbian citizens. Furthermore, society does not recognize this problem – one can usually hear that people in Serbia are too tolerant. But statistic says differently:

- Mortality rate of Roma children younger 5 years of age year is 4 time higher the overall mortality rate.

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<sup>5</sup> *The Law on Healthcare protection* obliges medical staff to, when they think that the legal representative is not acting in accordance with the best interest of the child, immediately inform the parents about it.

- Just 4 % of Roma children attend pre-education programs (35% of the general population attends preschool)
- Only 13 % of Roma girls finish high school.
- It is estimated that over 2/3 of children with disabilities do not go to school.

A sound indicator of the state of tolerance for different people (especially among the youth), are results of research carried out in September and October of 2005<sup>6</sup>. **“The more you understand culture of different nationalities, the more you are worth”** - 84% of girls and 70% of boys support this statement. 38% of boys are concerned that the **“influence of other nationalities “severely endangers national identity”** of their nation. 35% of them do not agree with this statement and the rest are undecided. Girls are a bit less xenophobic – 29% are fearful of foreign influence, the same percentage are undecided, while 41% do not consider the influence of other nations as a threat to their own national identity. Henceforth, at least half of secondary school students in Serbia are more or less suspicious towards influence of foreign cultures. **17% of girls and as much as 28% of boys are not sure if it is patriotic to listen to music in a foreign language, or are convinced that it is very unpatriotic behavior. The perception of human rights being a fashion from the west** – only 41% of boys and 47% of girls do not agree with this statement, which is a serious cause for concern.

There is a very interesting difference between genders that occurred with the statement **“who is very different from his/her environment, must have a serious mental problem”**. 71% of girls and 57% of boys disagree with this statement, while 21% of boys and 12% of girls agree with it. Besides being sensitive to influence from outside their environment, boys are less tolerant to differences within their own environment. In other words, girls value originality more than boys.

### **Legislation**

The Republic of Serbia does not have a universal law on protection from discrimination. For now the issue of discrimination is regulated by various laws<sup>7</sup>. However, each of the laws contain different basis of discrimination which is in itself in contrast with the principle of non discrimination. Besides international obligations in that sense, internal conditions reflect the necessity of adopting a Law on protection against discrimination.

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<sup>6</sup> The research was carried out in seven towns in Serbia (Belgrade, Nis, Kraljevo, Uzice, Novi Pazar, Vrbas and Subotica) by the Child Rights Center and published in the “The Rights of the Child in Serbia 2005” report. It evaluates the opinions of youth towards minorities and cultural differences in their environment. 468 secondary school students of both genders aged 16-17 were surveyed. In each of the towns one class from a gymnasium and from a vocational training secondary school were surveyed.

<sup>7</sup> For example the *Law on Advertising* provides that advertising can not, directly or indirectly, instigate discrimination in any way. Publishing or broadcasting of advertisements can not be denied based on race, national or ethnic identity, gender or any other personal characteristic of the person requesting publication or broadcasting of advertisements.

### **The principle of protection against discrimination and especially vulnerable children and neglected children**

Laws that regulate education, access to information and social protection principally allow for the possibility of securing nondiscrimination for especially vulnerable and neglected children. However, at the state level no measures are taken in order to secure that those children enjoy the same rights as other children. The law on public information even obliges the state, autonomous regions and local governments to secure resources for the operation of broadcasters in minority languages, as well as to assist the realization of equal rights for access to information for persons with disabilities. However, there is no television content adapted to children with disabilities. There is still not enough space for activities of NGO, disabled peoples organizations or similar organizations.

### **Protection of disabled people from discrimination**

In 2006, the long awaited Law on preventing discrimination of persons with disabilities was adopted<sup>8</sup>. This Law especially protects children with disabilities in the process of education, and if a child is discriminated by a teacher or other staff of the education institution it is regarded as an especially tough form of discrimination (art. 20 of the Law on prevention of discrimination towards persons with disabilities).

### ***Recommendations***

The Committee should recommend that State party,

- adopts Law against discrimination as soon as possible.
- prepares and implements strategy for inclusion of marginalized children in education process, especially children with disabilities, Roma children and children in rural areas.
- take necessary measures to insure that tolerance and respect of differences becomes one of the aims of education.

## **d) Respecting children's views – right to participation (art. 12)**

### **Respect of children's VIEWS and the legislation**

The Family Law enables a child that is capable of forming his/her opinion to freely express that opinion and the right to timely receive all information necessary to form his/her opinion. Compared to previous regulation, this is a considerable improvement in the area of child rights. However the way in which this right is specified through legal texts and the prescribed way of realizing it, leads to many difficulties, some of which we have already mentioned, and some of them we will mention here:

- In the area of family life, where most decisions are being made, it is not sufficiently emphasized that all decisions that have implications for the child must

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<sup>8</sup> Official Gazette of RS br.33/2006

be brought taking into account the child's opinion and there are no mechanisms of control.

- In the processes of adoption and other forms of alternative care for children, legal solutions do not respect the development capacities of children.
- There is no legal instrument for a child, to initiate a procedure for protecting the right of respect of opinion. There is only substantive authorization for a child older than 10 years of age to approach a court or another body, but it is not prescribed with which type of petition (complaint, law suit, request, proposal, etc.) a child can do this.
- The way in which decisions are made in the education system, teaching curriculums and programs, textbooks, and daily activities in teaching institutions developed, is not conceptualized to take into account children's opinions.

### **Child in judicial and administrative procedures**

The procedural position of children in judicial and administrative procedures, although improved by adoption of the Family Law, still has a few shortcomings.

- When a child participates in a process as a party, his/her position is satisfactory, but the child is not secured the position of client in all procedures that determine his/her rights (protection of rights) in the area of family relations. A further difficulty is insufficiently clear definition of capacity to contract of the child from which stems his/her procedural capacity.
- Legal provisions do not secure procedural guarantees that attention will be given to a child's opinion or that it will be heard out at all in practice.
- Procedural laws do not recognize any form of assistance apart from interpreter assistance (learning tools or other technical means). Interpreting services are used also when the procedure is in a different language than the mother tongue of the child. There are no provisions that would secure full protection from discrimination for children with disabilities during procedures.
- There are no special rules on hearings of children witnesses, which would allow for a child to be prepared for testifying in court and heard out accordingly.
- The Family Law does not contain provisions that would prevent application of rules on repressive measures for violation of testimonial obligation on child witnesses (fines, imprisonment), measures that are prescribed by the Law on criminal procedure.

#### **Child opinions:**

According to the results of "Let your voice be heard" the survey carried out by the Uzice Child Rights Center and *Catholic Relief Services* along with other local partners, the children<sup>9</sup> think that their **opinion are not listened to sufficiently**, and that decisions which concern them are being brought without respecting their opinion even when they have an opportunity to speak their mind. We illustrate the previous conclusion with an example: "They treat us as if we do not exist. Children are inexperienced, what do they know. They consider us incompetent". Furthermore, children think that there are **no**

<sup>9</sup> A total of 253 persons aged 16-24 participated in the survey, most of them being aged 16-18.

**efficient mechanisms for inclusion and participation of youth.** They say: “If I knew that I could change something I would participate; if I knew that our engagement in issues meant something that someone would hear us out and that our voice would change something I would participate”, or “Everyone talks about this and that, but no one asks us what we want and how we want it”.

Never the less, we need to emphasize that there are individual legal regulations that could secure efficient mechanisms of child participation, such as student parliament, but they are not efficient. Student parliaments have not been established in all schools. Furthermore, in many of the schools that have established parliaments they exist only “on paper”, without initiatives, because the purpose and role of these parliaments was not explained to the children, teachers that have been given the responsibility to work with parliaments have not been trained for this role, etc. The following is an example of a student: “Student parliaments generally don’t function well, because we have to fight for our status with the principle... finally we achieved that one of us has a vote in the teachers council! Do you know how much that means to us?”<sup>10</sup>

### ***Recommendations***

The Committee should recommend that the state party,

- Establish separate rules of techniques of child interrogation in civic court proceedings;
- Take adequate measures after adopting a piece of legislation, measures that refer to children and which should help efficient application of regulations and special provisions including staff education, adopting guidelines and by-laws;
- Should take active measure in promoting the participation of children through training professionals that work with children in all areas (education, healthcare, social protection), as well as parents.

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<sup>10</sup>Data taken from the publication “Let your voice be heard – participative research on the needs of children and youth and mechanisms for inclusion in social circumstances” October 2004 – March 2005.



## CIVIL AND POLITICAL RIGHTS

### a) Right to name and citizenship (art. 7)

#### Right to name and entry into birth registry

According to the results of the MISC3 (Multiple Indicator Cluster Survey 2005, Serbia) research, 98.8 % of children in the general population have been entered into the birth registry, but there is a considerable disparity in the Roma population where 94.5 % have been entered into the registry. The following example illustrates a typical example of occasions when children are not registered.

An 8 member family from Urosevac (Kosovo) has been accommodated at the Collective center “Old airport” in Kraljevo (Central Serbia). The parents Mufailj Berisa and Behare Krasnici live without a civil status. Henceforth their children, all 8 of them cannot be registered.

The right to have a name is constitutionally guaranteed by the Republic of Serbia. Entry into the birth registry is also the right of every child guaranteed by the Serbian Constitution. However, the problems that occur in practice lead to a number of children being left unregistered and henceforth unable to realize other rights guaranteed by the Serbian legal system. The medical institution where the child is born has the obligation to complete the registration, but instances when a child is born outside an institution the increase the chances of a child being left unregistered due to complicated procedures, especially if the parents have a low educational background.

#### Two of the most common problematic situations are:

- The pregnant woman and children do not have a medical card. Hospitals cannot accept pregnant women without a medical card, because of which they commonly use someone else's, so the data on the children's document is erroneous; Recently, since a new health insurance law has been passed, this was amended, but there is still a significant number of medical institutions that do not know that all Roma are entitled to free health care, regardless of their documents.
- If parents that do not possess documents file a request to enter their children in the municipal birth and citizenship registry, they are informed that they must first solve the issue of their own documents after which they are entitled to request registration of the born child – which is frequently impossible; A further problem is that they do not receive instructions from anyone on how to accomplish this nor is there a universal practice of solve this problem.

On the other hand however, there have been three cases in 2006 in which parents have not named their child at birth. These children do not have an official name, are not entered into the birth registry, and family members call them by different names.

### **The right of children to know who their parents are**

The child's right to know its descent has been a constitutional right since 2006. Limits exist only in situations defined by the *Family law* (by this law only) and refer only to cases when children are born with biomedical assistance (artificial insemination). In that case the woman who gave birth to the child is considered the mother, while the ovary donor remains unknown. The same rules apply for fathers.

In adoption processes, the child's right to know who the parents are is not protected sufficiently. When a decision on adoption is brought, the adopted child is a newly entered into the birth registry. Data on the parents is replaced by data on the adopted parents, while after entry the child and the adopted parents are reserved the right of insight into the birth registry. This solution for entering adopted children into the birth registry is not in accordance with the child's right to know who its parents are and the right to maintain contact with them regardless of the adoption.

### **Right to citizenship**

The manners of acquiring and discontinuance of citizenship are defined by Citizenship law of the Republic of Serbia. The bases for acquiring of citizenship are in accordance with the provisions of the Child Rights Convention. This law clearly states that "a child born or found on the territory of the Republic of Serbia acquires Serbian citizenship if both its parents are unknown or of unknown citizenship or without citizenship or if the child is without citizenship". In practice this provision is clearly not being applied since the citizenship of a child whose parents are not entered in the citizens' registry is not entered in the birth registry until the issue of parents' citizenship is solved.

**Recommendation:** The committee should recommend that the State party enables all children to be informed of their origin.

### **b) Freedom of expression and access to information (art. 13)**

The Constitution of Serbia guarantees with article 46 the freedom of opinion and expression which includes the freedom to request, accept and disseminate information and ideas by speaking, writing, picture or any other manner. Defined this way the freedom (right) with its context is approaching the contents of the right as defined by the Child Rights Convention.

We must emphasize that a significant number of examples of abuse of the child right to expression, but unfortunately also a few drastic cases of abuse of the child right to expression towards achieving daily political goals.

An example is a television talk show that is broadcast in prime time on the Serbian public service television channel. Children from Kosovo that have suffered difficult personal
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and family trauma were exposed to the brutal secondary trauma in front of cameras. Children were brought to the television program without paying attention to the professional competences of the program host, who obviously doesn't have basic skills and techniques required for interviewing children. There was a strong public reaction to the program, but regardless of the statements of journalist's organization and the Child Rights Center the program was rebroadcast.

## **Access to adequate information**

### **Protection of children from harmful information and materials**

The law that regulates public information, radio and television broadcasting and advertising contains provisions the purpose of which is protection of minors from information that could harm their development. This principally refers to pornographic press, contents that emphasize and support violence, drug use or other criminal behavior. These provisions are not consistently asserted and for now no media has been penalized for exposing minors to these types of content.

Furthermore, despite relatively good laws that regulate work of the media, advertising and other related commercial content, there is no efficient protection from the abuse of children. There is an array of television programs (game shows, advertisements) that invite children to participate by dialing special numbers that have specific tariffs (far more expensive than tariffs in the national telephone system)..

### **Media for children**

The analysis of media shows a troublesomely low degree of attention towards children in printed and electronic media. Only 3% of printed content is directed toward children. As far as television programs are concerned only about 7.6% of space is given to topics related to children.

## **c) Freedom of thought, consciousness and religion (art. 14)**

The Serbian Constitution guarantees the freedom of thought, consciousness and religion, the right to maintain ones beliefs or religion or to change at ones own discretion. Serbia is a secular state in which all churches and religious groups are equal. Passing of the *Law on churches and religious communities* provoked a lot of public reactions in 2006. In general the law is in accordance with all constitutional principals, and among other things religious expression can not be conducted in a way that would violate child rights (any right, not only right to religion). In accordance with the law no one can be sanctioned because of belonging to a religion or a religious group which is not prohibited on the territory of Serbia. Regardless of all European standards our courts interpret these provisions in ways which allow the possibility for restricting the rights of people belonging to religious communities other than Christian orthodox.

Example: The decision of the Municipal Court in Velika Plana which as a temporary measure awarded custody of a child to the father attracted significant attention of the domestic public. The explanation of the decision to propose temporary measures was that the mother of the child is a member of Jehovah's witnesses, and that they prohibit blood transfusion, which could endanger the child's vital interests. Unfortunately the public reacted only to the severe violation of court proceedings, but did not take into account the fundamental problem of this case. In reaching this decision the court regarded that belonging to this religious group and their practice of not using blood transfusion is automatically endangerment of child's interests. The court was actually obliged to conclude whether belonging to Jehovah's really endangers the interests of the child in this **specific** case. That would mean that it had to conduct proceedings in accordance with its authority and conclude the possibility of the child's interests being endangered in this specific case.

#### **d) Right to privacy (art. 16)**

The right to privacy in healthcare procedures – The right to privacy of personal information that the patient confide to a medical worker and information regarding the patients state of health, as well as the right to protection of privacy during diagnostics procedures, and therapy in general, are guaranteed by the *Law on health care*. However, the manner in which checkups of pupils have been performed for years now are an obvious example of violation of the right to privacy. Namely, all pupils of the same gender are in the medics' office at the same time, while during the check up and consultations of the pupil with the doctor other pupils are present i.e. as many of them that can fit into the office.

Realizing the right to privacy in the field of media – due to lack of control the media do not respect provisions of laws and bylaws that regulate the protection of children's privacy. The state is not taking adequate measures to subvert these occurrences, while individual legal actions are not effective enough. The reason is that only a few damaged persons start proceedings, while the damages awarded by domestic courts unjustifiably small in these cases. Henceforth the violation of privacy rights remains cost effective.

Example: a text about supposed sexual harassment of a two month old baby, where not only did the text reveal the identity of the child but it was proved that the story was a fake altogether. In this case it turned out that the baby wasn't a victim of medical malpractice turned into a sexual harassment case that was on the front pages of news papers for days.

A drastic example was printing of parts of a private video of two high school students from Kragujevac (Kurir daily tabloid) which was characterized as pornographic and was even shown on the 8 o'clock news on the RTS (Serbian Broadcasting Corporation).

**Proceedings against a minor nor decisions reached in those proceedings may not be published** without permission from the court, while in case the decision is positive, the name or other data that can be used to identify the minor may not be published.

Children must be protected regardless whether they are victims or perpetrators of a crime. The media often give little coverage of the victims unless it is sensational enough or has something to do with current affairs.

Example: a boy was killed during an attack of Albanian extremists in Gorazdevac – the media published photographs of the dead boy which was a flagrant violation for political purposes.

The rights of children regarding information kept about them – in Serbia children cannot request the right to know whether any data is being kept about them, the reasons for gathering these data, to access it or to control access of other persons to this data. There is no independent body for the protection of child rights, so a child has no one to turn to if their rights are being contested. Furthermore, the law on public information does not define at what age a child acquires independent rights to allow publishing of information that concerns their private life.

Right to privacy in social protection institutions – International standards are respected in a few institutions only. Facilities in which children spend their time are usually small and insufficiently equipped. At some institutions placing telephone calls is time restricted and can only be done at certain times of day. The amount of clothes a child can have is restricted, while younger children do not have their own clothes as clothes are randomly divided among them after washing. The behavior and training of staff, with regard to respect of privacy rights, is not specifically regulated and there is no specific behavior code.

### **e) Prohibition of torture or other cruel, inhuman or degrading treatments or punishment and deprivation of liberty (art. 37)**

From January 1<sup>st</sup> 2006 the Republic of Serbia enforces a *Criminal Code* of which article 137 clearly defines the criminal act of: “abuse and torture”. The criminal code prohibits torture and all other cruel, inhumane and demeaning actions, first and foremost criminal justice incrimination contained in Chapter XIV of the Codex<sup>11</sup>.

#### **Prohibition of capital punishment**

The Constitution of the Republic of Serbia excludes the death penalty as a criminal sanction in our criminal justice system. A penalty of life imprisonment is also not part of

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<sup>11</sup> The following criminal acts are envisaged: illegal deprivation of liberty (art. 132), extortion of testimony (art. 136), illegal searching (art. 140), and criminal acts from the group of sexual liberties: sexual intercourse by abuse of power/office (art. 181)

the system of criminal sanctions (however life imprisonment is not explicitly prohibited in constitutional acts).

The most severe criminal penalty that minors can be sentenced to (exclusively older juveniles) is ***juvenile prison***. **This criminal sanction is pronounced only in exceptional cases, and in practice, the number of these verdicts is constant decline.**

### **Deprivation of liberty**

Only a person who is 14 years old, based on a decision of a juvenile judge and a council for juveniles, can be in exceptional cases deprived of liberty. It is especially important that this new law excludes the possibility of holding juveniles in police custody.

### **Detention**

Children are detained separately from adults. Exceptionally, a juvenile judge can determine that the minor be imprisoned with an adult, if it would not adversely affect him. This legal solution is to a certain degree contrary to provisions of the Convention on civic and political rights that insist that juveniles must be in prison separately from adults.

After conducting their research during 2006 and 2007 on the: *Report on the condition of human rights in institutions for juveniles December 2007*, the Valjevo Human Rights Committee thinks that it is necessary to implement a special training program for staff employed in prisons in which juveniles are incarcerated (KZP Valjevo, VDP Krusevac, KZP for women Pozarevac, Belgrade district prison – juvenile facility). That way additional sensibility for work with juveniles of staff employed in these prisons will be achieved (European prison rules – 18.3, Standards CPT-a, CPT/Inf/E (2002) 1 – Rev. 2006)<sup>12</sup>. The area for which employees stated that they need additional education is rights (human rights 32.6% of surveyed).

### **Alternatives to detention**

A juvenile judge can order that during preparatory proceedings a juvenile be placed in a home, an educational or similar institution, to be placed under the supervision of a guardianship body or to be placed with another family, if it is necessary that the juvenile be displaced from the environment in which he has lived until then. This legal measure still very rarely being used, that leads to unjustifiably frequent incarceration of juveniles.

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<sup>12</sup> The care and protection of juveniles deprived of their liberty represents an especially challenging task. Staff that is called upon to fulfill this task must be carefully selected based on personal maturity and capability grasp the challenges of working with people of this age, along with securing their positive intentions. This staff has to be especially committed to working with young people and capable to lead and motivate minors that have been assigned to them. This staff, as well as security guard staff, must be provided professional capacity and trained when their employment begins as well as throughout their employment, for which it must have outside support and supervision in accomplishing their duties.

**Other forms of deprivation of liberty of minors and possible areas of child rights violations**

With adoption of the Family Law, the possibility of placing children under the age of 14 in educational institutions, without a court proceeding, based on a guardianship decision, was removed, as was the possibility of persons criminally sanctioned to spend time in an educational institution being in the same place as small children (even younger than 7 years of age) that social work centers determined to be of “delinquent behavior”. According to the current solution, only adequate court authority can make decisions regarding that type of “accommodation”.

Status offences are still an unresolved issue in Serbia.

**A right to appeal**

A right to appeal exists in all situations when a minor is sentenced to custody by court decision. Minors must be accompanied by a defendant during the first hearing, as well as during the whole proceeding. The defendant of the minor must have acquired specific knowledge from the field of child rights and juvenile felonies. More than 1500 attorneys from Serbia have so far participated in educational cycles and have acquired a “conditional certificate” for active participation in minor defense proceedings.

## VI FAMILY ENVIRONMENT AND ALTERNATIVE CARE

### **a) Child right to parental care and responsibility of parents (art. 5, 18)**

#### **General Information**

Family environment is recognized as very important for children development. Lately, especially in last 2 years, role of state bodies in family matters is better balanced between courts and social work centers then it was before, and there are measures to decrease number of children in institutions.

But there is a new problem – the problem of “social orphans” particularly in east part of country called “Black valley (dolina)”. Children that live with their grandparents or relatives (uncles) have more money then their peers and less control and guidance since their parents are absent. Due to that, there is predominance of drug abuse and frequent care accidents. The state has no control over this because parents have formal guardianship over children. Unfortunately we expect this problem will become bigger in the future as it happened in Romania for example.

#### **Definition of family – lack of definition**

Domestic Laws do not contain a definition of family, the lack of which creates a number of problems. Firstly, it is difficult to define which persons fall in to the category of family members. Secondly, when reading the Law, it is clear that Law (usually) considers as family the parents (or one parent) and children. But the reality is that the family in Serbia is usually multigenerational and that it consists of grandmothers, grandfathers, aunts and uncles, while the law doesn't recognize them status of members of the broader family (except in special, clearly defined cases) with which it overlooks actual conditions in society. That is why it very often happens that grandparents or other relatives look after a child without formal authority.

#### **Child Right to live with parents and the right that parents look after the child**

In the period that we are examining in this report, the adoption of the Family Law (2005) and the new Constitution of the Republic of Serbia (2006) were a qualitative step forward. The child right to live with its parents can be limited only by court decision (see: separation of child and parents), while previously it was possible by decision of a guardianship body. A second important step forward is introduction of the institution of joint custody when parents do not live together (divorce or termination of a non marital communion, and it is also possible when parents have not been living together since the child's birth).



## **Child Rights in the family environment**

The Family Law generally recognizes all of the principles of the Convention and they are the principles on which the law is based. However, responsibilities of parents towards children are not clearly defined in accordance with the principles of the Convention. Respect for the child's view is understood by the legislator as a right that is related to judicial and administrative proceedings, but when decision making in the family is concerned, respect of child's view is not clearly emphasized. Furthermore, the Family Law does not prescribe an explicit obligation of parents to carry out their parenting tasks guided by the best interest of the child.

## **Parental assistance programs**

Parental assistance programs are an area that has been broadly neglected. There are certain fund allocations on the level of the Republic and possibilities of introducing other forms of assistance on the local government level. There are programs of assistance directed towards all families with children as well as those that are directed at a specific group of beneficiaries, for example, child support intended for socially vulnerable families (see more under social protection).

We will mention some omissions in the system that we would like to see corrected in the near future:

- *The father is not entitled to paternity leave!* The father can take so called "paternity leave" only when the mother is unable to use it;
- *Mobbing* – recently there has been a lot of talk about the problem of mobbing mothers in the sense of their using maternity leave. It is a common problem of economic transition that mothers (even though it is illegal) are being laid off just before they are to return from maternity leaves.

## **b) Parental care**

### **The obligation of parents to maintain their child (art. 27)**

Child maintenance is primarily an obligation (but also a right) of parents. While the child is a minor, this obligation is absolute, limited only by actual protection capacity of the parents to support the child. Even a parent completely deprived of parental rights has the obligation to support his child.

A problem occurs when the issue of child maintenance is raised in court proceedings (parents live separately). A big problem is the fact that a significant number of people in Serbia still earn their income on the black market, or their registered income is lower than their actual income, so when courts reach decisions (which must be supported by actual

evidence) they have at their disposal false data, which is always against child interest. The largest disproportion is with persons that are self employed (entrepreneur). Most of them have a 10 times bigger actual income than the official one. Article 162 of the Family Law determines that the amount of support should facilitate at least the same quality of life that the parent, supporter, enjoys. However, there is no data that this article has ever been applied in practice.

### **Problems in implementing maintenance obligations**

There are insufficient security and inadequate mechanisms for implementing child maintenance requests. Existing mechanisms are not good enough to secure orderly support. It is necessary to install special implementation mechanisms for realization of maintenance.

**Recommendation:** The Committee should recommend that the state establishes a separate fund, which would payout children directly. All debtors, by judicial decision would deposit the child maintenance to the fund.

## **c) Separation of child from parents (art. 9)**

### **General Information**

There is no reliable data on children living separately from their parents. There are some statistics on children of legally divorced parents, but there is no data on the number of children of parents who are not living together but are still officially married, children from common law marriages that have been terminated and children born outside marriages and common law marriages.

There are a number of children separated from parents by court decision, as a measure against child neglect and abuse. Data on number of those children are not reliable also.

### **Participation of children in decision making**

A child older than 15 years of age, if it is capable of reasoning, can decide with which parent it wants to live and the modalities of maintaining a personal relationship with the other parent.

The court has the obligation to hear out and respect the opinion of any child older than 10 years of age, but is able to decide differently than the opinion of the child.

However the child cannot appeal to the courts decision because it does not have the status of a party to the proceeding, and there are no mechanisms for independent legal child representation.

### **Personal relationship of the child with the parent he/she does not live with**

Children above the age of 15 can independently decide how they want to maintain personal relations with the parent that they do not live with. Younger children also have the right to express their opinion. Children older than 10 years of age have the right to express their opinion in front of court directly.

### **Alternative care**

The state is obliged to take care of children whose development is obstructed by family conditions and children without parental care. They can be placed for care with other families or, if that is not possible, into social protection institutions. An estimated 4000 children live in foster homes and in institutions in Serbia<sup>13</sup>. Accommodation of children in social protection institutions is a measure of last resort, however alternative forms of care are not developed sufficiently.

There are some campaigns in order to increase a number of foster families and to improve their structure. Foster families are more commonly from rural parts of state, but rural areas have problems of their own – distant schools, remote healthcare centers and so on.

However, according to latest data from the Ministry of Social Affairs, there is a big gap between existing structure of foster families and the structure required for children that are waiting to be fostered.

In 2006 the authorized ministry adopted “*Measures for removing irregularities in accommodation of children and youth in social protection institutions*”. The significance of these measures is in preventing that children be placed in institutions when there exist other forms of accommodation; that there is always a legal basis for accommodating children in institutions. When a child has their placement in institutions can not mean ceasing relationship with the parents, quite the contrary, it is the obligation of the institution to see to it that this right of the child be respected. These measures have been brought because in the previous period there were children in institutions without a legal basis.

### **Separation of child from parents on the request of parents**

Still, the situation described below, not in accordance with Family Law and allows for the possibility of violation of the child right to be taken care of by their parents before considering other options. The Law on social protection envisages the possibility that a child whose development has been deranged due to family conditions (child with social disorder, mentally challenged child), and that due to these conditions cannot stay with its family be placed in a social care institution upon the request of the family. The Family Law doesn't mention situations of placing children in social protection institutions upon request of the parents except when they entrust the child to a person adequate to be its guardian.

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<sup>13</sup> Data of the Ministry of labor and Social Policy.

### **Children moved from their place of residence**

Furthermore, it is important to point out that about 2000 children (which is about half of the beneficiaries) that are in institutions or in foster families have been moved from their place of residence. Children with disabilities are particularly endangered. There are 5 institutions for accommodation of children with minor or major disabilities within the system. Some of them are located in remote areas, far from populated zones (such as Kulina), so most of the children are not accommodated close to their usual place of residence. Furthermore, the average number of beneficiaries (between 300 and 650) surpasses the capacities of these institutions, resulting that the system for placement of children with disabilities is not in accordance with norms<sup>14</sup>.

## **d) Adoption (art. 21)**

### **General Information**

In Serbia, the institution of adoption is still primarily considered as aid for people who do not have children to fulfill their instinct for offspring, rather than as a way of caring for children without parents.

This point of view leads to several problems in practice:

- Children can only be adopted by couples except in two situations – when a child is adopted by one of the spouses or by a non marital partner or when there are specifically legitimate conditions. The authorized minister decides on this legitimacy but there are no clues in the regulations of what these conditions could be.
- Natural parents have not provided a satisfactory level of care and protection – after adoption all practical and legal connections between the natural parents and the child cease to exist.
- The right of identity of the child is not sufficiently protected – there is no control over the adopted parent's obligation to tell the child that he/she is adopted.
- There are no criteria for determining the duration of parental absence as a condition for adoption.
- In the adoption procedure the best interest of the adopters biological children has been completely disregarded – they are not mentioned anywhere.

The adoption procedure is quite complicated, lasting about 8 months, with a 6 month adaptation period. However, after adoption there is no monitoring and evaluation of child placement.

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<sup>14</sup> See: Children with disabilities, p...

## **International adoption**

International adoption is not common in Serbia. Very strict rules which include a Ministry approval make the procedure of international adoption safe from the point of view of child trafficking for adoption. But this way of finding a family for children can be used in a better manner. Couples from Serbia which are waiting to adopt a child do not want to adopt children of Roma origin or children with disabilities. International adoption can be one of the solutions for this problem, along with programs for establishment of specialized fostering and adoptions. There are about 400 children in Serbia who are waiting for placement in a foster family or to be adopted.

## **e) Protection from abuse and neglect (art. 19)**

Social violence, particularly violence against children, is a huge problem in Serbia. It is committed in all five context of the UN Study on Violence – school, family, institutions, local environment and work place. However, an increase and change in the quality of peer violence is particularly disconcerting.

Violence against children became more difficult to hide, in particular thanks to the media. Unfortunately, media representatives often additionally burden a situation for abuse child be not respecting his or her privacy. With more active campaigns and additional assistance, the media can become a more educated partner in the prevention and protection of violence against children.

## **Problems in obtaining and analyzing data on abused and neglected children**

One of the basic obstacles in analyzing the issue of neglected and abused children is there is no universal data base that has common indicators. A novelty in this field is that the Ministry of Internal Affairs, since the adoption of the *Law on juvenile delinquents and criminal justice protection of minors*, has been keeping statistics on the gender and age of juvenile victims in 27 criminal offense categories<sup>15</sup>. In 2006 the police filed 748 criminal reports for 911 criminal offences that fall in to this category, of which juveniles were victims. By October 31<sup>st</sup> 2007 787 criminal reports were filed and 890 criminal offenses were registered from this category, of which juveniles were victims. The police force is the only department that keeps gender and age statistics of juvenile victims of the 27

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<sup>15</sup>First degree murder, aiding and abetting suicide, grievous bodily harm, kidnapping, rape, sexual intercourse with incapacitated person, sexual intercourse with child, sexual intercourse by abuse of power/office, unlawful sexual acts, solicitation and facilitation of sexual intercourse, mediation in prostitution, presentation of pornographic material, pornographic exploitation of children, cohabiting with a juvenile, abduction of juvenile, change of family status, neglecting and abuse of a juvenile, domestic violence, failure to provide maintenance, incest, grand larceny, robbery, extortion, war crimes against civilians, trafficking in human beings, child trafficking for the purpose of adoption, holding in slavery and transportation of enslaved persons.

mentioned criminal offenses. In 2006 there were 390 juvenile victims up to the age of 14 (178 male and 212 female) and 548 victims aged 14 to 18 (315 male and 233 female)<sup>16</sup>.

### **Effective protection from abuse and neglect**

The Family Law prohibits violence within the family (art. 197 FL), but does not explicitly prohibit corporal punishment (corporal punishment, for example, is still acceptable form of disciplining children in families). Measures are taken against the parent that abuses or neglects the child. Measures are pronounced by judicial decision, in a special proceeding which is urgent, but unfortunately there is still no good solution for the case when simultaneous reaction of the system to the violence is necessary, because in that case it is only possible to remove the child from its environment if it is necessary in order to protect his/her life or physical integrity.

All health and education institutions, social care institutions, judicial bodies, NGO and citizens are obliged to inform the public prosecutor of guardianship body of necessities and reasons for child protection (art. 263 Criminal Proceeding Law).

**The general protocol on the protection of children from abuse and neglect** that was adopted by the Serbian Government in 2005 envisages an intersectoral approach to this problem, in which social work centers would be the main coordinators. During 2006, UNICEF and the Child Rights Center - Belgrade wrote a guidebook for the application of the general protocol for protection of children from abuse and neglect. This was a step towards the implementation of procedures described in the General protocol. During 2006 and 2007, the Ministry of Labor, Employment and Social Policy, the Ministry of Internal Affairs and the Ministry of Education adopted their own special protocols, clearly defined procedures, for prevention and protection of children from abuse and neglect. However the Health and Justice Ministries, although obliged by decision of the government in 2005, have not yet adopted their own protocols.

### **Prevention of violence**

During 2006 and 2007 the application of numerous preventive programs intensified: "School without violence", "School policeman", "Education program for school teams on prevention of delinquent behavior in educational institutions", "Police in the local community", and others. This is especially important having in mind the increase in peer violence.

Results of research carried out in primary schools in Serbia as part of the "*School without violence*" program shows that violent behavior (peer violence) is present according to student accounts, and that both younger and older students, girls and boys have a tendency toward it (results determined by surveys of 26338 students of 50 primary schools). Students stated that the most common form of violence is verbal violence

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<sup>16</sup>The Statistical Office of the Republic of Serbia does not keep gender and age statistics of victims of criminal offences.

(insulting, name calling, spreading lies), while physical violence is the third most common form: 28% of surveyed students have at least once been participants of violent interaction, either as victim or as offender; 65% of surveyed students have at least once in the previous three months suffered acts of violence from peers; 44% of surveyed students have at least one or more times throughout their whole schooling suffered some form of peer violence; 23% of students have one or more times throughout their schooling suffered insults, ridiculing or physical violence from teachers.<sup>17</sup>

Also, findings of the “In the labyrinth of violence”<sup>18</sup> research carried out in May 2007 in 6 institutions for children without parental care in Serbia (189 children aged 10 to 18 and 132 staff of institutions participated) showed that practically no children were spared of violence during their stay at institutions: only 2.6% of children said that they have not experienced any form of violence listed in the survey. 76.7% of children were exposed to at least one form of violence a number of times, while about 20% of the institutionalized children have not experienced more than once or twice one of the mentioned forms of violence. More than two thirds of the children replied that they were threatened with physical violence (71%), threats which were usually carried out having in mind that 89% of children experienced at least one of the forms of physical violence, while 55% were frequently exposed to such violence. The most frequent forms of violence the children are exposed to are: mocking (77% because of ethnicity, 50% because of family), rumoring (74%), threats of physical violence (71%) and various forms of physical violence (58% to 68% of children were exposed depending on the type of violence). Nearly a third of the children experienced various forms of extortion and coercion, 28% stole under pressure, 7% sold drugs under pressure (3% did this often). A quarter of the children (26%) have been locked in rooms on occasions, while 11% experienced this more than once.

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<sup>17</sup>Research results were compiled and presented in 2006 by representatives of the UNICEF office in Belgrade and the Institute for psychology of the Faculty of Philosophy of Belgrade University.

<sup>18</sup> Plut, D., Popadic, D. (2007) *In the labyrinth of violence: Research of violence in institutions for children without parental care in Serbia*, Belgrade: Psychology Institute & Save the Children UK, Belgrade office.

## VII BASIC HEALTHCARE AND SOCIAL PROTECTION

### a) Health and healthcare protection (art. 24)

#### Child health indicators in Serbia

Thanks to providing care to mothers during pregnancy and in the period after childbirth, the infant mortality rate has been declining in recent years in Serbia. The last available data is from 2005, in which the infant mortality rate was 8<sup>19</sup>. What worries is that the health condition of marginalized groups of children such as impoverished or Roma is not even close to the condition of the general population. The infant mortality rate of Roma children is as high as 25<sup>20</sup>.

The malnutrition of children and impediments in their development is also much more frequent among Roma and impoverished children than among the general population. There are significant discrepancies in the immunization of children. The immunization rate of Roma children falls as low as 35%, while there is no discrepancy of the immunization rate of impoverished children in comparison with the general population.

#### Lack of sensitivity for children's differences

Although the *Law against discrimination of persons with disabilities* was adopted in 2006, disability is still treated as a medical not a social category. The lack of awareness about the complexities of these problems presents itself in the approach of medical staff towards persons with disabilities. The health system does not have a friendly approach even when children are in question, especially children of a school age. Their particularity is not respected and they are treated as adults. In that sense, the most disturbing example is the lack of any sort of preparation or support program for children patients preparing for surgical procedures.

There is a need for an increase of sensitivity and professional competence of health workers. They should recognize additional needs of especially sensitive children and youth and they have to answer those needs, remove barriers for children's realization of healthcare services and facilitate their needs through *outreach*. Counseling services for children and youth should be developed and knowledge of staff working with children and youth must be modernized in order to facilitate a friendly approach towards all children and youth they come in contact with.

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<sup>19</sup> Data of the Statistical office of the Republic of Serbia. The infant mortality rate is child deaths before the age of 1 out of every 1000 children born.

<sup>20</sup> Results of MICS 3 research



### **Budget allocation**

The national investment plan provided 435 million USD for healthcare for the 2006-2007 period. The percentage of the budget allocated for healthcare amounts to around 8%. Annual budget expenditures for healthcare amount to 175<sup>21</sup> USD, which is by the account of healthcare experts insufficient for securing the necessary level of healthcare.

### **Special status of children in the healthcare**

The Legislation of the Republic of Serbia provides for a special treatment of children in comparison to other population. Children have the right to health insurance from the budget when they are not insured in one of the ways defined in the *Law on medical insurance*. This status applies to children up to the age of 15. Children older than 15 however, must be either enrolled full time in school in order for their insurance to be covered by a family member (usually parents) or to have their own insurance on some other basis. But their insurance is not based on the fact that they are children, and it is not unconditional as is the case with children younger than 15.

Although regulations state that **a child under the age of 18 has the right to the highest most standard of healthcare and health insurance**, as well as that **every patient has the right to get health care** according to highest standards of human rights and values, the right to physical and psychological integrity and personal security, as well as respect of his/her moral, cultural, religious and philosophical beliefs, it is usually not the case in practice. Various surgeries and other treatments, or medicaments cannot be acquired through the Serbian healthcare system.

A number of children do not have a medical insurance card, but without it is impossible to receive medical services. The procedure for certifying medical insurance cards is not simple, and the health insurance system is doing nothing to inform insurance holders about procedures. Marginalized groups (Roma and internally displaced persons) because of their frequent change of location have significant problems in realizing health insurance (as a precondition for free healthcare). According to UNDP data<sup>22</sup>, as many as 60% of child IDPs younger than 14 have problems in realizing health insurance, and the same percentage of child IDPs have not been vaccinated because they did not have a health insurance card.

### **Child patient's rights**

There is a twofold problem in this area:

Firstly, in the Ministry of health campaign for promotion of patient rights, children are not mentioned (besides that children after the age of 15 can consent themselves for

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<sup>21</sup> Data for 2006, Ministry of Health

<sup>22</sup> Research on the social endangerment of Roma, refugees and internally displaced persons and domestic non Roma population that live close to Roma. The research was carried out at the end of 2004, but the results were published in 2006. The research was carried out by *Medium Gallup*.

medical intervention). This shows that the system does not recognize children as a category for themselves. (See Lack of sensitivity for children's differences)

Secondly, in the previous period, there was no training of medical staff that works with children on the topic of child rights, nor is there an obligation for that kind of training.

### **Right to protection from discrimination in health**

The character and scale of the phenomena of discrimination of children based on their state of health, nationality, sexual orientation is unknown and has not been researched in the *healthcare system*. There are no agreed measures that management of institutions can apply so cases are not reported.

### **Respecting child views in medical treatments**

The Serbian health system is not designed in a way that would respect a child's opinion. Except in cases where there are clear legal provisions such as consent to medical interventions, the opinion of a child is irrelevant.

### **Right to privacy within the medical system**

According to the opinion of secondary school students<sup>23</sup> the right to privacy is not respected at all. On the question whether doctors give their diagnosis and information on their health condition when they are alone in the consulting room (without the presence of others), secondary students in Serbia gave the following answers:

	frequency	%
Never	133	37,25
Rarely	77	21,57
Mostly	99	27,73
Always	48	13,45

### **Access to accurate information on health issues**

Almost nothing has been done in the field of timely, organized and consistent informing of children and youth about their healthcare rights, about healthcare institutions and manners of exercising these rights, while little has been done in the area of informing children and youth about their personal health condition, their healthcare needs and problems.

Although there is a general provision to inform parents about the state of health of their children, that right is frequently violated in Serbia. There are registered cases of children being admitted to emergency wards, that they receive treatment and be discharged, while

<sup>23</sup> Research of high school student's experiences in health system, Child Rights Center, 2005.

the parents are not informed about the whole process or are informed only when the child is in the condition to call them and inform them personally.

### **Education and general information**

Very little has been done in the field of health education through life skills in the educational system (the project started as an experimental one), and in the field of alternative approaches to healthcare education such as peer education. **Healthcare education does not exist as a subject in school** but is partially taught through a number of other subjects. Beside that, according to students, they acquire **important information about healthcare** mostly from their families and in school, while less through the media. Most of them think that they are well informed about alcohol and drugs abuse, and about AIDS. They are informed about the first within their family, while the main source of information about the second is school. The startling fact is that secondary school students receive little information from their families about **safe sex and sexually transmitted diseases**, but rather acquire knowledge from that area in school, through the media or from peers.

### ***Recommendation:***

The Committee should recommend that the state party install a sound and free of charge mechanism of financing healthcare services for all children regardless of the weather the service can be provided through the Serbian healthcare system or weather treatment abroad is necessary.

## **b) Social protection and services (art. 26)**

### **Basic characteristics of the system**

A large number of people in Serbia are poor. Estimates are that over 155 thousand children in Serbia live below the poverty line, and that the as many of them are in constant danger of crossing that threshold. Assistance to the poor and to persons who are unable to acquire basic living necessities for themselves, is secured within the social system. Some social measures are provided by the state and some are provided by local authorities. The system should be directed at empowering beneficiaries and its concept is such. However, after analyzing measures of social protection, it is clear that the beneficiaries of the system are still in a passive state – the beneficiaries are not being empowered but they are rather just provided with financial assistance. But, this financial assistance is insufficient to serve its intended purpose. For instance financial assistance for care of a second person is about 110 USD per month, while real expenses for a child who needs assistance and care of another person are estimated at between 435 and 580 USD per month. Besides insufficient amounts, **poor targeting is also a problem**. Due to poor targeting and a lack of regular evaluation only 3% of the poorest people get social support, only half of the poorest people receive child support (material assistance to

families with children), while 19% of the wealthiest families receive this kind of assistance<sup>24</sup>.

### **Securing funds for legal protection**

Social expenditure (social spending) in Serbia is far lower than in other countries in the region, and it remains unchanged for years now. In 2005 monetary expenditures on social assistance and child protection amounted to 1.4% of GDP. However, there are some new financial schemes: a fund for persons with disabilities was introduced in 2006 as part of the plan for financing social expenditures, which would be financed partly from state lottery revenue.

### **Accessibility of social protection**

The accessibility of social protection is at an unsatisfactory level. The reasons are complicated procedures and the fragmented system. Material remuneration is secured within a number of systems which leads to partial and slow decision making and implementation. A further consequence is that there is no national beneficiary data base, which would be a precondition for a general overview of beneficiary's needs and evaluation of the efficiency of measures taken.

There is also the problem of expenses that a beneficiary has when submitting a request for realization of rights (transportation, numerous documents that are not free of charge, etc.). That is why improved targeting of beneficiaries is emphasized in the process of system reform – better and more precise selection of beneficiaries and possible merger of individual assistances that are related (financial support for family and child support).

The **position of Roma families in Roma settlements** is specific in the system of social protection. Although many of them receive some form of financial support, the percentage of poor Roma families receiving aid is lower than the percentage of families of the general population that receive aid.

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<sup>24</sup> MICS3 research data from 2005.

## VIII EDUCATION (art. 28, 29)

### General information

Education system in a reporting period went through several phases. After 2000 pretty ambitious reforming process took place. Whole system transferred from normativistic one to a modern, aim-oriented and result-oriented system. But, after 2004 the process has been stopped and the old system was reinstalled. At a present time, Educational system is too normativistic with many serious problems:

- bad financial circumstances - resources invested into the Serbian educational system have after a ten year decline reached their lowest point of 3% of GDP in the year 2000. In 2001 education expenditures were 3.18% of GDP, of which only 1.41% was allocated for primary school education. Or to clarify things, expenditure per pupil in 1990 was US\$ 554, while US\$148 in 2000. Percentage of allocation of GDP in the 2001/05 period:

Percentage of GDP for education					
year	2001	2002	2003	2004	2005
%	3,8	4	3,5	3,7	3,8
Source: Devinfo data base – Ministry of Finance					

Serbia is last in Europe by percentage of GDP for education, which led to the following problem;

- In last ten years, not a single school year was finished without strikes, and that means that not a single school generation had a „normal“ school year with full number of classes;
- Two optional subjects were introduced for the goal of increasing child participation. These two subjects are civil education and religious education. However, it turned out that the parents made this choice for their children at the beginning of their schooling. Once the subject is elected there is no possibility of changing their choice throughout their schooling

### Legal basis

*There is a Law on the basics of education*, a Law on primary school education and a Law on secondary school education. Serbia still doesn't have a Law on a preschool education, even though it has been compulsory to attend preschool since (see preschool education). For now, activities within preschool education are regulated by the *Law on social care of children*, according to which three Ministries are in charge of these activities: The Ministry of Education, The Ministry of Social Issues and the Healthcare Ministry.

Amendments made during 2004 on a Law on basics of education led to the slowing of the reform process as well as a change in the direction of the reforms – the center of education is the teacher. The purpose, goals and tasks that teachers carry out were determined, but measurable outcomes of the education process of children are not determined.

### **Quality of education**

The process of development of national knowledge standards and implementation of mechanisms of outside evaluation is in progress, however data on achieved results and the significance of those results is difficult to access. Pupils of our primary schools participated in two international evaluations: PISA (Program for International Student Assessment) and TIMSS (Trends in International Mathematics and Science Studies) in 2003 and 2006. In 2006 pupils from Serbia were in 42<sup>nd</sup> place. But, what is even more concerning is that our pupils achieved most of their points on lower quality questions”. What the real cause for concern is, is that the public, parents and children were neither fully and clearly informed with the meaning and implication of those results for the lives of children, nor about the steps that would be taken to secure quality education that allows acquiring knowledge in order to answer “higher” quality questions.

### **“Cost” of free education**

Serious research on the real amount and structure of the “cost” of free education (book costs, equipment, stationary, transport, as well as private lessons, “school dinar” for painting classrooms, didactic material, salary of the hired security guard, etc.) has not been conducted. For the 2006/07 school year, estimates began at US\$ 32 for books, plus everything else that is necessary. The average expense of one family for one child in the 2001/02 school year amounted to US\$ 120. Besides that, 18% of families spent an average of US\$ 22 per month on one child for private/additional lessons. For 23.7% of the population - children under the age of 18, access to education is complicated because they are below the poverty line.

### **Preschool education**

At the start of the 2006/07 school year an obligatory, free of charge, preparatory pedagogical program was introduced for all children from five and a half to six and a half years of age, lasting six months, four hours a day. Estimates are that percentage of children in their preschool year taking part in this program is around 90%, but it turned out that there is no data on children from sensitive groups (Roma, children from villages in underdeveloped regions, children with disabilities, children from families with lower educational backgrounds, but children refugees and internally displaced persons and children readmitted from the EU as well) so that percentage can be questioned. Irregularities in issuing certificates of attended preparatory programs were noticed (in some areas the certificates had been issued after a shorter period of attendance than required). Besides the inexistence of a complete child data base, it was also observed that the network of preschool institutions is unsatisfactory (see attachment no. map).

Enrolment in preschool education of children from 18 months to six years of age is very low: based on the results of *Research of multiple indicators on the state of women and children* (henceforth MICS 3), carried out by UNICEF in 2005, for children between 36 and 59 months old, only 45% of urban and 14.4% of rural area children, and among the Roma from Roma settlements only 3.9%. Such low attendance is a consequence of the various factors - unsatisfactory network of preschool institutions, its cost, but also the common attitude that preschool education is not necessary and valuable for children

#### **Enrolment of children in primary school education:**

- Primary education is obligatory for all children, but not all children enroll in primary school: about 5% of children do not enroll. Again, the most sensitive are poor children – about 25% are not enrolled, and children from rural areas - 20% are not enrolled. Furthermore, there is no data on the enrolment and education of children with disabilities. This systematic lack of data on children with disabilities is present at all levels of education and it prevents the development of a quality system that would be accessible to all children
- Primary school graduation rate is high at almost 95%, but it is clear that the percentage of children in villages that continue education after the fourth grade is significantly lower, the dispersal in moving on from the fourth to the fifth grade is 23%. As far as Roma children are concerned, 21-37% of those that enroll in school complete it, the dispersal rate is extremely high at over 70%.
- A particular problem is the fact that most people attending schools for the education of adults are of Roma nationality (75-80%), including even those younger than 15! They have lower grades and achievement in regular primary schools than non Roma pupils. Due to socio-cultural deprivation, a number of Roma children is unjustifiably enrolled in special schools.

#### **Enrolment of children in secondary school education:**

- Data on the number of children attending secondary school education aged between 15 and 18 years differ significantly. According to official statistics it is 76.42% (RZD, 2005), while according to preliminary research results of MICS 3, in 2005 it is 85.8%. The participation of Roma children is extremely low at 10.2% (MICS 3, 2005)

#### ***Recommendations***

The Committee should recommend that the state party:

- Adopts a Law on preschool education and supporting by-laws;
- Finalizes the creation of an information system within the educational system which would provide the public with data on the characteristics and state of education;
- Develops and adopt a strategy for developing an inclusive approach to the regular educational system and reform special education;

- Takes adequate steps towards facilitating the development of a network of preschool institutions, increasing capacities and development various shapes of preschool education in accordance with child and parent needs through developing partnership with business and NGO sectors;
- Establishes cooperation with the NGO sector towards making use of acquired experience in the form of best practice, scientific lectures and creating resources that contribute the realization of the right to education for all children.

**a) Free time, recreation and cultural activities (art. 31)**

Issues related to article 31 of the Convention will be covered in an individual report prepared by children.



## IX CHILDREN IN SPECIAL CIRCUMSTANCES / SPECIAL PROTECTION MEASURES

### a) Children with disabilities (article 23)

#### General information

The right to receive material security is available to families of children with disabilities and is realized through financial assistance determined by the number of family members. In November 2005 amounted to a maximum of, for one person US\$ 62, for a two member family US\$ 87, for a three member family US\$ 77.91, for a four member family US\$ 119, and for a family of five or more US\$ 118, while average monthly expenditure per family in the third quarter of 2005 amounted to US\$ 480<sup>25</sup>. Supplement for aid and care of second person amounts to 13% of average personal income. Inadequate program support for integrating children with disabilities in the education process and the broader society, leads to these children frequently remaining at home, which prevents one of the parents/guardians from working, and with that increase in income. This is especially problematic for single parent families because 13% of average income is not enough for paying for daycare of a disabled child with disabilities during working hours. There are also problems with late refunding of medication expenditures, which are frequently high and necessary medications that is unavailable in pharmacies.

#### Legislation

Rights of children with disabilities are guaranteed by the Constitution of the Republic of Serbia and are realized through the implementation of various Laws and by-laws. However, the mentioned acts usually contain generalized, unclear formulations that leave a lot of space for interpretation, while clearly defined criteria and mechanisms for exercise of rights are left out. It is stated, for example, that the state recognizes the right to support at home, day care, placement in an institution for social protection or foster family, to persons whose families can not provide them with adequate protection and persons without family care when adequate care can not be provided another way. As a matter of fact in Serbia there is a lack of assistance to families of children with disabilities and that that lack is precisely the reason for the incapability of many families to provide “adequate protection” for their disabled members.

The Law on financial assistance provides realization of the right to refund of expenses for preschool to parents of children with disabilities, as stimulation for the child to remain in the family, but the decision on enrolment in preschool institutions is left to the good will of the management and teachers. There are three possible forms of preschool and primary school education in Serbia (special education institutions, special classes and groups within regular institutions and education in regular classes and groups), however, the lack

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<sup>25</sup> Data from the report “*Child Rights in Serbia in 2005*” Child Rights Center, Belgrade, calculated by the euro exchange rate (85.9795), exchange rate no. 219 of 15.11.2005, source – National Bank of Serbia

of precise regulation, division of responsibility and authority, leads to results mentioned in the report: only 15% of children with disabilities are in special schools and only 1% of children with disabilities are in nursery schools.

Institutional protection is secured for children with the most severe forms of disability. These institutions are specialized for certain forms of disability, and according to law provide accommodation, education and healthcare protection for children, as well as activities within their capability and professional efforts to alleviate the consequences of disability.

The experience of activists of the Initiative for inclusion VelikiMali from their numerous visits to the mentioned institutions confirms that the conclusions from the report of Mental Disability International “Torment not Treatment” that “babies, children and adults with disabilities stay locked in institutions for life, in bad conditions that can be life threatening, and that incur physical and mental suffering”, that “restraining is used in case of self inflicted injuries and not for curing or treatment”, and states that there is “lack of rehabilitation and medical aid”, and that many beneficiaries “are left there lying for many years in a completely remote state” with “little or no human contact”, realistically illustrate conditions and present a list of real problems. A huge amount of funds was spent from 2000 to 2003 mostly for architectural adaptation, while there was nearly no change in the organization or program of institutions. The campaign “My name is Angela”, besides fundraising, is not a positive example of efforts towards the implementation of the convention, having in mind that many small facilities and day care centers in local communities could have been built with 7 million dollars. The dominant medical model of approach towards children with disabilities is directed at their personal disability, efforts are directed towards “improving” the child’s condition, while accepting differences and guaranteeing equal rights for all children is still unheard of.

### ***Recommendations***<sup>26</sup>

The committee should recommend that the state party,

- develop a methodology for evaluation of needs of vulnerable groups of children and adults, and in accordance with identified needs adopt strategic and action plans for the development of services on the republic and local level. For that purpose it is necessary to strategic plans that will define directions for long term development of the system (three to five years), as well as implementation of strategic plans in the form of action plans defining specific steps;
- define and introduce a practice codex in the system of social protection, which would affirm general ethical principles and improve the standard of professional conduct, ethical and professional responsibility;
- reform the commission for categorization;

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<sup>26</sup> The document “Strategy for development of social protection” was used in formulating some of the recommendations.

- secure equal status of all service providers for disabled people through financing of rights and the system of accreditation and licensing, regardless whether public service, private, or non governmental organizations are in question;

## **b) Children refugees and IDP's (art. 22)**

Due to the armed conflicts in the territory of former Yugoslavia refugee children and IDP's are numerous and face serious problems.

### **UNHCR data from 2005**

- *Refugees*: 104.246 (73.43% from Croatia, 26.42% from Bosnia and Herzegovina), of which 11.3 % are children (from 0 to 17) – registration 2004/05
- *Internally displaced*: 207.554, of which 25.87% are children (0 to 17)
- *Returnees from Western Europe*: from 50.000 to 100.000, number unknown

The Serbian government report does not mention children of displaced persons of children of returnees from Western Europe although there is more than 50.000 children.

Rights of the children from the mentioned groups are multiply endangered. They either have problems in realizing or do not at all realize the right to healthcare protection and the right to education, and they have a lower standard of living.

- In the Group 484 survey of returnees, 74.2% stated that they realize the right to free healthcare protection. On the other hand 25.8% state that they do not realize the right to free healthcare protection. Some children of returnees do not have a health insurance card and they rely on the good will of doctors to accept them and perform a medical checkup.
- Many of the interviewed returnees live in unhygienic settlements, and 75.8% of them stated that there are health problems among their family members, and 51.6% that they need assistance with healthcare protection.
- According to estimates and available data, over 120.000 or 25% of refugees and internally displaced persons are in the category of poor persons, which is two and a half times more than the “domestic” population.
- Educational problems such as poorer school marks in comparison with previous years were identified, as a result of insufficient prerequisite knowledge, discontinuity in schooling, differences in teaching plans and programs and unfamiliarity with the Cyrillic alphabet<sup>27</sup>.

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<sup>27</sup> Research of the educational and social integration of children refugees was directed at three problems: (1) characteristics of child refugees and their integration in the education system, (2) pattern characteristic in the functioning of families of children refugees, (3) response of the education system to the refugee situation. Research was carried out by Milanovic-Nahod and Saranovic- Bozanovic, 1993

- A second group o research indicates spiritual and material impoverishment of refugee families and a decrease in their protective capacity<sup>28</sup>.
- The education system had difficulties responding to the increased influx of students with an adequate number of teachers, pedagogical resources and equipment and programs of systematic support for their adaptation and continued education without serious difficulty<sup>29</sup>.

### ***Recommendations***

The Committee should recommend that the state party:

- Keep records on children from all three sub groups: displaced, refugees and returnees; and that data should be available on websites of authorized government institutions.
- Fully respect provisions of UN Conventions on the status of refugees and UN Guiding principles on internal displacement which refer to children. Although the UN Guiding principles fall into the category of “soft law” and are regarded as recommendations to states, we emphasize the importance of Principle no.4 which determines the general application of this document to all internally displaced persons, clearly defining that age cannot be the reason for its non implementation.
- Include all children returnees in the healthcare protection system by registering them and providing them with necessary documents.
- That Provisions of the UN Guiding principles be applied to child returnees that have the status of internally displaced persons, where Principle 19 which recommends urgent healthcare protection of displaced persons and access to departments that can provide psycho-social support is of the utmost importance.

### **c) Child labor and prostitution (art. 32)**

There is no reliable data on how widespread the most serious abuses of child labor are because there is no universal system of record keeping and surveillance. The forms of child labor indicate that the state cannot tackle this issue on its own.

In the *Child labor in Serbia* research carried out by the Child Rights Center it was found that there are indications that the most serious forms of child labor are present in rural environments where children perform difficult tasks on family farms. The research describes a number of forms of abuse of child labor: begging, solicitation, child prostitution and child pornography.

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<sup>28</sup> Research carried out by Lazarevic and Trebjesanin, 1997; Piorowska-Petrovic, 1993, 1997; Puckering 1997.

<sup>29</sup> (Lazarevic and Trebjesanin, 1997; UNICEF, 2001).

According to UNICEF data from 2005, children 5 to 11 years of age perform at least one hour of economic labor (on farm) or 28 hours of house chores per week. Children 12 to 14 years of age perform at least 14 hours of economic labor (on farm) or 28 hours of house chores per week. 4% of children 5 – 14 years of age work mostly without remuneration within the family business. There is a strong connection between child labor and the environment in which the child lives. Children that live in rural areas are involved in child labor twice as much (6%) as children in urban areas (3%). That tells us that children living on farms are exploited by hard physical labor (farm work, carrying goods to the market). The poorest children and children from Roma settlements are the groups most burdened by child labor. The form is the same, generally without remuneration and within the family business.

Research among street children “THE CHILDREN SPEAK” and the report for May 2007 (Child Rights Center, Center for Youth Integration, Save the Children UK – Program for Serbia) included a survey of 81 children and youth, 64 boys and 17 girls not older than 18 year of age who are involved in child labor such as begging, gathering of secondary material, theft, and services (car window washing on stop lights, sale of small items in bars and restaurants). The most common activity is begging, which is performed by 70% of the surveyed children. Children aged between 7 and 18 in the group of 5 to 15 most frequently wash car windows at stoplights. Young men aged 15 to 24 are usually involved unprotected and unstable physical labor. Children and youth on the street know about children that are exploited and are under the control of adults.

*“When you go out on the street you have to do something, weather its some from of work, on a construction, in general, you have to do something, you cant live just from air..” (Toma – 16) – “The Children Speak”*

*“There are too many of us man. Most work because of parents. Some parents are sick, some aren’t, some parents directly push their children to go and earn money. If they don’t bring back any, the parents send them out again..” (Toma – 16) - “The Children Speak”*

*“She blackmailed me, you live under my roof, and I feed you. You have to contribute somehow to this household.” (Sanja – 16, on the street since she was 10) - “The Children Speak”*

During the last three years Center for Youth Integration has carried out field work on the streets of Belgrade. They contacted 230 children that live and work on the street. In August 2007 the first safe house for children working and living on the street was opened and by now has been visited by 175 children and youth, 36 girls and 139 boys. 43 of the children that visited the safe house live and work on the street. 108 of them only work on the street while they live with their families. A further 26 of them live on the street from time to time. 95 of those children are younger than 18. We assume that this number is higher because most of them do not have a registry number and do not know their year of birth, but we do not have exact data.

The JAZAS NGO researched the needs of prostitutes on the streets of Belgrade at the beginning of 2005 as part of their “Power of prevention” project. Results of the research

indicate that the situation of juvenile prostitution is alarming and that child rights are violated on a daily basis. 101 persons participated in the research 86 or 83.17% were women, 11 or 12.87% were men, and 4 or 4.96% were transsexuals. Most of the persons surveyed were between 22 and 27 years of age, **while 8 of them of 4.95% were minors and 3 or 2.97% were girls younger than 15. 42 persons or 56.76% had their first sexual contact at the age of 15. 30 persons or 40.45% were between 16 and 18 years of age** while only 2 persons or 2.7% were adults at the time of their first sexual contact. Most of the child prostitutes contacted during the research live in some form of family surrounding and have at some point lived in institutional accommodation. During the “Power of prevention” project the *outreach workers* of JAZAS met a significant number of minor sexual workers that did not participate in the survey. In contact with the girls that work in the sexual industry we received information that numerous girls are involved in the sexual industry at higher levels, behind closed doors, where it is difficult to reach them. A high and obscure number of persons involved in child prostitution prevents us from perceiving to what degree child rights are being violated.

### **Recommendation**

The Committee should recommend that the state party

- develop specific measures and activities for prevention of abuse of child labor and exploitation directed towards vulnerable groups: Roma children, children that do not live with their families, children that work and street children;
- establishing of universal criteria and methods of registering these occurrences;

## **d) Sexual exploitation, abductions and child trafficking (art. 34, 35)**

### **Situation in Serbia**

Although there is no data base guided by universal criteria, all parties involved in direct work with victims of human trafficking register an increase of the number of children in the total number of victims of human trafficking. Most of those children are Serbian citizens (87%) (ASTRA).

Source	2005.	2006.		2005.	2006.
ASTRA NGO	30,5%	45,45%	ATINA NGO	14,28%	38,6%
NGO Safe house for victims of human trafficking - Safe house	21,5%	50,0%	Department for coordination of protection of victims of human trafficking	20,7%	58,9%

**Table1.** Percentage of children in the total number of identified victims of human trafficking

Children are most often trafficked for the purpose of sexual exploitation, including involuntary marriage, as well as involuntary begging, which is frequently combined with sexual exploitation. The Government of the Republic of Serbia adopted a Strategy for

combating human trafficking in 2006, but to this day there is no National action plan. Unfortunately, the strategy does not specifically address child trafficking.

In Serbia there is one SOS telephone (ASTRA NGO) and two safe houses for victims of human trafficking (Atina NGO and Counseling service against family violence NGO)<sup>30</sup>. Unfortunately there is no specialized safe house for children victims of human trafficking, and if the child does not return to his/her family (children often refuse to return to their families or the families reject them), the child is placed in a safe house for adults or into a child care institution for children without parental care. In these institutions there is no special program for reintegration. Because of these facts children often remain on the street because there is no adequate solution for accommodation and providing care.

In recent years numerous trainings were organized for experts who work with victims of human trafficking, but this is still insufficient. In early 2004, the Department for coordinating assistance to victims of human trafficking was established<sup>31</sup>. Unfortunately, this state body also has not developed specific mechanisms and procedures for work with children.

Prevention of the problem of human trafficking in Serbia is being dealt with exclusively by NGOs and international organizations with the assistance of foreign donors. There have been two media campaigns directed towards the fight against child trafficking<sup>32</sup>. Unfortunately, media are interested in the topic of child trafficking only in connection with particular cases, what they write about very sensationally without a research approach, frequently not caring about protecting the identity of the child. State bodies are usually happy to respond to invitations of NGOs and international organizations to take part in preventive activities, but so far no resources from the budget of the Republic of Serbia have been allocated for the prevention of child trafficking.

### **Legal regulation**

The criminal act of *Human trafficking* was introduced into the legislation of the Republic of Serbia in 2003 (article 111b of the Criminal Law RS), and amendments were introduced with the Serbian Criminal Code, effective as of January 1<sup>st</sup> 2006. Human trafficking is prohibited under article 388, and if the victim is a person younger than 18 years of age, the offender will suffer graver punishment. However, the fact that in comparison to the previous Law the minimum penalty for child trafficking was reduced from 5 to 3 years in spite of the permanent increase of the number of children identified as victims of human trafficking is troubling. Likewise, the Codex does not explicitly

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<sup>30</sup> All three programs were fully financed by foreign donors, while since June 2006 the Serbian Government has participated with 75.000 Euros by financing safe houses (for adults, but which accommodate children victims of human trafficking as well) managed by Counseling service for family violence NGO (the remainder of the funds are provided by an Austrian donor).

<sup>31</sup> The department is established as part of the Ministry of Labor and Social Policy of the Republic of Serbia.

<sup>32</sup> "Child trafficking – our reality" – ASTRA and Save the Children 2006 and "Lets save the children from trafficking" – ASTRA and Save the Children 2005.

stipulate kidnapping as a form of execution of the deed. The legislators defined child trafficking for the purpose of adoption as a separate criminal act, but offers protection from this deed only for children up to the age of 14. Sexual exploitation and sexual abuse of children is sanctioned through a variety of defined criminal acts<sup>33</sup>. Among deeds that are not exclusively directed towards protecting children, the fact that a child or minor is the victim is treated as an aggravating circumstance, and punishments are more severe than when the victim is an adult person, while some deeds have protection of children and minors as an exclusive goal. Transmission of pornographic material and child pornographic exploitation are defined as criminal acts in article 185 of the Criminal Code. However, victims of this criminal act can only be persons under the age of 14, which means that the bulk of children that are actually victims of these acts – persons between the age of 14 and 18 – remain without protection. Personal possession of child pornography is not punishable.

### ***Recommendations***

The Committee should recommend that the state party:

- Develop a systematic approach towards suppressing child trafficking and adoption of a National action plan for suppressing human trafficking, a plan that will specially mention child trafficking as a separate category.
- That the legal protection from article 389 Criminal Code that prescribes punishment of child trafficking for the goal of adoption be expanded to include persons older than 14 years of age.
- That the Criminal Code define sanctioning for possession and storing of child pornography material.
- Increase the penalties for criminal acts of which children are victims and sharpen sanctioning policy of these crimes.
- Systematically solve the problem of urgent accommodation of children victims of trafficking, including training of foster families, as well as intensifying training and development of sensibilities of staff in child care institutions, introduce special programs for reintegration of children.
- Systematic approach towards work on prevention of child trafficking, preferably through the education system; intensified efforts to raise awareness of children and parents about the problem of human trafficking; as well as raising awareness and adequate training of persons working with children, first and foremost in the field of prevention.
- Harmonize the Criminal Code with the Cyber crime convention and implement the existing Law on organization and authority of state bodies in the fight against hi-tech crime for the goal of suppressing child pornography.

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<sup>33</sup> Rape (art. 178), sexual intercourse with child (art. 180), sexual intercourse with incapacitated person (art. 179), sexual intercourse by abuse of power/office (art. 181), unlawful sexual acts (art. 182), solicitation and facilitation of sexual intercourse (art. 183), mediation in prostitution (art. 184), presentation of pornographic material (art. 185), pornographic exploitation of children (art. 185).



## **e) Child right to protection from illegal use of narcotics and psychotropic substances (art. 33)**

### **Accessibility of drugs to the youngest generations**

In secondary schools, and especially in senior grades of primary school, there is increased concern about drug abuse occurrences, not only in large urban areas, but in smaller towns in Serbia. Various research and surveys carried out in schools show that a significant number of students took drugs, most frequently out of curiosity. The most widespread narcotic drug in secondary schools is marijuana. Besides marijuana, synthetic drugs ecstasy and heroin are also encountered in schools.

It is important to mention that at the end of 2006, The Institute for Addictive Diseases carried out research in 25 schools in Belgrade, in order to determine the type of drugs and quantities available in school yards. Results showed that students of 12 schools that are in the city center have been in contact with psychoactive substances. Parallel to this research a survey of second grade secondary school students was taken, in which 78% of students said that they knew someone that used drugs, while 60% of secondary school students that have tried drugs have done so between the ages of 8 and 16. Although research like this carried out in recent years cannot conclusively confirm that school children and youth are more prone to drug use or at least that age when they try narcotic drugs is decreasing, they are cautioning because they illustrate that drugs are present in school yards and with that there is of school children acquiring and using these psychoactive substances.

Present experience in work with “the category of addicts” and results reached in the study of the Institute for Addictive diseases in Belgrade confirm the following:

- The age of commencing abuse of psychoactive substances is progressively decreasing to the youngest age – at 10-12 years of age it starts with smoking cigarettes and consumption of alcoholic beverages, at the age of 13 with smoking marijuana, and from 14 years of age consuming other so called “hard” drugs.
- That abuse is most explicit in the period of adolescence (12-26 years of age)
- That the number of people making first contact with substances in the post-adolescent period is on the increase (older than 26 years of age)
- That there is greater availability of various drugs on the illegal market
- Illegal drugs can be obtained without control and selection
- “Demetropolitization” - the number of drug abusers from outside urban areas, even in villages is on the increase.
- Decentralization - drug abuse is not characteristic for city centers, but is present in suburban areas as well
- Polytoxicomania – the simultaneous use of various drugs
- Tabletomania – abuse of medicaments of similar effects in combination with alcohol, which is especially characteristic of school youth

- Society is insufficiently informed – parents and children are uninformed on how to recognize the problem, manifestations, how and to whom they can as assistance of; the children and youth are better informed about the types of drugs and their availability on the market, but their knowledge is burdened by many misconceptions about the danger of drug abuse, addiction, possibility of and success rate of rehabilitation.

### ***Problem***

The availability of drugs, especially alcohol, tobacco, sedatives and similar medicaments is a primarily a consequence of practical violation of positive legal regulations of prohibition of their sale to minors. Article 1 of the Law on Substances that are used in illegal production of narcotics and psychotropic substances regulates conditions for their production trafficking and oversight in this area in order to prevent their abuse or use for illegal purposes. The law prescribes that all persons trading alcohol and tobacco are prohibited to sell these products to minors (art.8 of the Trade Law), however this is not practically applied in most cases.

### ***Recommendations***

The Committee should recommend that the state party,

- Consistently apply legal acts, and further harmonize them with international norms and standards.
- Develop a universal system of prevention and suppression of narcotics abuse and fully implement strategic documents such as: Strategy for development and health of youth in the Republic of Serbia, Strategy on tobacco control, etc.

## **f) Juvenile Justice (art. 39, 40)**

### **The aims of juvenile justice system**

Since January 1<sup>st</sup> 2006 Serbia applies *the Law on juvenile offenders and criminal justice for juveniles*. During 2006 5 by-laws were passed that are meant to facilitate easier practical application<sup>34</sup>. However the By-law on the application of diversion orders of the

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<sup>34</sup>The By-law on the implementation of educational measures, the By-law on house rules of the Juvenile prison in Valjevo, the By-law on house rules of the Juvenile correctional institution in Krusevac, the By-law on record keeping of prescribed educational measures and punishments in juvenile prisons, the By-law on control of prescribed diversion orders. A Draft Decision and By-law on the work of the Council for monitoring and improvement of activities of criminal procedure bodies and execution of criminal sanctions towards juveniles was developed, and is expected to be established by the authorized justice minister and president of the Supreme Court of Serbia at the beginning of 2008. The Commission for the implementation of the National strategy for judiciary reform named a Work group for writing a Draft Law on amendments and additions to the Law on juvenile offenders and criminal justice for juveniles for the purpose of its harmonization with the new Criminal Procedure Code that took effect in 2006 and is expected to be fully applied by January 1<sup>st</sup> 2009.

new Law, which is meant to facilitate diversion from the classical criminal proceeding (in the sense of not starting proceedings or ceasing them) has not yet been passed so professionals have only solutions proposed by law at their disposal, and with regard to application of the principle of opportunity without intervention or with intervention.

The Law wholly regulates the criminal justice position of juvenile delinquents, the position of adults when they are prosecuted for criminal acts that they perpetrated while they were minors (when conditions provided by this law are met), the position of persons that have perpetrated criminal acts as young adults (a person that was 18 years of age at the time of the criminal act but is not older than 21 at the time of the trial) as well as (as a separate entity) the position of children victims.

### **The age of criminal responsibility**

The age of criminal responsibilities is 14 years. *The law on juvenile offenders and criminal justice for juveniles*, as a systemic law in this field, excludes any kind of criminal procedure and measures of implementation of criminal sanctions towards children (persons under the age of 14). Furthermore, the law differentiates between younger (14 to 16 years old) and older juveniles (16 to 18 years old).

The most severe criminal penalty that minors can be sentenced to (exclusively older minors) is **juvenile prison**. All other criminal sanctions that can be pronounced to juveniles are in the group of *educational measures*. Besides the dominant educational measures, for the first time measures that are not of a criminal sanction nature and that should facilitate diversion from the classical criminal path, are provided (conditional opportunism). In that way the court goes by the principle of subsidiarity of application of criminal sanctions and gives advantage to out of court measures of intervention with the consent of the juvenile, his guardians and in certain cases the victims.

### **Stages of criminal procedure and juvenile justice**

Presumption of innocence is the fundamental principle of the criminal procedure, and as such applies to juveniles, too. Beside this general principle, some special principles apply to juveniles in criminal proceedings, such as: the principle of opportuneness (under the new *Law* extended to apply to criminal offences punishable by up to five years imprisonment or a fine, art. 58), and the rules on mandatory defense of juveniles, on detention only in exceptional cases and of the limited duration, and on the urgency of juvenile cases which are to be processed within deadlines that are shorter than those applicable to adult offenders. Another specificity is the role of guardianship authority in a proceeding (art. 53), and a specific role of the court in enforcing and/or overseeing the enforcement of educational measures. A whole series of provisions in this *Law* is conceived with a view of fully implementing the principle of urgency in proceedings against juveniles. As far as the protection of the rights of a juvenile is concerned, *the Law* provides for mandatory defense by juvenile defense counsels (who may be attorneys in law only) from the very outset of proceeding, for all criminal offences (art. 59). *The Law* expands the scope of obligations of juvenile public prosecutor and juvenile judge to

include their participation in the enforcement and oversight of enforcement of educational measures. Also, according to the rules of *the Law on juvenile offenders and criminal justice for juveniles*, a juvenile may be summoned solely through his/her parents or legal representative, save when it is unfeasible to do so due to urgency concerns or other circumstances (art. 54, paragraph 1). Juveniles cannot be tried *in absentia* and no one can be relieved of duty to testify about the circumstances needed in order to assess the maturity of a juvenile, his character and his living circumstances (art. 48 and art. 50). Neither publication of the course of criminal proceeding against a juvenile nor the decision rendered in such a proceeding is allowed without the permission of the court, and in case the court permits such publication, neither the name of the juvenile nor other data possibly identifying the juvenile may be stated (art. 55).

In proceedings against juveniles can be carried out only by specialized police, juvenile judges, juvenile prosecutors and juvenile attorneys and defense attorneys with special knowledge from the field of child rights and youth offenses. Special knowledge is provided by the Judiciary Training Center in cooperation with authorized Ministries of the Government of the Republic of Serbia. This body is exclusively authorized to issue licenses for working in the juvenile justice system.

### **Basic facts about the directions of juvenile delinquency**

The number of juvenile delinquents in comparison with adult criminals has been on a constant downfall since 2005 in the Republic of Serbia. With 12.4% in 2004 (5435), the participation of juvenile delinquents in total criminality falls to 11.8% (5242), 10.6% in 2006 (4782), and 9% in the first ten months of 2007 (3440). Data of the Statistical Office of the Republic of Serbia confirms the decrease of juvenile criminal offenses for which verdicts were brought. In 2005 there were a total of 2234 (106 girls) criminal verdicts (763 below the age of 14, 1471 between 14 and 18 years of age), while in 2006 that number was 1566, of which 71 were girls (490 below the age of 14, 1076 between 14 and 18 years of age).

### **The right to social reintegration**

The guardianship body is obliged, during the sentence penalty of juvenile imprisonment to maintain constant contact with the juvenile, his family and the institution in which the juvenile is incarcerated, so as to prepare the juvenile and his family for the return of the juvenile to his previous social environment and his inclusion in social life. The law prescribes a set of measures designed to assist juvenile delinquent after the execution of institutional measures and the sanction of juvenile prison. The authorized guardianship body, as stipulated by the law, is obliged to after the release of the juvenile from institutional measures or from juvenile incarceration take special care of the juvenile (especially a juvenile without parents, as well as a juvenile whose family economic situation is unstable). This care implies especially accommodation, provisions, clothing, medication, and help in sorting out family situations, professional training and employment of the juvenile. *The problem* is the fact that legal provisions are not applied

in accordingly practice, due to material constraints, as well as the lack of adequate reintegration programs.

***Recommendation***

The Committee should recommend that the state party create conditions in the local government for the practical implementation of diversion orders and alternative sanctions.

## **X**

### **NGO'S PARTICIPATION IN THE ALTERNATIVE CRC REPORT PREPARATION**

The Republic of Serbia/SCG/FRY is a member of the Child Rights Convention ("Official Gazette SFRY – International Contracts", no. 15/90 and "Official Gazette of the FRY", no. 4/96 and 2/97) and of both of its protocols, the Additional protocol on child trafficking, child prostitution, and child pornography ("Official Gazette of the FRY – International contracts" no. 22/02) and the Additional protocol on children in armed conflict ("Official Gazette of the FRY – International contracts" no. 22/02). The Republic of Serbia/SCG/FRY took the obligation to, in accordance with article 44 of the Convention, submit the initial and periodic reports to the Child Rights Committee on the way of its application and respect of rights guaranteed to children. The Republic of Serbia submitted its initial report on the application of the Child Rights Convention for the period of 1992-2005 in 2007.

In September 2007 the Child Rights Center – Belgrade initiated the forming of civil society organizations which fully or partially work with issues of improving, promoting and protecting human rights and child rights. The coalition was formed after a five day seminar (10-14 September 2007) organized by the Child Rights Center with the support of Save the Children Norway and Sweden regional offices and UNICEF Belgrade office.

The coalition consists of 16 NGO's from Serbia (without Kosovo and Metohija), which created the report as a result of a participative process of all coalition members. Unlike in the coalition report, civil society organizations did not actively participate in the state report, but the state only used some data of a few NGO's.

The Alternative Report is an evaluation of the state of child rights at the legislative level and in practice in the Republic of Serbia, from the perspective of children and civil society organizations. Data and results of research carried out by domestic and international NGO's, results of research supported by UNICEF office in Belgrade, data of the Statistical Office of the Republic of Serbia, and data of various Ministries of the Republic of Serbia, was used in compiling the NGO report.

- The report does not include an evaluation of the state of child rights in Kosovo and Metohija because NGO's that participated were not in the position to acquire relevant data. Henceforth we ask the Committee to request this data from international bodies and organizations that have relevant authority in Kosovo and Metohija.

## **XI**

### **PARTICIPATION OF CHILDREN IN THE REPORTING PROCESS - CHILD RIGHTS IN SERBIA FROM A CHILD'S PERSPECTIVE -**

Having in mind the fact that besides the state (government), NGO's and independent institutions and international organizations, children also have the opportunity to submit their report on the state of child rights in Serbia to the CRC, the Child Rights Center initiated the forming of a coalition of children/youth which will participate in drafting the children's report.

Guided by the participative model, the Center in cooperation with members of the DX group (group of children and youth that has been active under the framework of the Center since 1997) participated in forming the child – youth coalition.

Members of DX assisted in a consultation process to determine future coalition members. The children recognized themselves that it is very important to have, besides children from the general population (primary and secondary schools, youth organizations), children from marginalized groups (children with disabilities, Roma children, children that live and work on the street) as potential members of the coalition.

In cooperation with partner organizations, the Center and DX formed a coalition - a group of children consisting of 25 members.

Members of DX along with representatives of the Center organized a seminar “*Child rights in Serbia from the child's perspective*”. The aim of the Seminar was to develop capacities among the children for independent evaluation of the situation in areas that concern them, as well as to empower coalition members for team work.

Representatives of the coalition developed a questionnaire the contents of which are based on the areas that children consider directly in their interest. The questions in the questionnaire refer to the general image of information and knowledge of children about their rights, how important their guaranteed rights are to them, how they see the role of adults in the realization of child rights and how they see their own role in the realization of their rights. Furthermore, one of the more important questions refers to the realization of guaranteed rights towards the state/government, education system, parents/guardians and peers.

The questionnaire was distributed all over Serbia, in cooperation with partner organizations of the Center that are involved in drafting the NGO report on the state of child rights in Serbia. Locations included the following towns: Subotica, Zrenjanin, Novi Sad, Vrbas, Novi Becej, Belgrade, Uzice, Kragujevac, Nis, Novi Pazar, Pirot, Aleksinac, Kraljevo, Zajecar, Pozarevac, and Vrnjacka Banja.

One thousand children were surveyed (persons up to 18 years of age), on the basis of which the report on the implementation of the Child Rights Convention in Serbia is based.

Besides the mentioned research that represents the present situation, the report contains previous reports and experiences of coalition members. The children's report on the implementation of the Child Rights Convention was written as a separate document and shall be submitted to the CRC.



## ANNEX I

### MEMBERS OF THE COALITION

#### **The Child Rights Centre, Belgrade**

The Child Rights Centre is a non-political, non-profit and non-governmental organization. Its aim is the implementation of the Convention on the Rights of the Child. This means that the CRC's activities are focused on introducing such laws, policies and practice that enable the improvement of children's well being, protection of their rights and their full participation in society.

In order to make its aims a reality, the CRC works on:

- raising awareness on the contents and importance of child rights,
- Scientific and professional research in the domain of child rights,
- Education of professionals, parents and children,
- Carrying out programs in specific areas of child rights,
- Encouraging concrete improvements of child rights.

The YuCRC was found in 1997 and is seated in Belgrade. It carries out its activities on the territory of Serbia in cooperation with other NGOs, institutions, children and youth, as well as interested individuals. As a result of wider cooperation and exchange, the CRC is a member of several regional and international networks and organizations:

- Member of the Child Rights Information Network – CRIN  
<http://www.crin.org/>
- Member of the international NGO Defense for Children International - DCI  
<http://www.defence-for-children.org/>
- One of the founder and active participant of the South East European Child Rights Action Network – SEECRAN  
<http://www.seecran.org>
- Participant in activities of the Regional Network of NGOs from Central and Eastern Europe and Baltic Countries on Monitoring Children's Rights  
e-mail: [monitorchildrights@hotmail.com](mailto:monitorchildrights@hotmail.com)
- Member and participant in activities of the World Council of Churches  
<http://www.wcc-coe.org/>
- Member of the Balkan Human Rights Network  
<http://www.balkan-rights.net>
- Member of the Regional Network for Children.

#### **Uzice Child Rights Centre**

Uzice Child Rights Centre was founded in 1998 as a nongovernmental, non-profitable and nonpolitical organization. Our mission is to improve the position and life of children within society through education, advocacy and protection of the rights of a child. All activities of the Center are based on the principles and

rights stated in the Convention on the Rights of a Child, therefore we are promoting this Convention as a fundamental document on child rights. The activists of the Center are the pedagogues, psychologists, teachers, professors, sociologists, physicians, lawyers and children.

### **Roma Cultural Center – Vranjska Banja**

**Mission** of our organization is integration of Roma in the local community through protecting national identity, education and promotion of human rights.

Our area of work and some carried out projects **of RKC are: Education of Roma's people, Children are our future, Day of culture for Roma's people on Vranjska Banja, Human rights** (children rights, rights for education, rights about healthy living environment, women's rights, political and economical rights, and free choice and rights national minority, right for native language and national culture.

**The Association for Protection and Promotion of Mental Health in Children and Youth** is a non-governmental, non-political organization founded in 1996. The aim of the organization is the improvement of the quality of life for children and youth in the local community through education and social integration. The activities are: workshops for children and youth, seminars, conferences, camps, campaigns and other social actions.

The Poverty Reduction Strategy Implementation Focal Point formed within the Cabinet of the Deputy Prime Minister started the program of Civil Society Focal Points with the aim of stimulating and promoting civil society inclusion in the PRS implementation process. The PRS recognises seven areas of special importance for poverty reduction: Roma, Persons with Disabilities, Women, Elderly, Refugees and IDPs, Children, and Youth. The Association for Protection and Promotion of Mental Health in Children and Youth has been selected as the Civil Society Focal Point for Children.

**Human Rights Committee Valjevo** - founded in November of 1999.

Main activities of HRCVA are promotion, education, and protection of human rights and freedoms through development of civil society and respect of democratic doctrine. HRCVA is specialized in monitoring human rights juvenile offenders in institutions of isolation, and realized activities on promotion, education and protection human rights of people who can not provide legal help for themselves, development of local community through active participation of local residents and development civil society in Serbia.

Acquired knowledge and skills were verified through 40 projects realized in past eight years. Human Rights Committee Valjevo is member of CHRIS (Network Committee human rights in Serbia) FENS (Federation of non-governmental organizations of Serbia), Civil pact for South-eastern Europe and collaborates with domestic and international organizations

**AMITY ID** is a non-governmental organisation founded in 1999 by experienced psychologists and social workers. It aims to improve outreach services and psychosocial support to the most disadvantaged, marginalised and discriminated against individuals, groups and families. Amity participates in the development of the human rights based

social policy in Serbia. All activities conducted by Amity are tightly linked with improvement of the position of the children according to the Convention on the Rights of The Child. Amity, as a UNICEF partner, is proud to participate in the Reform of the Juvenile Justice System in Serbia. Vision: A society of empowered and rights conscious individuals, groups and families who are able to utilize their own skills to combat and overcome poverty driven challenges and develop opportunities to cultivate healthy livelihoods. Amity is based in Belgrade and operational on the territory of entire Serbia through its network of members/associates and volunteers. [www.amity-yu.org](http://www.amity-yu.org)

**The Belgrade Centre for Human Rights** was established in February 1995 by a group of human rights experts and activists as a non-profit, non-governmental organization. The main purpose of the Centre is to study human rights and humanitarian law, to disseminate knowledge about them and to educate individuals engaged in these thematic areas. The Centre hopes thereby to promote the development of democracy and rule of law in Serbia, other successor states of the former Yugoslavia and societies in transition from authoritarian to democratic rule. The recipients of the services of the Centre and its target groups have been members of legislative bodies, judges and other members of the legal profession, law enforcement officers, military officers, NGO activists, teaching staff of universities and other institutions of higher learning, other educators, students, journalists etc.

**Forum of Civil Action - FORCA - Pozega** - is a non-profit and non-political non-government organization constituted in July 1999. and registered in Federal Ministry of Justice. FORCA's mission is improvement of the local community through the activities dedicated to the promotion of democracy, principles of civil society and human rights, education and support to the active citizenship and aid to the refugees and internally displaced persons. Our organization was founded by a group of young, enthusiastic people, displeased by our position in society, circumstances in our surroundings and total socio-economic and political situation in our country, but ready to have a showdown with accumulated problems and create basic conditions for recovery of our society and development of democratic values

**Group 484** is a non-governmental organisation founded in 1995 to support the organisation of 484 refugee families who had found refuge in Serbia after fleeing Krajina and Operation "Storm" of the Croatian Army. From these 484 families, Group 484 takes its name. From this initial group of enthusiasts who provided humanitarian, psychosocial, legal and informative assistance to refugees from Croatia and Bosnia and then to displaced persons from Kosovo, Group 484 has become a formalized and structured organisation using a systemic approach to issues of forced migration. Direct assistance has been gradually given way to greater educational and research work in order to influence decision makers to craft durable solutions to the region's migration challenges. Group 484 also works to empower forced migrants and local communities, especially youth, to be open and tolerant toward diversity among peoples.

**Association against AIDS – JAZAS** was established 1991, having around 2000 members. It is essential to understand that during the past years of a very difficult period for the country, the voice of JAZAS was one of the few distinctive in favor of vulnerable and stigmatized groups and persons like HIV – positive people. We considered a very valuable experience for NGO. Now a days JAZAS turned to an especially vulnerable and highly stigmatized group of citizens – sex workers. Working together in that area with partners from Holland –SOA AIDS Netherlands and Bulgaria – HESED (POP Project) we have got very precious experience and many arguments for our advocacy and policy making role. So, policy development in the area of especially vulnerable groups could be our contribution.

**CIP-Center for Interactive Pedagogy** is a professional, non-partisan, non-governmental and non-profit association of citizens, professionals working in education. CIP has been founded in 1998. and works primarily in Serbia. Our Mission is to contribute to the development of quality education accessible to all, because we believe that education is a right and the key factor in societal progress and in quality of life of each individual. Our main activities are: Improving the quality of education; improving access to education and its fairness; Education for Social Justice. [www.cip.org.yu](http://www.cip.org.yu)

**ASTRA (Anti-trafficking action)** is a non-governmental organization dedicated to eradication of all forms of trafficking in human beings, especially in women and children, through a comprehensive approach to solving this problem, with the aim of eliminating this specific form of violence, by affirming a society free of exploitation, violence, discrimination, economic and social inequalities.

**Initiative for inclusion VelikiMali** from the town of Pancevo, Serbia, is an NGO working since 1999 (founded on April 1st 1999) on promotion and protection of rights of children in accordance with the United Nations Convention on the Right of the Child. Areas which our work is focused on are:

- Protection of the right of children with disabilities to optimal development
- Protection of the right of children to have a life within the family, and
- Protection and promotion of the right of children with disabilities to have quality education.

In analogy with the realization of these programs, we are actively advocating for rights of children, aiming to contrive systemic solution that will provide conditions for complete application of the Convention on the Right of the Child, as well as the realization of the rights of all marginalized groups. We are also conducting campaigns and public actions, informing the public about the position of children with disabilities and promoting the idea of the civil society and volunteerism.

**Roma Cultural Center – Pralipe** was founded on June 20 2001. The main goals of the RCCP are: Education of children through educational programs, programs with adults. Current projects of the RCCP are: A Development and Education center that has already been active for 5 years and the multiethnic day. The Center is based in Pirot.

**Center for Creative Development - Knjazevac** is a non-governmental, non-political and non-profit organization with headquarters in Knjazevac, founded on 21st October, 2004. as part of the project “The strengthening of non-governmental sector in South-East Serbia” made by The Committee for Local Initiative from Nis and financed by the European Commission. The mission of Center for Creative Development-Knjazevac is the care of young people, what we achieve through support, education, affirmation and organizing in creative purpose, which include us in solving the problems of the youth and enable their active participation in public, democratic society. Center for Creative Development - Knjazevac consists of 16 members, five of whom make up the Managing board headed up by the president, vice-president and secretary of the Managing board.

**The Centre for Youth Integration (CYI)** was founded in late 2004 as a local Serbian nonprofit, non-governmental organization, based in Belgrade. CYI gathers young people who want to take part in social changes, those who believe that change on a global level cannot happen without changes on local level. We work with the belief that young people of Serbia are immeasurable resource for achieving that change, and with their active participation, every party included benefits. We believe that we all carry part of responsibilities for what is happening in the streets of Belgrade, and within youth homes with children and youth.